

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

**May 1, 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 6:13 p.m. by Mayor / Chairman Ron Morrison.

**ROLL CALL**

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

Administrative Officials present: Cissel, Dalla, Deese, Duong, Gonzales, Manganiello, Parra, Raulston, Silva, Smith, Stevenson, Vergara, Ybarra.

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**

Carolina Martinez, Environmental Health Coalition, requested a letter of support from the Council for pending legislation (AB 1990) dealing with solar power.

**ACTION:** There was consensus that staff would compile information and consider a letter of support. No vote was taken.

**DISCLOSURE:** Council Members Sotelo-Solis, Rios and Natividad disclosed that they met with Ms. Martinez

Brian Clapper, National City, reminded everyone about the Pancake Breakfast on May 12<sup>th</sup> at the American Legion Hall to raise funds for Spirit of the Holidays.

Jacqueline Reynoso, Chamber of Commerce President and CEO, requested an item be added to the agenda regarding the TUP for the Cinco de Mayo event in Kimball Park.

## OFF AGENDA ITEM

**SUBJECT:** Request to add an Off-Agenda item concerning the Temporary Use Permit for the Chamber of Commerce Cinco de Mayo Event.

**ACTION:** Motion by Sotelo-Solis, seconded by Zarate, to add the item onto the Agenda as Item No. 20a. Carried by unanimous vote.

## CITY COUNCIL

### PRESENTATIONS

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

1. U.S. Flag Presentation. (Police)

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

2. San Diego One Site Vision Clinic Sponsors. (Council Initiated)  
**ACTION:** Mayor Morrison presented Certificates of Appreciation to Eddie Greco from Highland Mobile Gas/Valero Gas and D & A Jewelers for their generous sponsorship of the One Site program
- 2a. Stacey Stevenson, Administrative Services, clarified for the record a factually inaccurate article that appeared in the Union Tribune Newspaper that misstated the City's Reserve Fund balance. The article incorrectly stated the Reserve Fund to be \$11.9 million dollars but the correct figure is \$7 million.

### PROCLAMATIONS

#### PROCLAMATION ADMIN (102-2-1)

3. Proclaiming May 1<sup>st</sup> through May 6<sup>th</sup> 2012 as: "YOUTH WEEK"

#### PROCLAMATION ADMIN (102-2-1)

4. Proclaiming May 3, 2012 as: "NATIONAL DAY OF PRAYER"
- 4a. Proclaiming May 1, 2012 as: "CHRISTINE MOORE DAY" in recognition of her receipt of the National Volunteer Service Award from President Barack Obama.

### CONSENT CALENDAR

**ADOPTION OF CONSENT CALENDAR.** Item No. 5 (Minutes), Item Nos. 6 through 11 (Resolution Nos. 2012-90 through 2012-95), Item Nos. 12 through 14 (TUP), Item Nos. 15 and 16 (Warrant Registers). Motion by Zarate, seconded by Sotelo-Solis, to pull Item Nos. 13 and 14, and to approve the remainder of the Consent Calendar. Carried by unanimous vote.

**CONSENT CALENDAR (cont.)**

**APPROVAL OF MINUTES**

5. **SUBJECT:** Approval of the Minutes of the Regular Meeting of the City Council of the City of National City of April 17, 1012. (City Clerk)  
**ACTION:** Approved. See above.

**CONTRACT (C2011-32)**

6. Resolution No. 2012-90. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING THE WORK FROM GREEN MECHANICAL INC. APPROVING THE FINAL CONTRACT AMOUNT OF \$463,864, APPROVING THE RELEASE OF RETENTION AND RATIFYING THE FILING OF A NOTICE OF COMPLETION FOR THE CONSTRUCTION OF THE NATIONAL CITY CHILLER REPLACEMENT PROJECT, SPECIFICATION NO.11-01. (Funded by U.S. Department of Energy Grant & Civic Center Refurbishing Fund) (Development Services/Engineering)  
**ACTION:** Adopted. See above.

