

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL /
SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT
COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY /
COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY
OF THE CITY OF NATIONAL CITY**

February 7, 2012

The Regular Meeting of the City Council / Successor Agency to the Community Development Commission as the National City Redevelopment Agency / Community Development Commission – Housing Authority of the City of National City was called to order at 6:05 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

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

Administrative Officials present: Dalla, Deese, Duong, Raulston, Rodriguez, Silva, Smith, Stevenson, Williams.

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

Cindy Gomper Graves, South County Economic Development Council, reported on the outreach efforts of the South County EDC in National City.

Geoffrey Schrock, National City, reported on various incidents and locations of vandalism in the city.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 1 (Minutes), Item No. 2 (NCCMC), Item Nos. 3 through 6 (Resolution Nos. 2012-38 through 2012-41), Item Nos. 7 through 9 (TUP), Item No. 10 (Report), Item Nos. 11 through 14 (Warrant Registers). Motion by Sotelo-Solis, seconded by Natividad, to pull Item Nos. 4, 5 and 6, and to approve the remainder of the Consent Calendar. Carried by unanimous vote.

CONSENT CALENDAR (cont.)

APPROVAL OF MINUTES

1. **SUBJECT:** Approval of the Minutes of the Adjourned Regular City Council/Community Development Commission/Housing Authority Meeting of January 24, 2012. (City Clerk)
ACTION: Approved.

MUNICIPAL CODE 2012 (506-2-27)

2. 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.

CONTRACT (C2012-6)

3. Resolution No. 2012-38. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AWARDING A CONTRACT TO SADIE CONSTRUCTION, INC. IN THE AMOUNT OF \$84,475 FOR THE CITYWIDE BUS BENCH-SHELTER PROJECT, SPECIFICATION NUMBER 11-05, AUTHORIZING A 10% CONTINGENCY IN THE AMOUNT UP TO \$8,447 FOR UNFORESEEN CHANGES, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT. (Funded by Prop 1B Funds) (Engineering)
ACTION: Adopted. See above.

CONTRACT (C2010-2)

4. Resolution No. 2012-39. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 2 TO THE SANDAG *TRANSNET* SMART GROWTH INCENTIVE PROGRAM GRANT AGREEMENT NO. 5001347 FOR THE 8TH STREET CORRIDOR SMART GROWTH REVITALIZATION PROJECT. (Development Services/Engineering)
ACTION: Motion by Zarate, seconded by Sotelo-Solis, to adopt the Resolution. Carried by unanimous vote.

STUDY CITY FEE SCHEDULE (106-3-2)

5. Resolution No. 2012-40. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING THE 2008 NATIONAL CITY FEE SCHEDULE TO INCREASE THE TICKET SIGN-OFF FEE FROM \$0 TO \$10 AS A REASONABLE COST OF THE NATIONAL CITY POLICE DEPARTMENT PERFORMING SUCH SERVICE. (Police)
ACTION: Motion by Natividad, seconded by Zarate, to adopt the Resolution. Carried by unanimous vote.

CONSENT CALENDAR (cont.)

CONTRACT (C2012-7)

6. Resolution No. 2012-41. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY WAIVING THE BID PROCESS AND AUTHORIZING THE PURCHASE FROM PCS MOBILE FOR THE POLICE AND FIRE MOBILE DATA COMPUTERS (MDC) FOR AN AMOUNT NOT TO EXCEED \$220,000.00. (Administrative Services)

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

TEMPORARY USE PERMITS 2012 (203-1-28)

7. Temporary Use Permit – Pacifica Bayview LLC requesting an extension to display their banner advertising at the Bayview Tower building at 801 National City Boulevard from February 8, 2012 through December 31, 2012 with no waiver of fees. (Neighborhood Services)

ACTION: Approved. See above.

TEMPORARY USE PERMITS 2012 (203-1-28)

8. Temporary Use Permit – Sweetwater Harley-Davidson *Rare Breed MC Annual Dance* event at 3201 Hoover Avenue on February 10, 2012 from 8:30 p.m. to 1:30 a.m. with no waiver of fees. (Neighborhood Services)

ACTION: Approved. See above.

