



**AGENDA OF A REGULAR MEETING - NATIONAL CITY CITY COUNCIL/
COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF
THE CITY OF NATIONAL CITY**

**COUNCIL CHAMBERS
CIVIC CENTER
1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA
TUESDAY, DECEMBER 03, 2013 – 6:00 PM**

RON MORRISON
Mayor

LUIS NATIVIDAD
Vice Mayor

JERRY CANO
Councilmember

MONA RIOS
Councilmember

ALEJANDRA SOTELO-SOLIS
Councilmember

**1243 National City Blvd.
National City, CA 91950
619-336-4300**

**Meeting agendas and
minutes available on web**

WWW.NATIONALCITYCA.GOV

ORDER OF BUSINESS: Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Sessions begin at 5:00 p.m. or such other time as noted. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

REPORTS: All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review at the entry to the Council Chambers. Regular Meetings of the Elected Body are webcast and archived on the City's website **www.nationalcityca.gov**.

PUBLIC COMMENTS: Prior to the Business portion of the agenda, the Elected Body will receive public comments regarding any matters within the jurisdiction of the City and/or the Community Development Commission. Members of the public may also address any item on the agenda at the time the item is considered by the Elected Body. Persons who wish to address the Elected Body are requested to fill out a "Request to Speak" form available at the entrance to the City Council Chambers, and turn in the completed form to the City Clerk. The Mayor or Chairperson will separately call for testimony of those persons who have turned in a "Request to Speak" form. If you wish to speak, please step to the podium at the appropriate time and state your name and address (optional) for the record. The time limit established for public testimony is three minutes per speaker unless a different time limit is announced. Speakers are encouraged to be brief. The Mayor or Chairperson may limit the length of comments due to the number of persons wishing to speak or if comments become repetitious or irrelevant.

WRITTEN AGENDA: With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk's Office at (619) 336-4228 to request a disability-related modification or accommodation. Notification 24-hours prior

to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Spanish audio interpretation is provided during Elected Body Meetings. Audio headphones are available in the lobby at the beginning of the meeting.

Audio interpretación en español se proporciona durante sesiones del Consejo Municipal. Los audiófonos están disponibles en el pasillo al principio de la junta.

COUNCIL REQUESTS THAT ALL CELL PHONES AND PAGERS BE TURNED OFF DURING CITY COUNCIL MEETINGS.

OPEN TO THE PUBLIC

CITY COUNCIL / COMMUNITY DEVELOPMENT COMMISSION AGENDA

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC ORAL COMMUNICATIONS (THREE-MINUTE TIME LIMIT)

PROCLAMATIONS

PRESENTATIONS

1. Recognizing Joe H.A. Smith, Public Works Director for his 32 years of service with the City of National City
2. Presentation of certificates to the Lions Club for services to the "One Site Vision Clinic." (Council Initiated)
3. Tourism Marketing District - 2013 Year in Review (San Diego PR)

INTERVIEWS / APPOINTMENTS

CONSENT CALENDAR

4. Approval of the Minutes of the Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City of November 19, 2013. (City Clerk)
5. 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)
6. Resolution of the City Council of the City of National City authorizing installation of a blue curb handicap space with signage in front of 405 "E" Avenue. (TSC 2013-20) (Engineering)
7. Resolution of the City Council of the City of National City authorizing installation of a blue curb handicap space with signage in front of 305 "F" Avenue (TSC 2013-21) (Engineering)

