

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

May 15, 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 6:06 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, Parra, Raulston, Rodriguez, Silva, Smith, Stevenson, Vergara.

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

Sunshine Horton, El Cajon, invited everyone to attend a fund raising event on May 20th to benefit Rady Children's Hospital cancer research.

Bill Goulet, National City, informed the Council that the National City Rotary Club donated books and would be reading to students at Kimball Elementary School on May 16th and invited anyone interested to participate in reading to the students.

Attorneys Thomas Tomlinson and Beth Atuatasi appeared on behalf of their individual clients seeking City Council assistance in resolving the land use issues involving property at 1531 through 1533 "C" Avenue.

Armando Martines appeared on behalf of Little Angels of National City regarding a planned project by their group to plant and paint planter boxes on Highland Avenue.

CITY COUNCIL

PRESENTATIONS

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

1. Employee for the month of May, 2012 – Gloria Alvarado – Office Assistant, Finance Department

ACTION: The item was continued to the next meeting. There was no vote.

COUNCIL MEETING PRESENTATIONS 2012 (102-10-7)

2. Presentation – Interstate I-805 South Project – Caltrans

PROCLAMATION

PROCLAMATION ADMIN (102-2-1)

3. Proclaiming the week of May 20, 2012 through May 26, 2012, as: **“NATIONAL PUBLIC WORKS WEEK”**

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 4 (Minutes), Item Nos. 5 through 9 (Resolution Nos. 2012-99 through 2012-103), Item Nos. 10 through 12 (TUP), Item Nos. 13 and 14 (Warrant Registers). Motion by Sotelo-Solis, seconded by Rios, to pull Item Nos. 10 and 12, and to approve the remainder of the Consent Calendar. Carried by unanimous vote.

APPROVAL OF MINUTES

4. **SUBJECT:** Approval of the Minutes of the Regular Meeting of the City Council of the City of National City of May 1, 2012. (City Clerk)

ACTION: Approved. See above.

DRIVEWAY CONSTRUCTION PERMITS ADMIN (903-1-1)

5. Resolution No. 2012-99. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AND AUTHORIZING A PUBLIC IMPROVEMENT PERMIT FOR THE CONSTRUCTION AND MAINTENANCE OF A DRIVEWAY APRON AT 720 AND 724 “I” AVENUE PER THE PROVISIONS SET FORTH IN NATIONAL CITY MUNICIPAL CODE SECTION 13.04.220. (Development Services/Engineering)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

CONTRACT (C2011-54)

6. Resolution No. 2012-100. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY RATIFYING CHANGE ORDER NO. 1 BETWEEN THE CITY OF NATIONAL CITY AND QUALITY MECHANICAL PROFESSIONALS, INC. IN THE NOT-TO-EXCEED AMOUNT OF \$28,451.43 TO PROVIDE AND INSTALL A NEW TRANE FOUR-TON SPLIT AIR CONDITIONING SYSTEM IN THE POLICE DEPARTMENT COMPUTER ROOM IN CONJUNCTION WITH THE CIVIC CENTER DATA CENTER REDUNDANT AIR CONDITIONING PROJECT, SPECIFICATION 11-02. (Funded by Information Systems Maintenance Fund) (Development Services-Engineering)

ACTION: Adopted. See above.

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

7. Resolution No. 2012-101. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE RELEASE OF 2011 TAX ALLOCATION BOND (CAPITAL IMPROVEMENTS) APPROPRIATIONS FOR COOLIDGE STOREFRONT IMPROVEMENTS IN THE AMOUNT OF \$250,000, TRAFFIC SAFETY ENHANCEMENTS IN THE AMOUNT OF \$400,000 AND PUBLIC SAFETY CAMERAS IN THE AMOUNT OF \$100,000 FOR A TOTAL OF \$750,000, SINCE THESE PROJECTS ARE NOT LISTED AS INDIVIDUAL PROJECTS ON THE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS). (Development Services/Engineering)

ACTION: Adopted. See above.

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

8. Resolution No. 2012-102. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE RELEASE OF APPROPRIATION FOR GATEWAY & SIGNAGE IMPROVEMENTS IN THE AMOUNT OF \$75,000 FROM 2011 TAX ALLOCATION BOND (CAPITAL IMPROVEMENTS) USED AS A GRANT MATCH FOR COMPREHENSIVE CITYWIDE SUSTAINABLE TRANSPORTATION SYSTEM PLAN TO ENHANCE MOBILITY, ACCESS AND SAFETY, RESCINDING RESOLUTION 2011-192 AND AUTHORIZING A RESOLUTION TO USE "IN-KIND" PROJECT ADMINISTRATION AS A MATCH FOR THE GRANT. (Development Services/Engineering)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

CONTRACT (C2004-20)

9. Resolution No. 2012-103. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE THE THIRD AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF NATIONAL CITY AND MAYER HOFFMAN MCCANN P.C., IN THE AMOUNT OF \$42,100 FOR INDEPENDENT AUDITING SERVICES TO INCLUDE THE FISCAL YEAR ENDED JUNE 30, 2012. (Finance)

ACTION: Adopted. See above.