TEMPORARY USE PERMITS 2012 (203-1-28)

9. Temporary Use Permit – Circus Event hosted by American Crown Circus on February 23rd, 2012 thru 27th, 2012 from 6:00 pm to 9:30 pm located at 3000 National City Blvd. with no waiver of fees. (Neighborhood Services)

ACTION: Approved. See above.

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

10. National City Sales Tax Update – Third Quarter 2011. (Finance)

ACTION: Filed. See above.

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

11. Warrant Register #25 for the period of 12/14/11 through 12/20/11 in the amount of \$26,267.52. (Finance)

ACTION: Ratified. See above

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

12. Warrant Register #26 for the period of 12/21/11 through 12/27/11 in the amount of \$839,488.72. (Finance)

ACTION: Ratified. See above

CONSENT CALENDAR (cont.)

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

13. Warrant Register #27 for the period of 12/28/11 through 01/03/12 in the amount of \$1,157,000.66. (Finance)
ACTION: Ratified. See above

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

14. Warrant Register #28 for the period of 01/04/12 through 01/10/12 in the amount of \$1,361,506.47. (Finance)
ACTION: Ratified. See above.

PUBLIC HEARINGS

CONDITIONAL USE PERMITS 2012 (403-27-1)

15. Continued Public Hearing – Conditional Use Permit for Public Assembly and a Tattoo Studio at Sweetwater Harley Davidson located at 3201 Hoover Avenue. (Applicant: Anastasia Polles) (Case File 2011-28 CUP) (Development Services/Planning) **Companion Item #18**
RECOMMENDATION: Staff concurs with the decision of the Planning Commission and recommends that the Conditional Use Permit be approved, and that recommended conditions including those in the Police Dept. Memo be incorporated into the Conditions of Approval.
TESTIMONY: Anastasia Polles, spoke in support and responded to questions.
ACTION: Motion by Rios, seconded by Sotelo-Solis, to close the Public Hearing. Carried by unanimous vote.

CONDITIONAL USE PERMITS 2012 (403-27-1)

16. Public Hearing – Conditional Use Permit for live entertainment at McDini's Bar/Restaurant, located at 105 East 8th Street with a Zone Variance for less than required parking. (Applicant: Benny Adler) (Case File 2010-33 CUP, Z) (Development Services/Planning) **Companion Item #19**
RECOMMENDATION: Staff's recommendation to Planning Commission was to deny the Conditional Use Permit and to approve the Zone Variance.
TESTIMONY: Richard Adler, spoke in support and responded to questions.
ACTION: Motion by Sotelo-Solis, seconded by Rios, to continue the Public Hearing to February 21. Carried by unanimous vote.

ORDINANCE FOR ADOPTION

MUNICIPAL CODE 2012 (506-2-27)

17. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY WHICH (1) REPEALS CITY COUNCIL ORDINANCE 2011-2362 WHICH ADOPTED THE LAND USE CODE (NATIONAL CITY MUNICIPAL CODE TITLE 18 ZONING), AND (2) ADOPTS AN AMENDMENT OF THE LAND USE CODE (NATIONAL CITY MUNICIPAL CODE TITLE 18 ZONING), INCLUDING THE OFFICIAL ZONING MAP AS A COMPONENT OF THE COMPREHENSIVE LAND USE UPDATE. (Case File No. 2011-17 GPA, ZC, SPA, IS) (Community Services)

RECOMMENDATION: Review and consider Planning Commission's recommendations contained in Resolution 2-2012 and adopt the proposed Ordinance.

TESTIMONY: City Clerk Dalla stated that written materials submitted to the Mayor and Council by Hecht Solberg on behalf of Volunteers of America are on file in the Office of the City Clerk.

ACTION: Motion by Sotelo-Solis, seconded by Natividad, to adopt the Ordinance. Carried by unanimous vote.

