

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL  
AND COMMUNITY DEVELOPMENT COMMISSION –  
HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY**

**April 17, 2012**

The Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City was called to order at 6:09 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, Gonzales, Manganiello, Parra, Raulston, Silva, Smith, Stevenson, Vergara, 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**

Myong Sin Wellendorf, National City, spoke about the need for clean-up along sections of Paradise Creek and asked if there were funds available to pay people to do the work.

Jacqueline Reynoso, President and CEO of the Chamber of Commerce provided an update on the recent Job Fair.

**CITY COUNCIL**

**PRESENTATIONS**

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

1. Employee of the Month of April 2012 – Yolanda Felix – Training Coordinator – Police Department

**COUNCIL MEETING PRESENTATIONS 2012 (102-10-7)**

2. San Diego One Site Vision Clinic Sponsors. (Council Initiated)  
**ACTION:** The presentation was deferred to a future meeting.

**PRESENTATIONS (cont.)**

**COUNCIL MEETING PRESENTATIONS 2012 (102-10-7)**

3. Brandon Hernandez, Sweetwater High School Senior – 2<sup>nd</sup> Place Winner of the Alliant International University Youth Entrepreneurship Competition Program. (Council Initiated)

**INTERVIEWS AND APPOINTMENTS**

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

4. Interviews and Appointments: Public Art Committee. (City Clerk)  
**ACTION:** Motion by Morrison, seconded by Sotelo-Solis, to appoint Claudia Torres to the Public Art Committee. Carried by unanimous vote.

**CONSENT CALENDAR**

**ADOPTION OF CONSENT CALENDAR.** Item No. 5 (Minutes), Item Nos. 6 through 9 (Resolution Nos. 2012-85 through 2012-88), Item Nos. 10 and 11 (TUP), Item Nos. 12 and 13 (Warrant Registers). Motion by Zarate, seconded by Sotelo-Solis, to pull Item No. 11 and to approve the remainder of the Consent Calendar. Carried by unanimous vote.

**APPROVAL OF MINUTES**

5. **SUBJECT:** Approval of the Minutes of the Regular Meeting of the City Council of March 20, 2012 and Regular Meeting of the City Council and Community Development Commission-Housing Authority of the City of National City of April 3, 2012. (City Clerk)  
**ACTION:** Approved. See above.

**CONTRACT (C2004-51)**

6. Resolution No. 2012-85. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AMENDMENT NO. 2 TO THE CONTRACT WITH D-MAX ENGINEERING FOR STATE SANITARY SEWER MANAGEMENT PLAN, (SSMP) IMPLEMENTATION ASSISTANCE IN THE NOT TO EXCEED AMOUNT OF \$57,000 AND AUTHORIZING THE APPROPRIATION FROM THE UN-APPROPRIATED SEWER FUND BALANCE, AND AUTHORIZING THE MAYOR TO EXECUTE THE 2<sup>ND</sup> AMENDMENT. (Funded by Sewer Fund) (Development Services/Engineering)  
**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**CONTRACT (C2004-51)**

7. Resolution No. 2012-86. RESOLUTION OF THE CITY COUNCIL OF NATIONAL CITY APPROVING AN AGREEMENT BETWEEN THE CITY AND D-MAX ENGINEERING, INC. FOR THE NOT TO EXCEED AMOUNT OF \$100,000 FOR PREPARATION OF STORM WATER POLLUTION PREVENTION PLANS, ASSIST WITH FILING OF NOTICES OF INTENT AND PROVIDE ENVIRONMENTAL SERVICES FOR CAPITAL IMPROVEMENT PROJECTS. (Funded by various CIP projects) (Development Services/Engineering)  
**ACTION:** Adopted. See above.

**CONTRACT (C2003-46)**

8. Resolution No. 2012-87. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE CURRENT CONTRACT WITH ATKINS NORTH AMERICA, INC. FORMERLY PBS&J FOR SEWER BILLING SERVICES, TAX ROLL PREPARATION/FINANCIAL ADMINISTRATIVE SERVICES FOR THE NOT TO EXCEED AMOUNT OF \$45,867 FOR FISCAL YEAR ENDING 2013. THIS SECOND AMENDMENT TO THE CURRENT CONTRACT WILL INCREASE THE OVERALL AGREEMENT TO \$91,734. (Funds are available in the Wastewater Division Contract Service account) (Public Works)  
**ACTION:** Adopted. See above.

**CONTRACT (C2012-19)**

9. Resolution No. 2012-88. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY WAIVING THE BID PROCESS AND AUTHORIZING THE MAYOR TO EXECUTE A SOFTWARE MAINTENANCE AGREEMENT WITH MOTOROLA SOLUTIONS, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$25,089 TO SUPPORT THE MOTOROLA PREMIER MDC SOFTWARE. (Administrative Services)  
**ACTION:** Adopted. See above.

