

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

November 1, 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.
Council / Commission members absent: Zarate.

Administrative Officials present: Babaki, Dalla, Deese, Gonzales, Norrdin, 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

None.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 1 (NCCMC), Item Nos. 2 and 3 (Resolution Nos. 2011-235 and 2011-236), Item Nos. 4 and 5 (TUP), Item Nos. 6 and 7 (Warrant Registers). Motion by Sotelo-Solis, seconded by Natividad, to pull Item No. 4 and to approve the remainder of the Consent Calendar. Carried by the following vote, to-wit: Ayes: Morrison, Natividad, Rios, Sotelo-Solis. Nays: None. Absent: Zarate. Abstain: None.

MUNICIPAL CODE 2011 (506-2-26)

1. 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.)

2011 TAX ALLOCATION BOND FUNDS (207-1-2)

2. Resolution No. 2011-235. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING AN APPROPRIATION OF 2011 TAX ALLOCATION BOND FUNDS IN THE AMOUNT OF \$11,610 FOR THE PREPARATION OF AN APPLICATION BY KIMLEY-HORN AND ASSOCIATES, INC., FOR PROPOSITION 84 – URBAN GREENING GRANT PROGRAM FUNDS IN THE AMOUNT OF \$700,000 WITH A \$125,000 MATCH, FOR THE HOOVER AVENUE PARK ELEMENT OF THE PARADISE CREEK ENHANCEMENT PROJECT. (Development Services/Engineering Division)
ACTION: Adopted. See above.

CONTRACT (C2011-53)

3. Resolution No. 2011-236. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AWARDING A CONTRACT TO BLACK ROCK CONSTRUCTION COMPANY IN THE AMOUNT NOT-TO-EXCEED \$145,797.50, INCLUSIVE OF CHANGE ORDER 1 IN THE AMOUNT OF \$56,000 AND AUTHORIZE A 10% CONTINGENCY IN THE AMOUNT OF \$14,579 FOR ANY UNFORESEEN CHANGES TO THE PROJECT FOR THE NATIONAL CITY CONCRETE IMPROVEMENTS PROJECT, SPECIFICATION 11-06. (Funded CDBG & CDBG-R funds) (Development Services/Engineering Division)
ACTION: Adopted. See above.

TEMPORARY USE PERMITS 2011 (203-1-27)

4. Temporary Use Permit – Sweetwater Harley Davidson “Birthday Party for Janice Castillo” at 3201 Hoover Avenue on November 4, 2011 from 8:00 p.m. to 1:30 a.m. with no waiver of fees. (Neighborhood Services)
ACTION: Motion by Natividad, seconded by Sotelo-Solis, to approve the application for a Temporary Use Permit. Carried by the following vote, to-wit: Ayes: Morrison, Natividad, Rios, Sotelo-Solis. Nays: None. Absent: Zarate. Abstain: None.

TEMPORARY USE PERMITS 2011 (203-1-27)

5. Temporary Use Permit – Christmas Tree Lighting hosted by the Community Services Department on December 8, 2011 from 5:00 pm to 8:00 pm at Morgan Square, between “A” Avenue and National City Boulevard. This is a City sponsored event under Policy No. 804. (Neighborhood Services)
ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

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

6. Warrant Register #14 for the period of 09/28/11 through 10/04/11 in the amount of \$1,403,885.57. (Finance)
ACTION: Ratified. See above

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

7. Warrant Register #15 for the period of 10/05/11 through 10/11/11 in the amount of \$385,137.74. (Finance)
ACTION: Ratified. See above

PUBLIC HEARINGS

MUNICIPAL CODE 2011 (506-2-26)

8. Public Hearing to consider an Ordinance amending Title 18 (Zoning) of the National City Municipal Code by amending Section 18.29.070 pertaining to the Floodway Overlay Zones. (Applicant: City Initiated) (Case File 2011-25 A) (Development Services/Planning) **Companion Item #10**
RECOMMENDATION: Staff concurs with the Planning Commission's recommendation to adopt the Amendments to Title 18.29 of the Municipal Code pertaining to Overlay Zones.
TESTIMONY: None.
ACTION: Motion by Sotelo-Solis, seconded by Natividad, to close the Public Hearing. Carried by the following vote, to-wit: Ayes: Morrison, Natividad, Rios, Sotelo-Solis. Nays: None. Absent: Zarate. Abstain: None.