NON CONSENT RESOLUTIONS

CONDITONAL USE PERMITS 2012 (403-27-1)

18. Resolution No. 2012-42. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY TAKING ACTION ON A CONDITIONAL USE PERMIT FOR PUBLIC ASSEMBLY AND A TATTOO STUDIO AT SWEETWATER HARLEY DAVIDSON LOCATED AT 3201 HOOVER AVENUE. (Applicant: Anastasia Polles) (Case File 2011-28 CUP) (Development Services/Planning) **Companion Item #15**

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Rios, seconded by Natividad, to continue the item to allow inclusion of six (6) additional conditions from the Police Dept. Carried by unanimous vote.

NON CONSENT RESOLUTIONS (cont.)

CONDITONAL USE PERMITS 2012 (403-27-1)

19. Resolution No. 2012-43. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY TAKING ACTION ON A CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT AT MCDINI'S BAR/RESTAURANT LOCATED AT 105 EAST 8TH STREET WITH A ZONE VARIANCE FOR LESS THAN REQUIRED PARKING. (Applicant: Benny Adler) (Case File No. 2010-33 CUP, Z) (Development Services/ Planning) **Companion Item #16**

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to continue the item to February 21. Carried by unanimous vote.

NEW BUSINESS

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

20. Request to use Martin Luther King, Jr. Community Center (North and South Rooms) by National City Chamber of Commerce for a Job Fair on Thursday, April 5, 2012, from 8:00 am to 2:00 pm. Applicant has requested a waiver of fees. (Public Works)

RECOMMENDATION: Staff recommends approving the Facility Use Application with no waiver of fees.

TESTIMONY: Jess Van Deventer, Chairman of the Chamber Board of Directors was present to answer questions.

ACTION: Motion by Rios, seconded by Sotelo-Solis, to approve the request including waiver of fees except for the Custodial Fee, Facilities Fee and Refundable Deposit. Carried by unanimous vote.

CONTRACT (C2012-8)

21. Request Council approval to negotiate a lease agreement with A Reason to Survive (ARTS) to operate and maintain the Arts Center. (Community Services)

RECOMMENDATION: Recommend negotiation of Lease Agreement with ARTS.

TESTIMONY: Matt D'Arrigo, CEO of A Reason to Survive, responded to questions.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to approve staff recommendation. Carried by unanimous vote.

NEW BUSINESS (cont.)

MUNICIPAL CODE 2012 (506-2-27)

22. Follow up report and request for direction from City Council regarding the initiation of a Code Amendment to reclassify auto glass use for inclusion in the Major Mixed-Use Corridor (MXC-2) zone. (Development Services/ Planning)

RECOMMENDATION: Consider the staff report and determine if a Code Amendment initiation is warranted.

TESTIMONY: None.

ACTION: Motion by Natividad, seconded by Rios, to accept and file. Carried by unanimous vote.

**SUCCESSOR AGENCY TO THE
COMMUNITY DEVELOPMENT COMMISSION AS THE
NATIONAL CITY REDEVELOPMENT AGENCY**

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 23 (Resolution No. 2012-1), Item Nos. 24 through 26 (Warrant Registers). Motion by Natividad, seconded by Sotelo-Solis, to approve the Consent Calendar. Carried by unanimous vote.

SUCCESSOR AGENCY (406-10-10)

23. Resolution No. 2012-1. RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS THE REDEVELOPMENT AGENCY AUTHORIZING THE INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND. (Finance)

ACTION: Adopted. See above.

SUCCESSOR AGENCY (406-10-10)

24. Authorize the reimbursement of Successor Agency to the Community Development Commission as the National City Redevelopment Agency expenditures in the amount of \$71,527.26 to the City of National City for the period of 12/21/11 through 12/27/11. (Finance)

ACTION: Approved. See above.