**ENCROACHMENT AGREEMENT ADMIN 2012 (903-14-6)**

7. Resolution No. 2012-91. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AN ENCROACHMENT PERMIT AND AGREEMENT WITH RESTRUCTURE PETROLEUM MARKETING OF CALIFORNIA (RPMS-CA) FOR THE INSTALLATION OF TWO (2) GROUNDWATER MONITORING WELLS, ONE LOCATED AT 1604 E. 4<sup>TH</sup> STREET AT THE PARKING LOT OF GRANGER MUSIC HALL AND THE ONE WELL IN THE PUBLIC RIGHT OF WAY ON PALM AVENUE, 315 FEET NORTH OF 4<sup>TH</sup> STREET. (Engineering)  
**ACTION:** Adopted. See above.

**PARKING & TRAFFIC CONTROL ADMIN 2012 (801-2-33)**

8. Resolution No. 2012-92. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE TEMPORARY CLOSURE OF 5<sup>TH</sup> STREET & D AVENUE, 5<sup>TH</sup> STREET & C AVENUE AND 4<sup>TH</sup> STREET & D AVENUE, ONE INTERSECTION AT A TIME TO PROVIDE FOR SAFE OPERATIONS DURING CONSTRUCTION FOR THE PUBLIC AND FOR THE CONTRACTOR FOR CONSTRUCTION OF THE DRAINAGE IMPROVEMENT PROJECT, SPECIFICATION 11-07. (Funded CDBG & Gas Tax) (Engineering)  
**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

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

9. Resolution No. 2012-93. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE USE OF DEVELOPMENT IMPACT FEES (DIF) NOT TO EXCEED THE AMOUNT OF \$125,000.00 FOR THE PURCHASE AND BUILD OUT OF FOUR (4) POLICE MOTORCYCLES. (Police)

**ACTION:** Adopted. See above.

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

10. Resolution No. 2012-94. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE APPROPRIATION OF DEVELOPMENT IMPACT FEES IN THE AMOUNT OF \$125,000 TO FUND THE RESERVE FIRE ENGINE PROTECTIVE SHELTER (\$109,379.98) AND A NEW FIRE HYDRANT ON DIVISION/MANILA WAY (\$15,620.02). (Funded by Development Impact Fees) (Fire)

**ACTION:** Adopted. See above.

**CONTRACT (C2012-20)**

11. Resolution No. 2012-95. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NATIONWIDE RETIREMENT SOLUTIONS FOR THE ESTABLISHMENT OF A DEFERRED COMPENSATION PLAN FOR CITY OF NATIONAL CITY EMPLOYEES REPRESENTED BY THE NATIONAL CITY FIREFIGHTERS' ASSOCIATION. (Administrative Services/Human Resources)

**ACTION:** Adopted. See above.

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

12. Temporary Use Permit – Request from Granger Jr. High to use the City stage for the Granger Community Culture Fair on May 18, 2012. This is a co-sponsored event per Policy No. 804 eligible for a maximum of \$1,000.00 fee waiver. (Neighborhood Services)

**ACTION:** Approved. See above

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

13. Temporary Use Permit – St. Anthony of Padua Festival at 1816 Harding Avenue on May 26 through May 27, 2012 from 12 pm to 5 pm daily with no waivers of fees. (Neighborhood Services)

**ACTION:** Motion by Natividad, seconded by Sotelo-Solis, to approve the Temporary Use Permit with correction to be made to event time schedule. Carried by unanimous vote.

**CONSENT CALENDAR (cont.)**

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

14. Temporary Use Permit – Lions Club 68<sup>th</sup> Annual Independence Day Carnival sponsored by the National City Host Lions Club at Kimball Park from June 29, 2012 through July 4, 2012. This is a City co-sponsored event per Council Policy No. 804. (Neighborhood Services)

**ACTION:** Motion by Rios, seconded by Natividad, to approve the Temporary Use Permit with clarification of number of days. Carried by unanimous vote.

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

15. Warrant Register #40 for the period of 03/28/12 through 04/04/12 in the amount of \$1,964,052.43. (Finance)

**ACTION:** Ratified. See above.

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

16. Warrant Register #41 for the period of 04/05/12 through 04/10/12 in the amount of \$481,205.17. (Finance)

**ACTION:** Ratified. See above.

**PUBLIC HEARING**

Council Member Rios disclosed that she had a potential conflict with one of the items to be considered during the Block Grant Public Hearing (Item #17) and Resolution 2012-96 (Item #18) and on the advice of the City Attorney, she would abstain from participating during consideration of both items. Member Rios left the Council Chambers at 6:51 p.m.