STREET VACATION ADMIN 2011 – 2020 (902-26-6)

9. Public Hearing – Street Vacation vacating a portion of D Avenue, south of 31st Street, and a portion of 32nd Street, east of D Avenue to allow construction of the 165,000 square-foot Gateway project. (Applicant: Sudberry Properties, Inc.) (Case File No. 2008-37 SC) (Development Services/Planning)
RECOMMENDATION: Staff recommends continuing of the Public Hearing to November 15, 2011.
TESTIMONY: None.
ACTION: Motion by Natividad, seconded by Sotelo-Solis, to continue the Public Hearing to November 15, 2011. Carried by the following vote, to-wit: Ayes: Morrison, Natividad, Rios, Sotelo-Solis. Nays: None. Absent: Zarate. Abstain: None.

ORDINANCE FOR INTRODUCTION

MUNICIPAL CODE 2011 (506-2-26)

10. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING TITLE 18 (ZONING) OF THE NATIONAL CITY MUNICIPAL CODE BY AMENDING SECTION 18.29.070 PERTAINING TO THE FLOODWAY OVERLAY ZONES. (Applicant: City Initiated) (Case File 2011-25 A) (Development Services/Planning) **Companion Item #8**

ORDINANCE FOR ADOPTION

MUNICIPAL CODE 2011 (506-2-26)

11. 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)

RECOMMENDATION: Adopt the Ordinance.

TESTIMONY: None.

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

NON CONSENT RESOLUTION

LAND USE PLANNING / MITIGATION (405-10-4)

12. Resolution No. 2011-237. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY CERTIFYING A MITIGATED NEGATIVE DECLARATION AND ADOPTING A MITIGATION MONITORING & REPORTING PROGRAM FOR THE 165,000 SQUARE-FOOT GATEWAY PROJECT. (Applicant: Sudberry Properties, Inc.) (Case File No. 2008-37-IS) (Development Services/Planning)

RECOMMENDATION: Staff recommends adopting the Resolution certifying the Mitigated Negative Declaration (MND) and adopting the Mitigation Monitoring & Reporting Program (MMRP).

TESTIMONY: None.

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

NEW BUSINESS

CONDITIONAL USE PERMITS 2011 (403-26-1)

13. Notice of Decision – Planning Commission approval of a Conditional Use Permit and Minor Use Permit for construction of the 165,000 square-foot Gateway project, and zone variance for less than required parking. (Applicant: Sudberry Development, Inc.) (Case File 2008-37 CUP, MUP, Z) (Development Services/Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

TESTIMONY: None.

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

CONDITIONAL USE PERMITS 2011 (403-26-1)

14. Notice of Decision – Planning Commission approval of a Conditional Use Permit for the construction of a food mart with accessory beer and wine sales at an existing Shell gas station at 1601 East 8th Street. (Applicant: Vintners Distribution, Inc.) (Case File 2011-03 CUP) (Development Services/Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

TESTIMONY: Arron Boyle appeared on behalf of the applicant and responded to questions.

ACTION: Motion by Natividad, seconded by Sotelo-Solis, to set for Public Hearing on November 15, 2011. Carried by the following vote, to-wit: Ayes: Morrison, Natividad, Rios, Sotelo-Solis. Nays: None. Absent: Zarate. Abstain: None.

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

15. City Council approval of the Investment Management Committee recommendation to select Chandler Asset Management to provide Investment Management Services for the City of National City. (City Manager)

STAFF PRESENTATION: Assistant City Manager Leslie Deese. (Copy on file in the Office of the City Clerk)

RECOMMENDATION: The Committee recommends the City Council approve the selection of Chandler Asset Management for Investment Management Services.

TESTIMONY: None.

NEW BUSINESS (cont.)

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

15. City Council approval of the Investment Management Committee recommendation to select Chandler Asset Management (continued).

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

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

16. City Council approval for the City of National City to participate in the County of San Diego Investment Pool. (City Manager)

RECOMMENDATION: The Committee recommends that the City Council approve the City's participation in the County Pool for National City's short-term cash flow needs.

TESTIMONY: County Treasurer Dan McAllister appeared and responded to questions.

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

CS PROGRAMS / EVENTS / ACTIVITIES (702-2-1)

17. National City's 125th Year Celebration. (City Manager)

RECOMMENDATION: Considering current events and scarce funding, provide staff direction on stakeholders, resources, and coordination of potential event(s).

ACTION: There was general discussion about the 125th Anniversary Celebration event and how best to proceed. Consensus was that the Mayor and Vice Mayor would be part of a committee appointed by the Mayor to establish a framework for the event, the City Manager would identify a staff liaison, consideration be given to having a public relations resource and the committee report out to the City Council. There was no vote.

COUNCIL POLICY MANUAL (102-13-1)

18. City Council Policy Manual Review Request. (City Manager)

RECOMMENDATION: Provide direction to staff regarding review of the Policy Manual, the scope of review, and the approximate time frame desired to complete the review.

ACTION: Consensus was to have staff review the outdated portions of the manual and to identify the more complicated portions in need of update and to return in 60 to 90 days. There was no vote.

