

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL  
AND COMMUNITY DEVELOPMENT COMMISSION  
OF NATIONAL CITY, CALIFORNIA**

**October 18, 2011**

The Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:06 p.m. by Mayor / Chairman Ron Morrison.

**ROLL CALL**

Council / Commission members present: Morrison, Natividad, Rios, Sotelo-Solis, Zarate.

Administrative Officials present: Babaki, Dalla, Deese, Duong, Gonzales, Parra, Raulston, Silva, Smith, Stevenson, Williams, Zapata.

Others present: City Treasurer Mitch Beauchamp and Student Representatives Aileen Horta and Leemaylin Avila.

**PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON**

**PUBLIC ORAL COMMUNICATIONS**

Bill Goulet, President of National City Rotary, invited everyone to participate in a Rotary fundraiser being sponsored by Buster's Restaurant.

Jesus Preciado, National City, shared some of his ideas for raising income for the City.

Attorney Beth Atuatasi appeared on behalf of Mark Dickey and his family who purchased a residential property with a possible non-permitted unit.

**PRESENTATIONS**

**EMPLOYEE RECOGNITION / APPRECIATION ADMIN (604-2-1)**

1. Employee of the Month for October, 2011 – Martin Reeder, Assistant Planner

**COUNCIL MEETING PRESENTATIONS 2011 (102-10-6)**

2. Storm Water Program 2012 Calendar – Development Services/ Engineering

**COUNCIL MEETING PRESENTATIONS 2011 (102-10-6)**

3. Certificate of Deposit Account Registry Service (CDARS) Update – Debbie Landstedt – Neighborhood National Bank

## PRESENTATIONS (cont.)

### COUNCIL MEETING PRESENTATIONS 2011 (102-10-6)

4. Restructuring the Neighborhood Council Program – Lauren D. Maxilom, Neighborhood Council Specialist. (Copy on file in the Office of the City Clerk)

## INTERVIEWS/APPOINTMENTS

### BOARDS & COMMISSIONS ADMIN (101-1-1)

5. Interviews and Appointments – Various Boards & Commissions. (City Clerk)

**TESTIMONY:** Deborah Canedo and Marcus Bush were interviewed for the Civil Service Commission.

Jerry Cano was interviewed for re-appointment to the Civil Service Commission.

Leslie Coyote was called forward and asked if she was willing to serve on any other Board. She indicated she was available for any Board.

Arlene Castillo and Deborah Hernandez were interviewed for re-appointment to the Library Board of Trustees.

Roberto Andrade, Yvonne Cordoba, James Grier and Howard Schwitkis were interviewed for re-appointment to Parks, Recreation and Senior Citizens Advisory Board.

**ACTION:** Mayor Morrison nominated Arlene Castillo, Deborah Hernandez and Gloria Bird for the Library Board of Trustees. The nomination was seconded and approved unanimously.

Mayor Morrison nominated Roberto Andrade, Yvonne Cordoba, James Grier and Howard Schwitkis for re-appointment to the Parks, Recreation and Senior Citizens Advisory Board. The nomination was seconded and approved unanimously.

**INTERVIEWS/APPOINTMENTS (cont.)**

**BOARDS & COMMISSIONS ADMIN (101-1-1)**

5. Interviews and Appointments – Various Boards & Commissions (continued).

The City Council determined to act on the vacancy and expired term on the Civil Service Commission. Ballots were distributed to each member of the City Council. City Clerk Dalla collected and tabulated the ballots. Mayor Morrison cast his ballot for Deborah Canedo and Jerry Cano. Member Zarate cast her ballot for Deborah Canedo and Jerry Cano. Vice Mayor Sotelo-Solis cast her ballot for Marcus Bush and Leslie Coyote. Member Rios cast her ballot for Marcus Bush and Leslie Coyote. Member Natividad cast his ballot for Marcus Bush and Leslie Coyote. Having received three votes each, Marcus Bush and Leslie Coyote were declared duly appointed to the Civil Service Commission.