TEMPORARY USE PERMITS 2012 (203-1-28)

10. Temporary Use Permit – Integrity Charter School's Jog-A-Thon hosted by Integrity Charter School at Kimball Park on May 18, 2012 from 9 a.m. to 11 a.m. with no waiver of fees. (Neighborhood Services)

ACTION: Motion by Natividad, seconded by Rios, to approve the Temporary Use Permit. Carried by unanimous vote.

A request was made to have staff consider a policy change to require a deposit on TUPs in parks.

TEMPORARY USE PERMITS 2012 (203-1-28)

11. Temporary Use Permit – Movies in the Park on June 8th, July 13th, August 10th and September 14th, 2012 at various City locations from 6 p.m. to 10 p.m. This is a National City sponsored event per Council Policy #804. (Neighborhood Services)

ACTION: Approved. See above.

TEMPORARY USE PERMITS 2012 (203-1-28)

12. Temporary Use Permit – Old Town National City 6th Annual Reunion at Casa De Salud on July 21, 2012 from 11 a.m. to 5:30 p.m. with no waiver of fees. (Neighborhood Services)

TESTIMONY: Dukie Valderrama, representing the Old Town Reunion Committee, advised that the committee will be providing portable restrooms, indicated use of the small stage was acceptable and requested waiver of fees.

ACTION: Motion by Sotelo-Solis, seconded by Zarate, to approve the Temporary Use Permit with determination of fees to be made at the next meeting. Carried by unanimous vote.

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

13. Warrant Register #42 for the period of 04/11/12 through 04/17/12 in the amount of \$1,355,904.09. (Finance)

ACTION: Ratified. See above.

CONSENT CALENDAR (cont.)

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

14. Warrant Register #43 for the period of 04/18/12 through 04/24/12 in the amount of \$578,470.64. (Finance)
ACTION: Ratified. See above.

NON CONSENT RESOLUTIONS

CONDITIONAL USE PERMITS 2012 (403-27-1)

15. Resolution No. 2012-104. RESOLUTION TAKING ACTION ON A CONDITIONAL USE PERMIT FOR THE ADDITION OF LIQUOR SALES TO AN EXISTING BEER AND WINE LICENSE AT WAL-MART LOCATED AT 1100 HIGHLAND AVENUE. (Applicant: Wal-Mart Stores, Inc.) (Case File 2011-29 CUP) (Development Services /Planning Division)
RECOMMENDATION: Adopt the Resolution.

TESTIMONY: Herman Collins, representing Wal-Mart, indicated that they had some proposed changes reducing the amount of space that would be permitted for beer and wine sales but the changes would require the matter to be continued and requested testimony be held over until consideration of the proposed changes.

ACTION: Motion by Rios, seconded by Sotelo-Solis, that the Wal-Mart CUP continue with the wine selling only.

TESTIMONY: Arthur Michener, National City, thanked the Council for denying the sale of distilled spirits, spoke in favor of the motion and suggested additional conditions if the sale of beer is permitted. Brent McManigal, attorney representing Wal-Mart, handed out the presentation provided to City Council earlier reducing the amount of allowed shelf space and other proposed modifications.

Cesar Espinoza, representing Neighborhood Market Association, spoke in favor of the motion.

Herman Collins thanked the City Council for the time they gave the issue and said Wal-Mart felt they were bringing back a resolution and a process that was actually in keeping with Council direction and everything they were looking for.

ACTION: Original motion by Rios, seconded by Sotelo-Solis that the Wal-Mart CUP continue with the wine selling only. Carried by the following vote, to-wit: Ayes: Natividad, Rios, Sotelo-Solis. Nays: Morrison, Zarate. Absent: None. Abstain: None.

NON CONSENT RESOLUTIONS (cont.)

CONTRACT (C2010-77)

16. Resolution No. 2012-105. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT FOR LEGAL DEFENSE SERVICES BETWEEN THE CITY, THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY, AND BEST BEST & KRIEGER, LLP, TO INCREASE THE NOT TO EXCEED AMOUNT BY \$70,000 FOR A TOTAL AMOUNT OF \$364,000. (City Attorney)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

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

CONTRACT (C2012-8)

17. Resolution No. 2012-106. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A THREE-YEAR (OR 36-MONTH) LEASE AGREEMENT WITH A *REASON TO SURVIVE (ARTS)* TO OPERATE AND MAINTAIN THE NATIONAL CITY ARTS CENTER. (Community Services)

RECOMMENDATION: Recommends approval of the Lease Agreement with ARTS.

TESTIMONY: None.

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

CONTRACT (C2008-39)

18. Resolution No. 2012-107. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO SIGN A JOINT EXERCISE OF POWER AGREEMENT WITHIN THE REGIONAL COOPERATIVE CARE PROGRAM (RCCP) THAT CONSOLIDATES AND SHARES ADMINISTRATIVE, TRAINING AND OVERSIGHT SERVICES RELATED TO THE DELIVERY OF PRE-HOSPITAL EMERGENCY MEDICAL SERVICES AT NO ADDITIONAL COST TO THE GENERAL FUND. (Fire)

RECOMMENDATION: Staff recommends authorizing the Mayor to sign the Joint Exercise of Power Agreement within the Regional Cooperative Care Program (RCCP).