NEW BUSINESS (cont.)

POLICE DEPT ADMIN (302-4-1)

19. Presentation to the City Council on Crime/Cold Case Update. (Police)

COMMUNITY DEVELOPMENT COMMISSION

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item Nos. 20 and 21 (Warrant Registers). Motion by Natividad, seconded by Rios, to approve the Consent Calendar. Carried by the following vote, to-wit: Ayes: Morrison, Natividad, Rios, Sotelo-Solis. Nays: None. Absent: Zarate. Abstain: None.

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

20. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$49,416.64 to the City of National City for the period of 09/28/11 through 10/04/11. (Finance)

ACTION: Approved. See above.

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

21. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$4,880.03 to the City of National City for the period of 10/05/11 through 10/11/11. (Finance)

ACTION: Approved. See above.

STAFF REPORTS

CITY MANAGER / REPORTS ADMIN (1104-1-12)

22. Staff Report – Update on AB-X-27 – Redevelopment Appeal. (City Manager)

Assistant City Manager Leslie Deese reported on the outcome of the City's appeal of the State's assessment under provisions of AB-X-27 as well as the current status of the court case challenging AB-X-27. As a result of the appeal, National City's assessment was reduced by a total of \$6.5 million.

ENGINEERING DEPT – GRANTS / REPORTS ADMIN (1104-1-1)

23. Staff Report – \$500,000 Federal Safe Routes to School Grant Award. (Development Services/Engineering Division)

STAFF REPORTS (cont.)

CLOSED SESSION REPORT (509-1-4)

24. Closed Session Report. (City Attorney)
City Council / CDC Attorney Claudia Silva stated that the City Council, in Closed Session "decided to initiate litigation in one case and that once that matter is formally commenced, upon inquiry, we shall disclose information unless to do so would jeopardize service of process or existing settlement negotiations. (See attached Exhibit 'L')

MAYOR AND CITY COUNCIL

Student Council representative Aileen Horta thanked everyone who attended Sweetwater's homecoming assembly and game.

Member Natividad requested updates on the Homeless Grant Project.

Vice Mayor Sotelo-Solis reported on her visit to Susie's Farm in the Tijuana estuary and possibility of National City becoming a drop-off for Community Supported Agricultural (CSA) produce and announced that the Community Law Project and UCSD has invited City Attorney Claudia Silva to be the keynote speaker at their 10th Anniversary Celebration.

Member Rios reported on her participation with the Police Department and low riders to deliver school supplies, attendance at CERT management training, a senior citizen costume contest and a tour of EDCO facilities. Member Rios reminded everyone about the free clean up day on Saturday.

Mayor Morrison spoke about the very successful Tower of Terror Halloween event and the participation of staff and volunteers. He also presented a check to the City Manager from the Regional Solid Waste Association in the amount of \$15,385.

City Treasurer Beauchamp mentioned the possibility of incorporating the four pipe organs in the City and the Rail Road Depot and Museum in the 125th Anniversary Celebration.

ADJOURNMENT

Motion by Rios, seconded by Sotelo-Solis, to adjourn the meeting to the next Regular City Council and Community Development Commission Meeting to be held Tuesday, November 15, 2011 at 6:00 p.m. at the Council Chambers, National City, California. Carried by the following vote, to-wit: Ayes: Morrison, Natividad, Rios, Sotelo-Solis. Nays: None. Absent: Zarate. Abstain: None.

The meeting closed at 8:51 p.m.



City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of December 6, 2011.



Mayor / CDC Chairman

Please see attached Modified City Council Meeting Schedule



OFFICE OF THE CITY CLERK

1243 National City Blvd.
National City, California 91950

Michael R. Dalla, CMC - City Clerk
619-336-4228 phone / 619-336-4229 fax

NOTICE OF MODIFIED CITY COUNCIL MEETING SCHEDULE

Please be advised that the City Council has adopted the following modified meeting schedule for December 2011 and January 2012.

2011

December 6 Meeting – 6:00 p.m.

2012

January 10 Meeting – 6:00 p.m.

January 24 Meeting – 6:00 p.m.

Beginning in February 2012, the normal City Council Meeting Schedule (the first and third Tuesday of the month) will resume.

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

CITY COUNCIL OF THE CITY OF NATIONAL CITY

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

Special Meeting – Tuesday, November 1, 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 Representative
Employee Organization: Confidential Group
3. Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Government Code Section 54956.9(c)
One Potential Case
4. Public Employment – Government Code Section 54957
Title: City Manager

ADJOURNMENT

Next Regular City Council / CDC Meeting – Tuesday, November 1, 2011, 6:00 p.m.,
Council Chambers, Civic Center