**TEMPORARY USE PERMITS 2012 (203-1-28)**

10. Temporary Use Permit – Safe Summer Slam sponsored by Operation Samahan at 2841 Highland Avenue on April 28, 2012 from 8 am to 5 pm with no waiver of fees. (Neighborhood Services Division)  
**ACTION:** Approved. See above.

**CONSENT CALENDAR (cont.)**

**TEMPORARY USE PERMITS 2012 (203-1-28)**

11. Temporary Use Permit – National City and Eugene Amano Football Camp at El Toyon Field on May 12, 2012 from 9 am to 2 pm sponsored by the City of National City Community Services Department and the Eugene Amano Foundation. (Neighborhood Services Division)

**ACTION:** Motion by Sotelo-Solis, seconded by Rios, to approve the Temporary Use Permit. Carried by unanimous vote.

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

12. Warrant Register #38 for the period of 03/14/12 through 03/20/12 in the amount of \$1,112,112.55. (Finance)

**ACTION:** Ratified. See above.

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

13. Warrant Register #39 for the period of 03/21/12 through 03/27/12 in the amount of \$509,593.54. (Finance)

**ACTION:** Ratified. See above.

**PUBLIC HEARING**

**CONDITIONAL USE PERMITS 2012 (403-27-1)**

14. Public Hearing – Conditional Use Permit for liquor and beer sales at Wal-Mart located at 1100 Highland Avenue. (Applicant: Wal-Mart Stores, Inc.) (Case File 2011-29 CUP) (Planning) **\*\*Companion Item #15\*\***

**RECOMMENDATION:** Staff concurs with the decision of the Planning Commission and recommends that the Conditional Use Permit be approved.

**TESTIMONY:** Herman Collins, representing Wal-Mart, spoke in support.

Mark Arabo, Neighborhood Market Association, spoke in opposition.

Brent McManigal, representing Wal-Mart, spoke in support and responded to questions.

Sandy Naranjo, San Diego, spoke in opposition.

Jess Van Deventer, Chairman of the Board of the National City Chamber said that Wal-Mart is a good corporate citizen.

Rocina Lizarraga, National City, spoke in opposition.

Cindy Gompers Graves, South County Economic Development Committee, spoke in support.

Jovita Juarez, spoke in opposition.

Jacqueline Reynoso, National City Chamber of Commerce President / CEO spoke in support of Wal-Mart as a good corporate citizen.

**PUBLIC HEARING (cont.)**

**CONDITIONAL USE PERMITS 2012 (403-27-1)**

14. Public Hearing – Conditional Use Permit (continued).

**TESTIMONY:** Arthur Michener, National City, spoke in opposition.

Luisa McCarthay, National City, spoke in support.

Gilbert Sandoval, National City, spoke in support of beer and against alcohol sales at Wal-Mart.

**ACTION:** Motion by Natividad, seconded by Sotelo-Solis, to close the Public Hearing. Carried by unanimous vote.

Motion by Rios, that we accept the addition of the beer license but not the distilled alcohol. The motion was clarified that the same conditions of approval for beer would be included. After additional discussion, Councilmember Rios restated the motion, to approve the beer license but not the liquor or distilled spirits. There was additional clarification that the motion included a condition that liquor and distilled spirits would be prohibited and the wording "substantial compliance" would be removed from the CUP. The maker of the motion agreed to accept an added condition that the lock-down aisle only contains alcohol or alcohol related merchandise. Motion by Rios, seconded by Morrison, to direct staff to return with a resolution for consideration that includes the items discussed and to address the concerns about "substantial performance," referencing exhibits, beer and wine only, permitting only products directly related to beer and wine in the approved display area and not changing conditions effecting beer and wine sales. Carried by the following vote, to-wit: Ayes: Morrison, Rios, Zarate. Nays: Natividad, Sotelo-Solis. Absent: None. Abstain: None.

A recess was called at 8:30 p.m.