No action was taken on the Public Art Committee.

**CITY COUNCIL**

**CONSENT CALENDAR**

**ADOPTION OF CONSENT CALENDAR.** Item No. 6 (Minutes), Item No. 7 (NCCMC), Item Nos. 8 through 12 (Resolution Nos. 2011-227 through 2011-231), Item Nos. 13 and 14 (TUP), Item No. 15 (Facility Use Request), Item Nos. 16 and 17 (Warrant Registers). Motion by Natividad, seconded by Sotelo-Solis, to pull Item Nos. 11 and 12, and to approve the remainder of the Consent Calendar. Carried by unanimous vote.

**APPROVAL OF MINUTES**

6. **SUBJECT:** Approval of the Minutes of the Regular Council/Community Development Commission Meeting of October 4, 2011. (City Clerk)  
**ACTION:** Approved. See above.

**MUNICIPAL CODE 2011 (506-2-26)**

7. APPROVAL OF A MOTION TO WAIVE READING OF THE TEXT OF THE ORDINANCES CONSIDERED AT THIS MEETING AND PROVIDES THAT SUCH ORDINANCES SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY. (City Clerk)  
**ACTION:** Approved. See above.

**CONSENT CALENDAR (cont.)**

**FINANCIAL MANAGEMENT 2011 – 2012 (204-1-27)**

8. Resolution No. 2011-227. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE APPROPRIATION OF \$9,445 FROM THE 2011 TAX ALLOCATION BOND (CAPITAL IMPROVEMENT PROJECTS) FOR THE PREPARATION OF TECHNICAL SUPPORT DOCUMENTS FOR THE APPLICATIONS FOR STATEWIDE PARK PROGRAM GRANT FUNDS FOR IMPROVEMENTS TO VARIOUS PARKS WITHIN THE REDEVELOPMENT AREA. (Development Services/ Engineering)  
**ACTION:** Adopted. See above.

**TOWING SERVICES POLICY ADMIN (806-1-1)**

9. Resolution No. 2011-228. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY TO CONTINUE PARTNERSHIP WITH THE SAN DIEGO COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY AND MAINTAIN DMV FEES PURSUANT TO CALIFORNIA VEHICLE CODE SECTIONS 9250.7 AND 22710. (Neighborhood Services)  
**ACTION:** Adopted. See above.

**CONTRACT (C2010-77)**

10. Resolution No. 2011-229. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT FOR LEGAL DEFENSE SERVICES BETWEEN THE CITY, COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY, AND BEST BEST & KRIEGER, LLP TO INCREASE THE NOT-TO-EXCEED AMOUNT BY \$134,000 FOR A TOTAL AMOUNT OF \$294,000. (City Attorney) \*\*Companion Item #22\*\*  
**ACTION:** Adopted. See above.

**CONTRACT (C2011-50)**

11. Resolution No. 2011-230. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO SIGN A PARTNER SHELTER AGREEMENT BETWEEN THE SAN DIEGO/IMPERIAL COUNTIES CHAPTERS AMERICAN RED CROSS AND THE CITY OF NATIONAL CITY TO PROVIDE HUMANITARIAN RELIEF TO PERSONS AFFECTED BY DISASTERS. (Fire)  
**ACTION:** Motion by Natividad, seconded by Sotelo-Solis, to adopt the Resolution. Carried by unanimous vote.