**BLOCK GRANT PROGRAM ADMIN 2012 – 2013 (406-1-27)**

17. Public Hearing No. 2 of 2 on the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Program entitlement funds appropriated for 2012/2013, accrued program income, and funds remaining from completed projects to CDBG and HOME activities recommended for inclusion in the 2012/2013 Annual Action Plan submitted to the United States Department of Housing and Urban Development. (Administrative Services/Housing and Grants)

\*\*Companion Item #18\*\*

**RECOMMENDATION:** Conduct the Public Hearing.

**TESTIMONY:** None.

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

**NON CONSENT RESOLUTIONS**

**BLOCK GRANT PROGRAM ADMIN 2012 – 2013 (406-1-27)**

18. Resolution No. 2012-96. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM ENTITLEMENT FUNDS APPROPRIATED FOR 2012/2013, ACCRUED PROGRAM INCOME, AND FUNDS REMAINING FROM COMPLETED PROJECTS TO CDBG AND HOME ACTIVITIES RECOMMENDED FOR INCLUSION IN THE 2012/2013 ANNUAL ACTION PLAN AND AUTHORIZING THE SUBMISSION OF SAID PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Administrative Services/Housing and Grants) \*\*Companion Item #17\*\*

**RECOMMENDATION:** Adopt the Resolution.

**TESTIMONY:** None.

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

Member Rios returned to the Council Chambers at 6:57 p.m.

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

19. Resolution No. 2012-97. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY TAKING ACTION ON A CONDITIONAL USE PERMIT FOR THE ADDITION OF BEER SALES TO AN EXISTING WINE CUP AT WAL-MART LOCATED AT 1100 HIGHLAND AVENUE. (Applicant: Wal-Mart Stores, Inc.) (Case File 2011-29 CUP) (Development Services/Planning)

**RECOMMENDATION:** Adopt the Resolution.

**TESTIMONY:** Arthur Michener, National City, expressed numerous concerns and indicated that he was neutral.

Mark Arabo, Neighborhood Market Association, spoke in opposition.

German Ramirez, San Diego, spoke in opposition.

**ACTION:** Motion by Sotelo-Solis, seconded by Natividad, to hold for two weeks to clarify items related to aisle length, side caps and questions related to the outside fence. Carried by unanimous vote.

**NON CONSENT RESOLUTIONS (cont.)**

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

20. Resolution No. 2012-98. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE DEVELOPMENT OF NECESSARY DOCUMENTS TO REFINANCE CITY OF NATIONAL CITY OUTSTANDING GENERAL OBLIGATION BONDS, ELECTION OF 2002, SERIES A FOR THE PURPOSE OF REDEEMING ALL BONDS, PAY TRANSACTION COSTS RELATED TO AND TO LOWER THE CURRENT TAX ASSESSMENT TO PROPERTY OWNERS WITHIN THE CITY OF NATIONAL CITY, AND APPROVING ITS EXISTING FINANCIAL ADVISOR URBAN FUTURES, ESTRADA HINOJOSA AS UNDERWRITER, AND JONES HALL AS BOND / DISCLOSURE COUNSEL TO PROVIDE SERVICES NECESSARY TO COMPLETE THIS TASK. (City Manager)

**RECOMMENDATION:** Adopt the Resolution.

**TESTIMONY:** None.

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

**NEW BUSINESS**

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

- 20a. Temporary Use Permit – Modification to allow 2 jumpers to a previously approved Temporary Use Permit for the Chamber of Commerce Cinco de Mayo Event.

**TESTIMONY:** Jacqueline Reynoso, Chamber of Commerce President, spoke in favor.

**ACTION:** Motion by Sotelo-Solis, seconded by Rios, to approve modification to allow 2 jumpers. Carried by unanimous vote.

Member Sotelo-Solis left the Council Chambers at 8:01 p.m.