The meeting reconvened at 8:41 p.m. All members were present

**NON CONSENT RESOLUTION**

**CONDITIONAL USE PERMITS 2012 (403-27-1)**

15. Resolution No. 2012-89. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY TAKING ACTION ON A CONDITIONAL USE PERMIT FOR LIQUOR AND BEER SALES AT WAL-MART LOCATED AT 1100 HIGHLAND AVENUE. (Applicant: Wal-Mart Stores, Inc.) (Case File 2011-29 CUP) (Planning) \*\*Companion Item #14\*\*

**RECOMMENDATION:** Adopt the Resolution.

**TESTIMONY:** None.

**ACTION:** No action taken. See item No. 14 above.

## NEW BUSINESS

### CONDITIONAL USE PERMITS 2012 (403-27-1)

16. Time Extension Request – Conditional Use Permit for a wireless communication facility at 2005 Highland Avenue. (Applicant: AT&T) (Case File 2011-06 CUP) (Planning)

**RECOMMENDATION:** Staff recommends that the expiration date for 2010-31 CUP be extended by one year to May 17, 2013.

**TESTIMONY:** None.

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

### STREET VACATION 2011-2020 (902-26-6)

17. Request to initiate a Street Vacation to vacate a portion of G Avenue, south of East 24<sup>th</sup> Street, west of Skate San Diego. (Applicant: Michelle Snyder - Imperial Group) (Case File No. 2012-07 SC) (Planning)

**RECOMMENDATION:** Staff recommends the Council initiate a Street Vacation to vacate the portion of G Avenue south of 24<sup>th</sup> Street.

**TESTIMONY:** None.

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

### COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY

No Housing Authority Items

## STAFF REPORTS

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

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

MIS Manager Ron Williams gave an update on the recent problem with the City's e-mail system.

City Engineer Steve Manganiello reported on 8<sup>th</sup> Street Workshop.

City Attorney Claudia Silva advised the City Council that the *Union-Tribune* newspaper recently published a factually erroneous article on salary information for National City and that staff has asked them to print a correction.

## MAYOR AND CITY COUNCIL

Council Member Natividad referenced an article in *The Star News* featuring the restaurant at Paradise Village and their new head chef, who is the son of Housing Manager Alfredo Ybarra.

Vice Mayor Sotelo-Solis reported on her trip to Seattle on behalf of UCSD, praised the recent dedication of new Holiday Inn hotel and their new meeting space facility and advised that she would be attending a National Association of Latino Elected Officials conference on obesity.

Council Member Rios reported that she attended basic life support training for infants and adults at the police department which highlighted to her the importance of defibrillators in police vehicles. She requested staff to look into the reported availability of grant money.

Council Member Zarate commented on the new Holiday Inn facility.

Mayor Morrison reported that the new Holiday Inn has been so busy that they have been unable to have their customary "soft opening." Mayor Morrison presented a check to the City Manager for \$19,398 from the Regional Solid Waste Association (RSWA).

## ADJOURNMENT

Motion by Sotelo-Solis, seconded by Zarate, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City to be held Tuesday, May 1, 2012 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

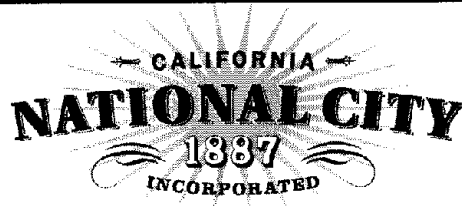
The meeting closed at 9:11 p.m.

  
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City Clerk

The foregoing minutes were approved at the Regular Meeting of May 1, 2012.

  
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Mayor

**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, April 17, 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)  
*City of National City v. Nagraj, Inc.*  
San Diego Superior Court Case No. 37-2010-00077984-CU-EI-SC
3. Conference with Legal Counsel – Existing Litigation  
Government Code Section 54956.9(a)  
*City of National City v. Al-Bayati*  
San Diego Superior Court Case No. 37-2010-00078027
4. Conference with Legal Counsel – Existing Litigation  
Government Code Section 54956.9(a)  
*City of National City v. Puedan*  
San Diego Superior Court Case No. 37-2010-000779831.
5. Conference with Legal Counsel – Existing Litigation  
Government Code Section 54956.9 (a)  
*Omar Largo v. City of National City, National City Police Department, et al.*  
San Diego County Superior Court Case No. 09 CV 1639 BEN BLM



**CLOSED SESSION (cont.)**

**CITY COUNCIL**

6. Conference with Legal Counsel – Existing Litigation  
Government Code Section 54956.9(a)  
*Lourdes Barrera v. Constellation Property Group, City of National City, National City Planning Commission, et al.*  
San Diego County Superior Court Case No. 37-2011-00096207-CU-BC-CTL
  
7. Conference with Legal Counsel – Existing Litigation  
Government Code Section 54956.9(a)  
*People v. Quiambao*; (Rescue Homes: 811 N Avenue and 834 Delta Street)  
San Diego County Superior Court Case No. 37-2011-00099379
  
8. Liability Claims – Government Code Section 54956.95  
Workers' Compensation Claims  
Agency Claimed Against: City of National City  
Number of Claims: One

**ADJOURNMENT**

Next Regular Meeting of the City Council and Community Development Commission –  
Housing Authority of the City of National City – Tuesday, April 17, 2012, 6:00 p.m.,  
Council Chambers, National City, California.