**CONSENT CALENDAR (cont.)**

**CONTRACT (C2011-51)**

12. Resolution No. 2011-231. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING A HIPAA BUSINESS ASSOCIATES AGREEMENT BY AND BETWEEN THE CITY OF NATIONAL CITY AND PAYCHEX BENEFIT TECHNOLOGIES, INC. DBA BENETRAC FOR THE RELEASE AND USE OF EMPLOYEE AND DEPENDENT HEALTHNET ENROLLMENT INFORMATION FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING THE CITY'S ELECTRONIC ENROLLMENT AND ADMINISTRATIVE SYSTEM FOR GROUP EMPLOYEE BENEFITS. (Human Resources)

**ACTION:** Motion by Natividad, seconded by Rios, to adopt the Resolution. Carried by unanimous vote.

**TEMPORARY USE PERMITS 2011 (203-1-27)**

13. Temporary Use Permit – 19<sup>th</sup> Annual Fiesta Filipiniana Mexicana Karaoke Competition hosted by Seafood City Supermarket on October 22, 2011 from 10:00 a.m. to 10:00 p.m. at 1420 E. Plaza Boulevard with no waiver of fees. (Neighborhood Services Division)

**ACTION:** Approved. See above.

**TEMPORARY USE PERMITS 2011 (203-1-27)**

14. Temporary Use Permit – Cornerstone Harvest Festival hosted by Cornerstone Church of San Diego at 1914 Sweetwater Road on October 31, 2011 from 5:00 p.m. to 10:00 p.m. with no waiver of fees. (Neighborhood Services Division)

**ACTION:** Approved. See above.

**MARTIN LUTHER KING JR. COMMUNITY CENTER (1101-5-1)**

15. Request to use the Martin Luther King Jr. Community Center (North room) by Olivewood Gardens & Learning Center, a National City non-profit organization for a community presentation on Thursday, November 17, 2011, from 4:30 to 8:30 p.m. for approximately 30-50 attendees. This event is open to all National City residents. Applicant is requesting a fee waiver. (Public Works)

**ACTION:** Approved. See above.

**WARRANT REGISTER JULY 2011 - JUNE 2012 (202-1-26)**

16. Warrant Register #12 for the period of 09/14/11 through 09/20/11 in the amount of \$1,334,806.16. (Finance)

**ACTION:** Ratified. See above

**CONSENT CALENDAR (cont.)**

**WARRANT REGISTER JULY 2011 - JUNE 2012 (202-1-26)**

17. Warrant Register #13 for the period of 09/21/11 through 09/27/11 in the amount of \$1,602,569.68. (Finance)  
**ACTION:** Ratified. See above

**PUBLIC HEARING**

**TOWING SERVICES POLICY ADMIN (806-1-1)  
STUDY CITY FEE SCHEDULE (106-3-2)**

18. Public Hearing to consider adoption of a resolution amending the National City Fee Schedule to reflect a \$150 Serious Traffic Offender Program Fee and a \$16 On-Line Police Report Fee, and increasing the Vehicle Repossession Fee from \$8 to \$15 pursuant to California Government Code Section 26751 and Vehicle Code Section 9255. (City Attorney)  
\*\*Companion Item #20\*\*

**RECOMMENDATION:** Hold the Public Hearing.

**TESTIMONY:** None.

**ACTION:** Motion by Rios, seconded by Zarate, to close the Public Hearing. Carried by unanimous vote.

**ORDINANCE FOR INTRODUCTION**

**MUNICIPAL CODE 2011 (506-2-26)**

19. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING SECTION 1.40.010 OF THE NATIONAL CITY MUNICIPAL CODE REGARDING CLAIMS FOR MONEY, DAMAGES OR REFUNDS OF MONEY. (City Attorney)

**NON CONSENT RESOLUTION**

**TOWING SERVICES POLICY ADMIN (806-1-1)  
STUDY CITY FEE SCHEDULE (106-3-2)**

20. Resolution No. 2011-232. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING AMENDMENT OF THE NATIONAL CITY FEE SCHEDULE TO REFLECT A \$150 SERIOUS TRAFFIC OFFENDER PROGRAM FEE AND A \$16 ON-LINE POLICE REPORT FEE, AND INCREASING THE VEHICLE REPOSSESSION FEE FROM \$8 TO \$15 PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 26751 AND VEHICLE CODE SECTION 9255. (City Attorney)  
\*\*Companion Item #18\*\*

**NON CONSENT RESOLUTION (cont.)**

**TOWING SERVICES POLICY ADMIN (806-1-1)  
STUDY CITY FEE SCHEDULE (106-3-2)**

20. Resolution No. 2011-232 (continued).

**RECOMMENDATION:** Adopt the Resolution.

**TESTIMONY:** None.

**ACTION:** Motion by Sotelo-Solis, seconded by Zarate, to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Morrison, Rios, Sotelo-Solis, Zarate. Nays: None. Absent: Natividad. Abstain: None.