8. Resolution of the City Council of the City of National City authorizing installation of a blue curb handicap space with signage in front of 905 E. 5th Street. (TSC 2013-22) (Engineering)
9. Resolution of the City Council of the City of National City authorizing the restriping of E. 16th Street between Highland Avenue and "I" Avenue to install a two-way left turn lane and "Keep Clear" pavement markings with signage in front of the commercial driveway to 1539 Highland Avenue to enhance safety and access. (TSC 2013-23) (Engineering)
10. Resolution of the City Council of the City of National City: 1) accepting the work of Koch-Armstrong General Engineering, Inc., 2) approving the final contract amount of \$859,808.86, 3) authorizing the release of retention in the amount of \$42,990.44, and 4) ratifying the filing of a Notice of Completion for the Citywide Pedestrian Crossing Enhancements Project, Specification No. 12-12 (funded by CDBG and Proposition A funds). (Engineering)
11. Resolution of the City Council of National City ratifying the acceptance of an augmentation of \$27,411 to the California Library Literacy Services (CLLS) FY2013-14 Grant; and authorizing the establishment of fund appropriations and a corresponding revenue budget. (Library)
12. Resolution of the City Council of the City of National City authorizing the acceptance of additional grant funding from the FY 2011 Operation Stonegarden Program in the amount of \$85,163, authorizing the Chief of Police to execute Amendment No. 3 to the Agreement for the award of the grant funds, and authorizing the establishment of fund appropriations and a corresponding revenue budget. (Police)
13. Resolution of the City Council of the City of National City authorizing the Council to waive the formal bid process per Section 12 of Purchasing Ordinance #1480, and Chapters 2.60.220(d) and 2.60.260 of the Municipal Code, and authorize the City (Buyer) to piggyback the California Department of General Services Contract #1-12-23-14, and award the purchase and build-out of (3) fully-equipped police vehicles from Folsom Lake Ford in the not to exceed amount of \$150,000. (Police)
14. Resolution of the City Council of the City of National City authorizing the Mayor to execute a Second Amendment to the Agreement with Opper and Varco, LLP, to increase the not-to-exceed amount of the Agreement by \$30,000, for a total not to exceed amount of \$80,000 to provide legal services regarding environmental site conditions, remediation, regulatory issues, and closure pursuant to the Disposition and Disposition Agreement by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP. (City Attorney)

15. Resolution of the City Council of the City of National City authorizing the Mayor to execute an agreement with E2 ManageTech, Inc. in the amount of \$120,000 to assist staff with obtaining regulatory approvals and implementation of the Property Mitigation Plan for environmental remediation of the Westside Infill Transit Oriented Development (WI-TOD) Project site located at 2100 and 2020 Hoover Avenue, pursuant to the City's obligation to the former redevelopment agency to carry out the Disposition and Development Agreement by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP. (Engineering)
16. Resolution of the City Council of the City of National City authorizing: 1) appropriation of \$922,853.50 to be applied to costs associated with the relocation of National City Public Works operations pursuant to the City's obligation to the former redevelopment agency to carry out the Disposition and Development Agreement (DDA) by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, L.P; 2) establishment of a revenue budget of \$422,853.50 in net proceeds from the sale of Parcel 1 of the Westside Infill Transit Oriented Development (WI-TOD) Project and purchase of 1726 Wilson Avenue for the relocation of City Public Works; and 3) establishment of a revenue budget of \$500,000 in General Fund, to be reimbursed in full through a State Catalyst Grant. (Engineering)
17. Warrant Register #18 for the period of 10/23/13 through 10/29/13 in the amount of \$940,370.78. (Finance)
18. Warrant Register #19 for the period of 10/30/13 through 11/05/13 in the amount of \$1,429,347.20. (Finance)
19. Warrant Register #20 for the period of 11/06/13 through 11/12/13 in the amount of \$1,332,461.43. (Finance)

PUBLIC HEARINGS

20. Public Hearing - Adopting Appendix J of the 2013 California Building Code, amending certain sections of Appendix J and amending Chapter 15.70 (Grading) of the National City Municipal Code. (Engineering)
21. Public Hearing - Amending Chapter 15.04 of the National City Municipal Code by amending Section 15.04.010 pertaining to the City Council's authority under Title 15. (Building)
22. Public Hearing - Adopting the 2013 California Electrical Code, including Annex H, and the 2011 National Electric Code, and amending certain sections of those codes, and amending Chapter 15.24 of the National City Municipal Code. (Building)

23. Public Hearing - Adopting the 2013 California Fire Code and the Appendices thereto, adopting the National Fire Protection Association Standards, and amending Chapter 15.28 of the National City Municipal Code. (Fire)
24. Public Hearing - Adopting the 2013 California Energy Code, and amending Chapter 15.75 of the National City Municipal Code. (Building)
25. Public Hearing - Adopting the 2013 California Green Building Standards Code, and amending Chapter 15.78 of the National City Municipal Code. (Building)
26. Public Hearing - Adopting the California Mechanical Code, including appendix Chapters A, B, C and D, amending certain sections of that code, and amending Chapter 15.14 of the National City Municipal Code. (Building)
27. Public Hearing - Adopting the 2013 California Plumbing Code and Table 2902.1 of the 2013 California Building Code, amending certain sections of those codes, and amending Chapter 15.20 of the National City Municipal Code. (Building)
28. Public Hearing - Adopting Volumes I and II and Appendices C, G, H and I of the 2013 California Building Code, amending certain sections of that code, and amending Chapter 15.08 of the National City Municipal Code. (Building)
29. Public Hearing - Adopting the 2013 California Residential Code, amending certain sections of that Code, and amending Chapter 15.79 of the National City Municipal Code. (Building)