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

21. Authorization of the City Council of the City of National City for the issuance of a Request for Proposals for payroll/human resources information systems services including full automation of payroll processing. (Administrative Services)

**RECOMMENDATION:** Authorize the issuance of the Request for Proposals for payroll and human resources information systems services.

**TESTIMONY:** None.

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

**NEW BUSINESS (cont.)**

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

22. Request to use Martin Luther King Jr. Community Center (North and South rooms) by National City Chamber of Commerce for the "Salute to Navy" luncheon on Wednesday, October 3, 2012 from 8:00 am to 3:00 pm. This event is co-sponsored by the City. (Public Works)

**RECOMMENDATION:** Approve the Facility Use Application with City support of \$1,000 per day.

**TESTIMONY:** None.

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

Member Sotelo-Solis returned to the Council Chambers at 8:07 p.m.

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

23. Notice of Decision – Planning Commission approval of a Conditional Use Permit modification for a shopping center located at 910-936 Highland Avenue. (Applicant: Studio C Architects – Mark Swenson) (Case File 2012-08 CUP) (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 Zarate, seconded by Rios, to approve staff recommendation. Carried by unanimous vote.

**BUDGET FY 2012-2013 (206-1-28)**

24. Request to schedule a Fiscal Year 2012/2013 Budget Workshop. (City Manager)

**RECOMMENDATION:** Schedule a Community Planning and Fiscal Year 2012-13 Budget Workshop.

**TESTIMONY:** None.

**ACTION:** Motion by Rios, seconded by Zarate, to schedule a Community Planning and Fiscal Year 2012-2013 Budget Workshop on Tuesday, May 22, 2012 at 6:00 p.m. Carried by unanimous vote.



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

**No Agenda Items**

**STAFF REPORTS**

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

25. Closed Session Report. (City Attorney)  
City Attorney Claudia Silva stated there was nothing to report from the Closed Session. (See attached Exhibit 'L')
- 25a. Housing Manager Alfredo Ybarra reported that the City has successfully met the HUD Reporting Standards for carrying out the CDBG Program in a timely manner.

**MAYOR AND CITY COUNCIL**

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

26. Request that the City participate as a co-sponsor of the Solarthon 2012 event in National City on June 9, 2012. This event is designed to inform homeowners in California of a program that may cover up to 100% of the installed cost of a high performance solar electric system for their homes. (Council Initiated)

**RECOMMENDATION:** None.

**TESTIMONY:** Two unnamed speakers explained the program and responded to questions.

**ACTION:** No action was taken.

Vice Mayor Sotelo-Solis said she believes the City should be aggressive in increasing improved bus service for residents.

Council Member Rios reported that some MTS bus routes are being considered for addition or reinstatement in June.

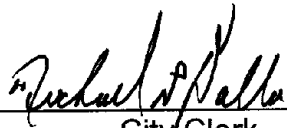
Council Member Zarate provided an update on events and issues effecting National City with Heartland Communications.

Mayor Morrison announced that he has been asked to again be President of the California Council of Governments and reported that there is a group in California that is actively training people on how to disrupt local public meetings. The Mayor reminded everyone about the Cinco de Mayo event at Kimball Park.

**ADJOURNMENT**

Motion by Sotelo-Solis, seconded by Rios, 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 15, 2012 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 8:24 p.m.

  
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City Clerk

The foregoing minutes were approved at the Regular Meeting of May 15, 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, May 1, 2012 –5:00 p.m.**

**ROLL CALL**

**CLOSED SESSION**

**CITY COUNCIL**

1. Conference with Real Property Negotiator – Government Code Section 54956.8  
Property: 3000 National City Blvd, National City  
APNs: 562-220-13-00 and 562-220-31-00  
Agency Negotiator: Brad Raulston  
Negotiating Parties: Tony McCune  
Under Negotiation: Price and Terms of Payment
2. Conference with Legal Counsel – Existing Litigation  
*City of National City, CDC v. Rosenow, Spevacek Group, Inc.*  
Arbitrator: Judge Hoffman
3. 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 City Council Meeting – Tuesday, May 1, 2012, 6:00 p.m., Council Chambers, Civic Center