**NEW BUSINESS**

**COUNCIL MEETINGS REGS / SCHEDULE ADMIN (102-7-1)**

21. City Council Meeting Schedule – December 2011 and January 2012.  
(City Clerk)

**RECOMMENDATION:** Review and provide direction.

**ACTION:** Motion by Sotelo-Solis, seconded by Rios, to approve the following City Council Meeting dates for December 2011 and January 2012: December 6, 2011 and January 10 and 24, 2012, and to dispense with the regular meeting dates for January 2012. Carried by unanimous vote.

**COMMUNITY DEVELOPMENT COMMISSION**

**CONSENT CALENDAR**

**ADOPTION OF CONSENT CALENDAR.** Item Nos. 22 and 23 (Resolution Nos. 2011-233 and 2011-234), Item Nos. 24 and 25 (Warrant Registers). Motion by Natividad, seconded by Zarate, to approve the Consent Calendar. Carried by unanimous vote.

**CONTRACT (C2010-77)**

22. Resolution No. 2011-233. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY AUTHORIZING THE CHAIRMAN TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT FOR LEGAL DEFENSE SERVICES BETWEEN THE CITY, COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY, AND BEST BEST & KRIEGER, LLP TO INCREASE THE NOT-TO-EXCEED AMOUNT BY \$134,000 FOR A TOTAL AMOUNT OF \$294,000. (City Attorney) \*\*Companion Item #10\*\*

**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**FINANCIAL MANAGEMENT 2011 – 2012 (204-1-27)**

23. Resolution No. 2011-234. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY ADOPTING THE OCTOBER 18, 2011 AMENDED ENFORCEABLE OBLIGATIONS PAYMENT SCHEDULE. (Redevelopment/Special Projects)

**ACTION:** Adopted. See above.

**WARRANT REGISTER JULY 2011 - JUNE 2012 (202-1-26)**

24. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$95,928.44 to the City of National City for the period of 09/14/11 through 09/20/11. (Finance)

**ACTION:** Approved. See above.

**WARRANT REGISTER JULY 2011 - JUNE 2012 (202-1-26)**

25. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$85,505.01 to the City of National City for the period of 09/21/11 through 09/27/11. (Finance)

**ACTION:** Approved. See above.

**STAFF REPORTS**

**POLICE DEPT ADMIN (302-4-1)**

26. Report – Attempted robbery of Chase Bank on Plaza Blvd. (Police)

**HUMAN RESOURCES DEPT ADMIN (1104-1-2)**

27. Report – Furlough Update. (Human Resources)

**COMMUNITY DEVELOPMENT ADMIN 2011-2014 (406-2-16)**

- 27a. Enterprise Zone Update.

**CLOSED SESSION REPORT (509-1-4)**

28. Closed Session Report. (City Attorney)  
City Council / CDC Attorney Claudia Silva stated there was nothing to report from the Closed Session. (See attached Exhibit 'L')



## MAYOR AND CITY COUNCIL

Member Natividad mentioned attending a dinner with 13 lowrider clubs, inquired about plaques for the student representatives; requested that an item be placed on the next agenda to set up a committee to review the City Council Policy Manual and inquired about new legislation regarding recycling and what it means for the City.