ORDINANCES FOR INTRODUCTION

ORDINANCES FOR ADOPTION

30. An Ordinance of the City Council of the City of National City, adopting Appendix J of the 2013 California Building Code, amending certain sections of Appendix J and amending Chapter 15.70 (Grading) of the National City Municipal Code. (Engineering)
31. An Ordinance of the City Council of the City of National City adopting the 2013 California Electrical Code, including Annex H, and the 2011 National Electric Code, and amending certain sections of those codes, and amending Chapter 15.24 of the National City Municipal Code. (Building)
32. An Ordinance of the City Council of the City of National City adopting the 2013 California Fire Code and the Appendices thereto, adopting the

- National Fire Protection Association Standards, and amending Chapter 15.28 of the National City Municipal Code. (Fire)
33. An Ordinance of the City Council of the City of National City adopting the 2013 California Energy Code, and amending Chapter 15.75 of the National City Municipal Code. (Building)
 34. An Ordinance of the City Council of the City of National City, adopting the 2013 California Green Building Standards Code, and amending Chapter 15.78 of the National City Municipal Code. (Building)
 35. An Ordinance of the City Council of the City of National City, adopting the California Mechanical Code, including appendix Chapters A, B, C and D, amending certain sections of that code, and amending Chapter 15.14 of the National City Municipal Code. (Building)
 36. An Ordinance of the City Council of the City of National City, adopting the 2013 California Plumbing Code and Table 2902.1 of the 2013 California Building Code, amending certain sections of those codes, and amending Chapter 15.20 of the National City Municipal Code. (Building)
 37. An Ordinance of the City Council of the City of National City, adopting Volumes I and II and Appendices C, G, H and I of the 2013 California Building Code, amending certain sections of that code, and amending Chapter 15.08 of the National City Municipal Code. (Building)
 38. An Ordinance of the City Council of the City of National City, adopting the 2013 California Residential Code, amending certain sections of that Code, and amending Chapter 15.79 of the National City Municipal Code. (Building)
 39. An Ordinance of the City Council of the City of National City amending Chapter 15.04 of the National City Municipal Code by amending Section 15.04.010 pertaining to the City Council's authority under Title 15. (Building)

NON CONSENT RESOLUTIONS

40. Resolution of the City Council of the City of National City ordering the affirmative termination by amortization of the nonconforming land use located at 1732 Coolidge Avenue, and ordering a reasonable amount of time in which such use shall be ordered terminated (Steve's West Coast Automotive). (Planning)
41. Resolution of the City Council of the City of National City ordering the affirmative termination by amortization of the nonconforming land use located at 108 West 18th Street, and ordering a reasonable amount of

time in which such use shall be terminated (Jose's Auto Electric).
(Planning)

NEW BUSINESS

42. Notice of Decision - Planning Commission approval of a Conditional Use Permit for alcohol sales at Redbird Market located at 2035 Highland Avenue. (Applicant: Laith Arabo) (Case File 2013-18 CUP) (Planning)
43. Notice of Decision - Planning Commission approval of a Conditional Use Permit for a drive-through coffee shop located at 404 Mile of Cars Way. (Applicant: HG Fenton Co.) (Case File 2013-22 CUP) (Planning)
44. Notice of Decision - Planning Commission approval of a Conditional Use Permit for a public works facility to be located at 1726 Wilson Avenue. (Applicant: City-initiated) (Case File 2013-28 CUP) (Planning)
45. Discussion and presentation on staff report on the relocation of National City Public Works operations to the following proposed locations in order to complete environmental remediation and development of the Westside Infill Transit Oriented Development (WI-TOD) Project; 1726 Wilson Avenue, 2) 2101 Hoover Avenue, 3) 1243 National City Boulevard/"A" Avenue/Kimball Park, 4) El Toyon Park, and 5) 1237 and 1239 McKinley Avenue (Engineering)
46. National City Sales Tax Update Newsletter - Second Quarter - 2013 (Finance).
47. Discussion of potential City Council Retreat, including possible dates and topics. (City Manager)