NON CONSENT RESOLUTIONS (cont.)

CONTRACT (C2008-39)

18. Resolution No. 2012-107 (continued).

TESTIMONY: None.

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

CONTRACT (C2004-10)

19. Resolution No. 2012-108. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT FOR POLICE, FIRE AND EMERGENCY MEDICAL SERVICES WITH THE SAN DIEGO UNIFIED PORT DISTRICT TO EXTEND THE TERM OF THE AGREEMENT FOR THREE MONTHS OR UNTIL THE NEGOTIATIONS FOR THE NEW AGREEMENT ARE COMPLETE. (City Manager)

RECOMMENDATION: Staff recommends that the City Council approve Amendment No. 1 to the Agreement between the San Diego Unified Port District and the City of National City for Police, Fire and Emergency Medical services for a three-month period as allowed for in the current Agreement.

TESTIMONY: None.

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

NEW BUSINESS

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

20. A request to initiate a street vacation for a portion of Hoover Avenue north of 22nd Street and a portion of Harding Avenue north of 22nd Street. (Applicant: Paradise Creek Housing Partners, L.P.) (Community Services)

RECOMMENDATION: Staff recommends that the City Council initiate a street vacation for a portion of Hoover Avenue north of 22nd Street and a portion of Harding Avenue north of 22nd Street.

TESTIMONY: None.

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

LAND USE CODE AMENDMENTS ADMIN (405-6-1)

21. Follow up report and request for direction from City Council regarding the initiation of a Code Amendment to allow for additional accessory structure area on large lots. (Planning)

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

NEW BUSINESS (cont.)

LAND USE CODE AMENDMENTS ADMIN (405-6-1)

21. Follow up report and request for direction from City Council regarding the initiation of a Code Amendment (continued).

TESTIMONY: Fred Puhn, National City, spoke in favor of the city initiating the code amendment.

ACTION: Motion by Sotelo-Solis, seconded by Zarate, to include consideration of requested code change with next code amendment process. Carried by unanimous vote.

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

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 22 (Resolution No. 2012-5). Motion by Sotelo-Solis, seconded by Natividad, to approve the Consent Calendar. Carried by unanimous vote.

**HOUSING AUTHORITY 2012 (404-1-1)
CONTRACT (C2004-20)**

22. Resolution No. 2012-5. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION HOUSING AUTHORITY AUTHORIZING THE CHAIRMAN TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE COMMUNITY DEVELOPMENT COMMISSION HOUSING AUTHORITY AND MAYER HOFFMAN MCCANN P.C., FOR INDEPENDENT AUDITING SERVICES TO INCLUDE THE FISCAL YEAR ENDED JUNE 30, 2012 IN THE AMOUNT OF \$21,250. (Finance)

ACTION: Adopted. See above.

STAFF REPORTS

CLOSED SESSION REPORT (509-1-4)

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

Emergency Services Director Frank Parra reported on National City's participation in the 2012 Golden Guardian Disaster Drill conducted throughout Southern California.

Executive Director Brad Raulston reported that the City will be issuing an RFP for a cost allocation plan.

MAYOR AND CITY COUNCIL

Council Member Natividad expressed concern about the fact that car covers are now apparently legal due to changes to zoning regulations and about the proliferation of vehicles being sold on the street.

Vice Mayor Sotelo-Solis highlighted the importance of the Big Star-Little Star program at Kimball Elementary School sponsored by SDSU in conjunction with UCSD.

Council Member Rios reported that she attended an event at National City Middle School which was selected and recognizing for a prestigious award in competition with 10,000 schools nationwide.

Council Member Zarate said she attended the Cinco de Mayo celebration at the park and thought it was a very nice event with great food and music.

Mayor Morrison praised the Cinco de Mayo event saying it was a great community event with a variety of activities throughout the day and reported on the Maritime Breakfast event hosted by the Port District.

City Treasurer Beauchamp reported on the most recent quarterly tax report and trends; stressed the need to start looking at the 1% sales tax and necessary future actions and asked that consideration be given by the City Council to select an appropriate date to bring railroad equipment to the Depot.


ADJOURNMENT

The meeting was adjourned in memory of Mr. Diego Aguilera a long-time resident, businessman and community volunteer.

Motion by Sotelo-Solis, seconded by Rios, to adjourn the meeting to the next Adjourned Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City 2012-2013 Budget Workshop to be held Tuesday, May 22, 2012 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.


The next Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City to be held Tuesday, June 5, 2012 at 6:00 p.m. at the Council Chambers, National City, California.

The meeting closed at 9:05 p.m.



City Clerk

The foregoing minutes were approved at the Regular Meeting of June 5, 2012.



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 15, 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
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
3. 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

ADJOURNMENT

Next Regular City Council Meeting – Tuesday, May 15, 2012, 6:00 p.m., Council Chambers, Civic Center