Vice Mayor Sotelo-Solis announced that Sweetwater High will be dedicating their new theater on Thursday; reminded everyone about the Town Hall meeting scheduled at Sweetwater High School to inform the community about the dangers of a synthetic marijuana compound commonly known as 'Spice or K2'; expressed her desire to meet with staff regarding a possible grant application for a community garden and donations of surplus equipment to our sister city of Tecate.

Member Rios expressed appreciation to Councilmember Natividad for his efforts to rally community members regarding the dangers of spice; reported on her participation with the lowrider club dinner and congratulated the newly appointed board members.

Mayor Morrison said the recent State of the City event was a big success and announced his plans to form a blue ribbon committee for the City's 125<sup>th</sup> Anniversary and requested Council Members suggest possible members.

City Treasurer Mitch Beauchamp inquired about the possibility of attending Closed Sessions; expressed concerns about the dispersion of the Public Works department personnel and functions. Mr. Beauchamp also expressed concern about diversions from the waste stream from organized scavenger operations and the resulting impact on costs to the City and residents.


## ADJOURNMENT

Motion by Zarate, seconded by Rios, to adjourn the meeting to the next Regular City Council and Community Development Commission Meeting to be held Tuesday, November 1, 2011 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 8:59 p.m.

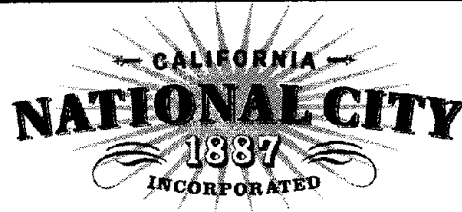
  
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City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of November 15, 2011.



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Mayor / CDC Chairman

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

CITY COUNCIL OF THE CITY OF NATIONAL CITY  
AND  
COMMUNITY DEVELOPMENT COMMISSION  
OF THE CITY OF NATIONAL CITY

Main Conference Room  
Civic Center  
1243 National City Boulevard  
National City, California

Special Meeting – Tuesday, October 18, 2011 – 4:30 p.m.

ROLL CALL

CLOSED SESSION

CITY COUNCIL

1. Conference with Labor Negotiators – Government Code Section 54957.6  
Agency Designated Representatives: Leslie Deese, Manuel Rodriguez,  
Stacey Stevenson, Claudia Silva, Teresa Mendoza, and Eddie Kreisberg  
Employee Organization: Police Officers' Association
2. Conference with Labor Negotiators – Government Code Section 54957.6  
Agency Designated Representatives: Stacey Stevenson  
Employee Organization: Confidential Group
3. Conference with Legal Counsel – Existing Litigation  
Government Code Section 54956.9(a)  
*Victor Nunez, v. City of National City, National City Planning Commission, et al.*  
San Diego County Superior Court Case No. 37-2011-00078086-CU-MC-SC
4. Conference with Legal Counsel – Existing Litigation  
Government Code Section 54956.9(a)  
*Community Youth Athletic Center v. City of National City, CDC, et al.*  
San Diego County Superior Court Case No. GIS 37-2007-0007604-CU-EI-CTL

**CLOSED SESSION (cont.)**

**CITY COUNCIL**

5. Conference with Legal Counsel – Existing Litigation  
Government Code Section 54956.9(a)  
*City of National City, CDC, et al. v. Community Youth Athletic Center*  
Court of Appeal Case No. D060001

**COMMUNITY DEVELOPMENT COMMISSION**

1. Conference with Legal Counsel – Existing Litigation  
Government Code Section 54956.9(a)  
*Community Youth Athletic Center v. City of National City, CDC, et al.*  
San Diego County Superior Court Case No. GIS 37-2007-0007604-CU-EI-CTL
2. Conference with Legal Counsel – Existing Litigation  
Government Code Section 54956.9(a)  
*City of National City, CDC, et al. v. Community Youth Athletic Center*  
Court of Appeal Case No. D060001

**ADJOURNMENT**

Next Regular City Council/CDC Meeting – Tuesday, October 18, 2011, 6:00 p.m., Council Chambers, Civic Center