COMMUNITY DEVELOPMENT COMMISSION-HOUSING AUTHORITY

48. Resolution of the Community Development Commission of the City of National City acting in its capacity as the Housing Authority of the City of National City ("CDC-HA") authorizing the Chairman to execute a Second Amendment to the Agreement for Legal Services between the Successor Agency, CDC-HA, and Kane Ballmer & Berkman to increase the not to exceed amount by \$43,000, for a total agreement amount of \$93,000. (City Attorney)

PUBLIC HEARINGS- HOUSING AUTHORITY

NON CONSENT RESOLUTIONS- HOUSING AUTHORITY

NEW BUSINESS- HOUSING AUTHORITY

STAFF REPORTS

49. 2013 Holiday Closure and Employee Work Furlough (Human Resources)

MAYOR AND CITY COUNCIL

CLOSED SESSION REPORT

ADJOURNMENT

Adjourned Regular City Council/Community Development/Housing Authority of the City of National City City Council Policy Manual Meeting - Tuesday - December 10, 2013 - 6:00 p.m. - Council Chambers - National City, California

Regular City Council/Community Development/Housing Authority of the City of National City Meeting - Tuesday - December 17, 2013 - 6:00 p.m. - Council Chambers - National City, California.

City Offices are closed Monday, December 23, 2013 through Friday, January 3, 2014 in Observance of the Employee Work Furlough. The modified City Council Meetings are:

December	03	Regular Meeting
December	10	Adjourned Regular Meeting (Council Policy Workshop)
December	17	Regular Meeting
January	07	DISPENSE WITH MEETING
January	21	Regular Meeting



City of National City
MEMORANDUM

DATE: November 11, 2013

TO: [REDACTED]
Josie Flores-Clark, Executive Assistant III (Mayor/Council Office)

FROM: Lilia Muñoz, Human Resources Analyst *LM*

SUBJECT: RETIREMENT SERVICE RECOGNITION

The following City employee will retire with 32 years of service with the City of National City on December 10, 2013:

NAME : Joe H.A. Smith
POSITION : Director of Public Works
HIRED : December 8, 1981

As part of the Retiree Recognition Program, the employee wishes to have the opportunity to receive a City Council Recognition at the Council Meeting on Tuesday, December 3, 2013.

If this is acceptable, please make the necessary arrangements and send confirmation of the schedule to the employee, department and our office. The recognition letter and gift certificate selection will be sent prior to the presentation.

Thank you.

cc: Joe Smith, Director of Public Works
Brad Raulston, Comm. Development Executive Director
Leslie Deese, City Manager

**ITEM #
12-3-13**

**PRESENTATION OF CERTIFICATES TO THE LIONS CLUB
FOR SERVICES TO THE "ONE SITE VISION CLINIC"**

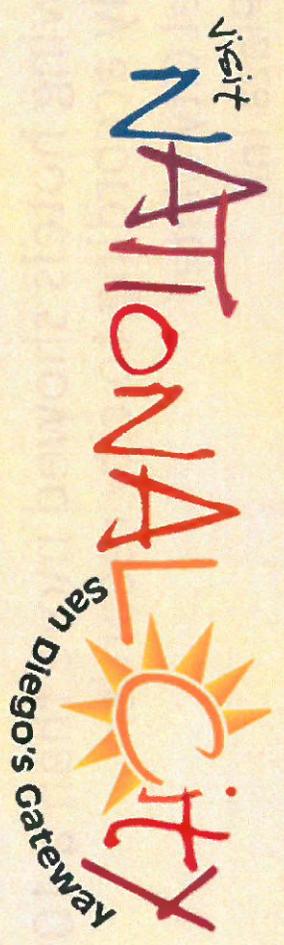
(COUNCIL INITIATED)

**ITEM #
12-3-13**

**TOURISM MARKETING DISTRICT –
2013 YEAR IN REVIEW**

(San Diego PR)