SUCCESSOR AGENCY (406-10-10)

25. Authorize the reimbursement of Successor Agency to the Community Development Commission as the National City Redevelopment Agency Community Development Commission expenditures in the amount of \$15,054.72 to the City of National City for the period of 12/28/11 through 01/03/12. (Finance)

ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

SUCCESSOR AGENCY (406-10-10)

26. Authorize the reimbursement of Successor Agency to the Community Development Commission as the National City Redevelopment Agency Community Development Commission expenditures in the amount of \$68,225.21 to the City of National City for a period of 01/04/12 through 01/10/12. (Finance)

ACTION: Approved. See above.

STAFF REPORTS

None.

SUCCESSOR AGENCY (406-10-10)

27. 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')

City Attorney Claudia Silva introduced new Deputy City Attorney Jennifer Knight.

MAYOR AND CITY COUNCIL

Member Natividad reported that he will be setting up a meeting with the owner of Stoney's Restaurant regarding a recent incident that occurred there.

Vice Mayor Sotelo-Solis thanked the student representatives for their participation in the meeting, spoke of the recent Law Enforcement Awards program and the opportunity to say thank you and spoke of possible collaboration between the City and the Council on Literacy's Rolling Reading Program.

Member Zarate reported on the SANDAG Retreat held at Barona and the very inspirational presentation made by Mr. Miles McPherson.

Mayor Morrison also reported on the SANDAG Retreat, the governmental and regional issues discussed as well as the universally positive response received for the selection of Leslie Deese as City Manager.

City Treasurer Beauchamp expressed concerns about the transit oriented development on the Westside, complimented the steps taken for the Arts Center and reported on problems moving goods across the international border that are negatively impacting National City.

ADJOURNMENT

The meeting was adjourned in memory of Jesus Jessie Reyes.

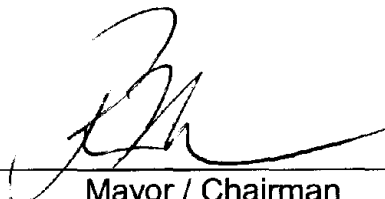
Motion by Zarate, seconded by Sotelo-Solis, to adjourn the meeting to the next Regular Meeting of the City Council / Successor Agency to the Community Development Commission as the National City Redevelopment Agency / Community Development Commission – Housing Authority of the City of National City to be held Tuesday, February 21, 2012 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 7:45 p.m.



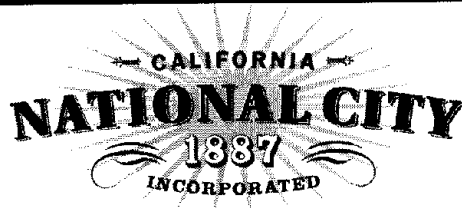
City Clerk / Secretary

The foregoing minutes were approved at the Regular Meeting of February 21, 2012.



Mayor / Chairman

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

CITY COUNCIL OF THE CITY OF NATIONAL CITY
AND
SUCCESSOR AGENCY TO
THE COMMUNITY DEVELOPMENT COMMISSION AS
THE NATIONAL CITY REDEVELOPMENT AGENCY

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

Special Meeting – Tuesday, February 7, 2012 – 5:00 p.m.

ROLL CALL

CLOSED SESSION

CITY COUNCIL

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.
SD Superior Court Case No. 37-2007-00076404-CU-EI-CTL
Court of Appeal Case No. D060001
2. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Victor Nuñez, CYAC v. City of National City, National City Planning Commission, et al.
San Diego County Superior Court Case No. 37-2011-00078086-CU-MC-SC
3. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
People of the State of California v. Ben Adler, et al.
San Diego County Superior Court Case No. 37-2010-0092488-CU-MC-CTL
4. Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b)
One Potential Case

CLOSED SESSION (cont.)

SUCCESSOR AGENCY

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.
SD Superior Court Case No. 37-2007-00076404-CU-EI-CTL
Court of Appeal Case No. D060001

ADJOURNMENT

Next Regular Meeting of the City Council / Successor Agency to the Community Development Commission as the National City Redevelopment Agency / Community Development Commission – Housing Authority of the City of National City – Tuesday, February 7, 2012, 6:00 p.m., Council Chambers, Civic Center