SAN DIEGO PR



2013 Year in Review

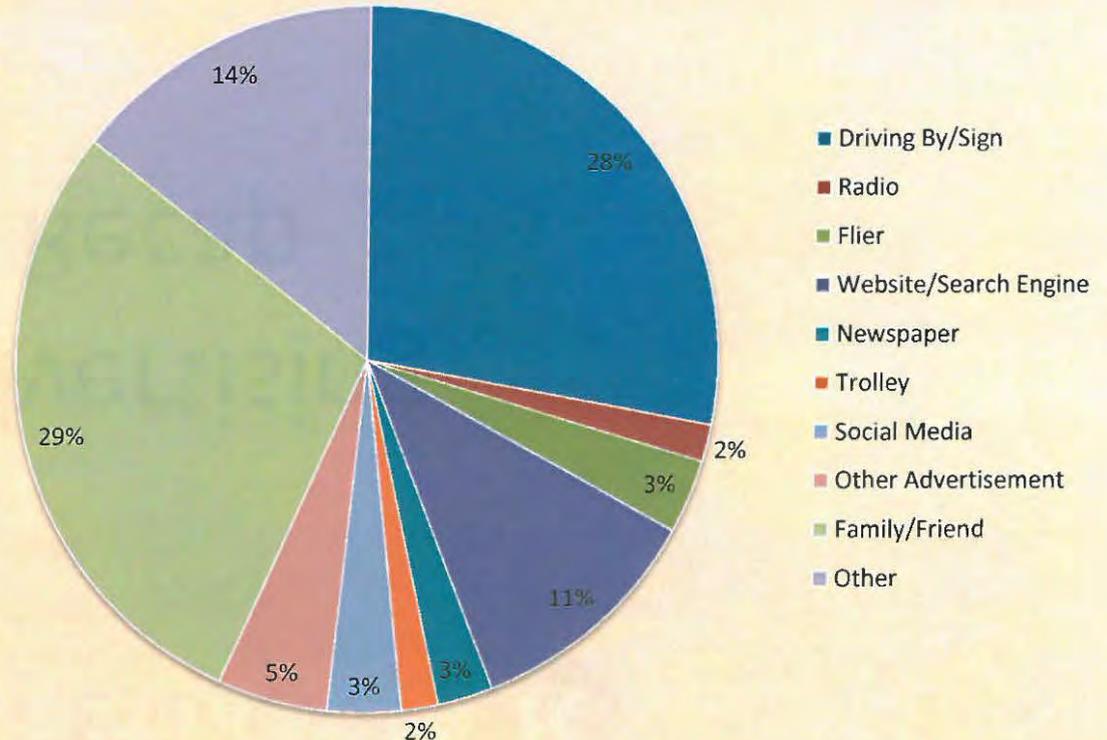
Campaign Success

- Hotel business up 6% in National City in 2013 according to Smith Travel Research
- In January, February and March – the months we were asked to impact – hotel business was up 15%, 11% and 17% respectively
- The following hotels showed more than a 10% increase during July according to city records:
 - National City Motel
 - Grand Plaza Inn
 - Paradise Inn
 - Sweetwater Inn
- The Visit National City website brought \$163,341 worth of business to National City hotels in March through October

Hotel Tracking

- Created system for tracking how customers heard about Visit National City
 - Reply forms at each participating hotel
 - \$100 gift certificate incentive
- Results:
 - 64 new names for email distribution list
 - Solid information about what elements of our marketing campaign are resonating with our customers

Hotel Tracking: May - October



SAN DIEGO PR

Advertising Recap

Distribution of the Visit National City brochures increased in 2013 from a single location at the International Visitor's Center at the Cruise Ship Terminal to Welcome Centers throughout Southern California as well as 5 locations at the San Diego Airport.

- San Diego International Visitors Center
- San Diego International Airport (5 Locations)
- CA Welcome Center Alpine
- CA Welcome Center Oceanside
- CA Welcome Center Buena Park
- CA Welcome Center Yucca Valley
- CA Welcome Center San Francisco
- CA Welcome Center Barstow
- CA Welcome Center Oxnard



Sandiego.com

This website drove more than 4725 visitors to the Visit National City website from January through October.

The screenshot displays a website interface with a grid of hotel listings on the left and promotional banners on the right. The hotel listings include:

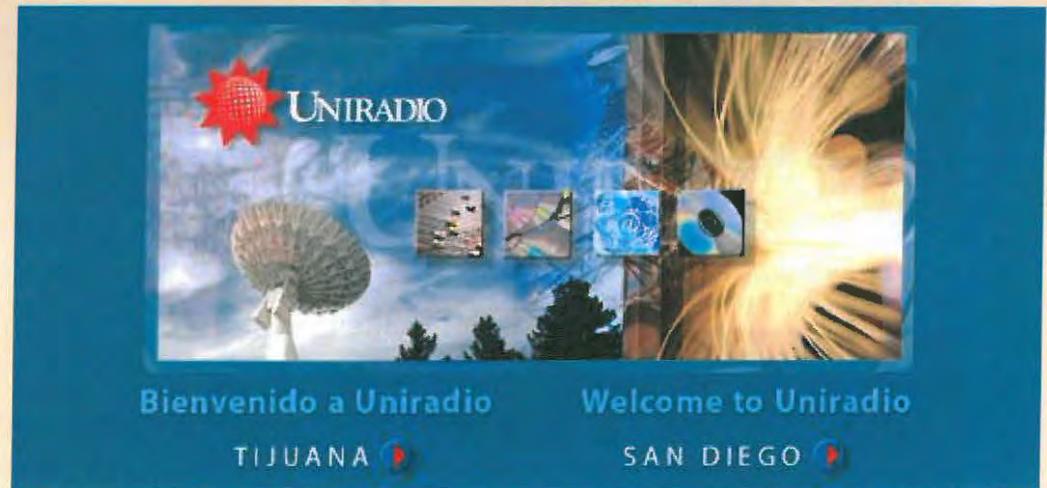
- Rooms & Rates** (with a "MORE INFO" link)
- Crowne Plaza San Diego**: The Crowne Plaza San Diego Mission Valley is a fun and comfortable hotel near all of the best San Diego attractions and activities.
- DoubleTree Hotel Downtown San Diego**: DoubleTree Hotel Downtown San Diego offers great service and comfortable rooms in a convenient Downtown San Diego location just minutes from great San Diego attractions.
- Hotel Indigo**: Stay at San Diego's first LEED Certified hotel. Hotel Indigo and enjoy great views into PETCO Park from the Levels Bar.
- Carlsbad Seapointe Resort**: Enjoy crisp coastal breezes and spectacular views by pooling at Carlsbad Seapointe Resort in North County San Diego.
- Grand Pacific Palisades**: The best hotel in San Diego for a family-friendly vacation, Grand Pacific Palisades is close to LEGOLAND, beautiful beaches, and great San Diego restaurants.
- L'Auberge Del Mar**: L'Auberge Del Mar is a luxurious getaway just 20 minutes north of the San Diego International Airport. This popular beachfront hotel is an ideal San Diego vacation spot.

On the right side, there are several promotional banners:

- Executive Limousine and Sedan Inc.**: A banner featuring two women in a limousine, with a "Book Now" button.
- THINGS TO DO IN SAN DIEGO**: A section with two sub-banners:
 - SAN DIEGO BIKE AND KAYAK**: San Diego Bike and Kayak Tours. Includes a "Make a Reservation" link.
 - LA JOLLA KAYAK, BIKE AND S...**: La Jolla Kayak, bike, snorkel. Includes a "Make a Reservation" link.
- Best Hotel Deals in San Diego**: Stay and Play in National City. Includes a "Book Now" button.
- NATIONAL City**: San Diego's Gateway. A logo for National City.

Radio

Promotional and sponsorship campaigns to reach Hispanic population on both sides of the border to drive business to National City hotels.



Live appearance on the San Diego Living Show approximately 5 minutes in length. Featured the hidden gems and recent changes in National City:

Waterfront Revival

New Marina and amenities

Pepper Park

Vibrant History

Victorian Homes

Brick Row

Kimball Museum

Family Friendly Events

Mariachi Festival

Mabuhay Festival



SAN DIEGO **P** **R**

Social Media Recap

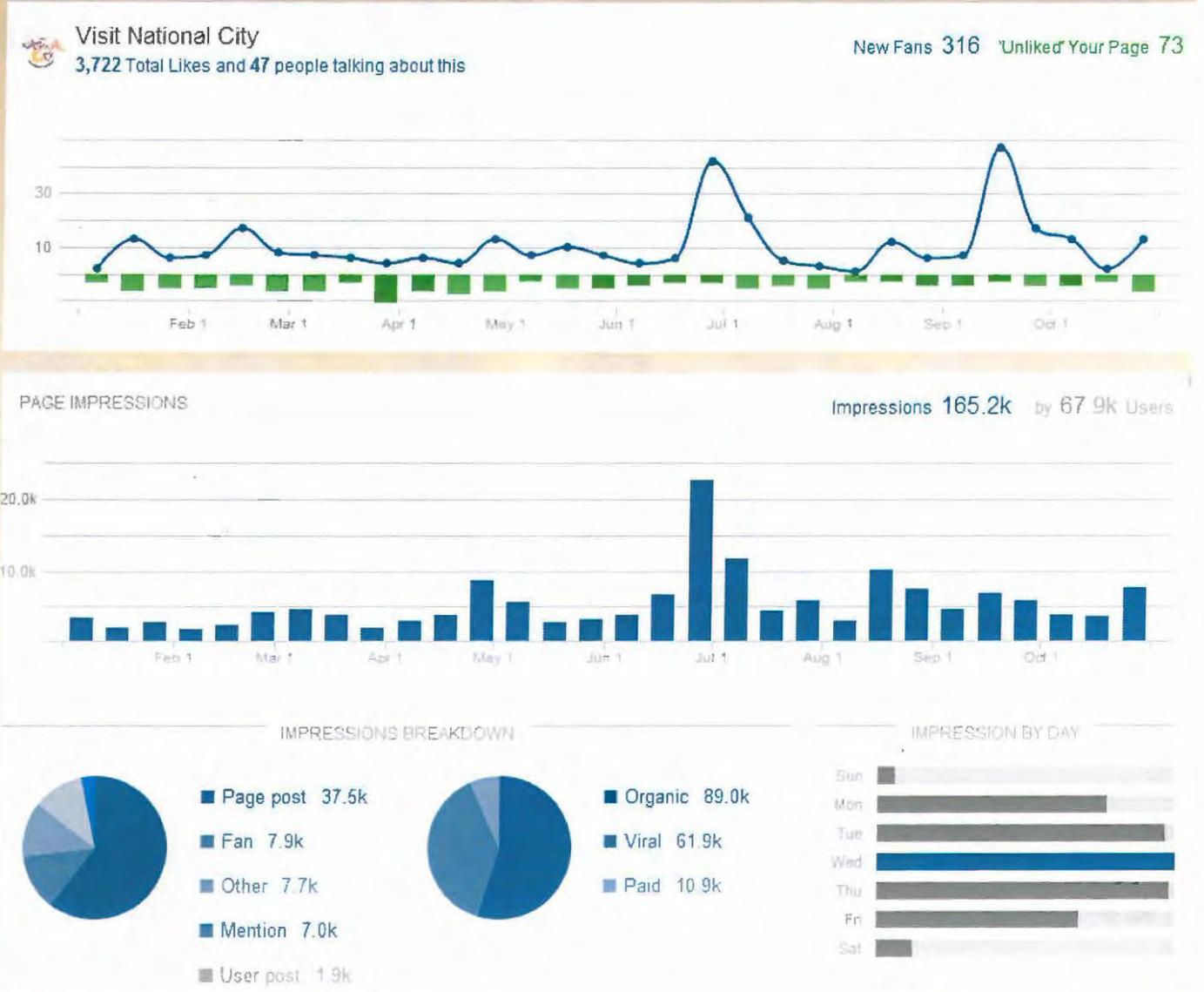
25 Things to See



Facebook

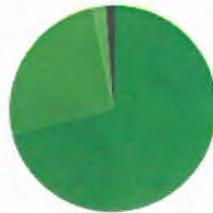
Jan. 1, 2013 – Oct. 31, 2013

- 3,722 total likes, 13% increase from 2012
- 316 new fans
- Average of 66.3 people talking about National City
- Page impressions – 156.8k, by 65.8k Users



Highest Reach

YOUR CONTENT A breakdown of the content you post



	AVG. PER POST	TOTAL
Reach	290	60.0k
People Talking About This	13	2.5k
Engagement	16%	10%

Visit National City shared a link.
June 24 · 🌐

Spend your summer in San Diego's Gateway, National City!
<http://youtu.be/ISQHMVhCDFU> — in National City.

Visit National City
youtu.be

<http://visitationcity.com/>



Like · Comment · Share

9,108 people saw this post

👍 36 💬 5 📄 23

Unsorted ▾

Visit National City
July 3 · 🌐

The annual National City Fourth of July Carnival begins today! Head over to Kimball Park July 3 – 7 for fun games, rides, delicious food and drink, live entertainment and of course spectacular fireworks! <http://ovr.ly/mANa2>



Like · Comment · Share

2,026 people saw this post

👍 96 💬 24 📄 16

Boost Post ▾

Twitter

Jan. 1 – Oct.31, 2013

- 1,326 total followers
- 320 new followers
- 472 total tweets
- 56% influence rate
- 33 @ mentions
- 23 retweets

 VisitNatlCity Visit National City	Total Followers 1,326 28 connections made in this time period	@mentions	33	
New Followers	320	Messages Sent	181	
You Followed	26	Messages Received	142	
Direct Messages (received)	109	Clicks	383	
		Retweets	23	
		Direct Messages (sent)	0	

 **Gina Daos Welker** @GWelker 22 May
Something so charming in National City. attrbtn @VisitNatlCity #VisitNationalCity pic.twitter.com/VJK9PAFIRw
[View photo](#) Reply 13 Retweet Favorite More

 **Visit National City** @VisitNatlCity 22 May
@GWelker Have you ever visited?
Expand Reply Delete Favorite More

 **Gina Daos Welker** @GWelker 22 May
@VisitNatlCity Yes. But I think I may have come at a bad time. No one was around. I'd love to come back.
Expand Reply Retweet Favorite More

 **Visit National City** @VisitNatlCity 22 May
@GWelker Definitely come back! Try scheduling an appointment ahead of time for a free tour at the Kimball house Call: 619.962.4128
[Hide conversation](#) Reply Delete Favorite More

3:17 PM - 22 May 13 · Details

Pinterest

Jan. 1 – Oct.
31, 2013

- 10 boards
- 79 followers
- Following 377 users
- 243 pins
- 77 likes

The image shows a screenshot of a Pinterest profile for "National City". The profile header includes the city's logo, name, a bio, and website link. Below the header is a grid of 10 boards: "City of National City", "EAT: National City Restaurants", "National City Landmarks", "National City Businesses", "Tourism", "Nearby Attractions", "SHOP: National City Stores", "History", "25 Things to See in National...", and "South County San Diego". A detailed view of a pin is shown at the bottom, featuring a photograph of a historic red building with a sign that reads "NATIONAL CITY HISTORIC SITE". The pin interface includes a "Pin it" button, "Like" and "Image" icons, and a "Send" button. The pin is attributed to "National City" and includes a link to "Black Row visitnationalcity..."

Instagram

April 26 – Oct.
20, 2013

- 52 Followers
- 27 Total Posts
- Following 97 users



 **visitnationalcity**
Visit National City Welcome to National City, San Diego's Gateway! NC is the second oldest city in SD County and has a historic past and a vibrant community culture.
<http://visitnationalcity.com>

27 posts 52 followers 97 following



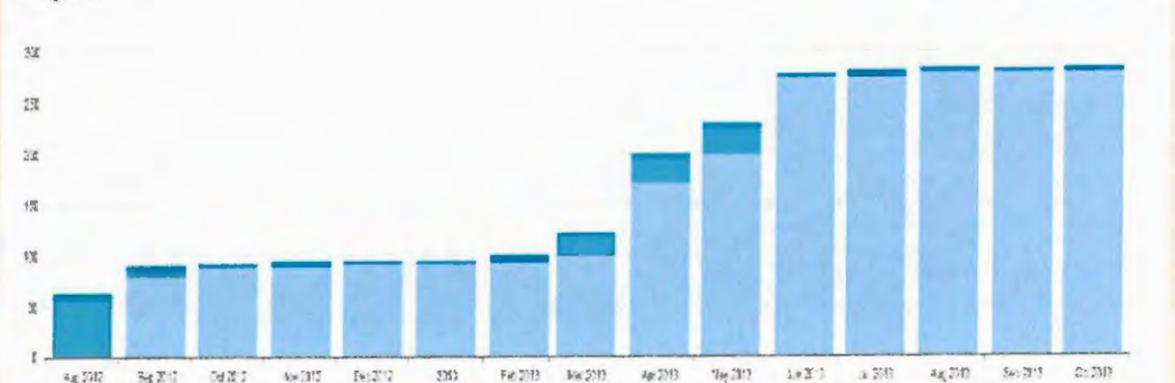
 **visitnationalcity**
2 months ago
#18 of Things to See in National City: Cafe la Maze
#visitnationalcity #nationalcity #sandiego #california
#cafelamaze #hollywood #actors #actresses
#prohibition #1940 #followme #goldenage #restaurant
#food #steakhouse #primerib #history #historic #steak
#tourism #visit #dinner #delicious

• vapepharm, sarahluvsu_xo, drummerchickoneoone and 15 others like this.

E-Newsletter

- 283 subscribers, 204.3% increase from 2012
- Average open rate of 31.1%
 - 12.8% higher than the industry average
- Average click rate of 6.2%
 - 3.3% higher than the industry average

List growth



Blog

- Monthly blog posts on events and happenings in National City
- Blogs are showcased on various social media platforms
- Content optimized for various search engines



Home » Blog » Celebrate the Corvette at National City's 22nd Annual Automobile Heritage Day

Celebrate the Corvette at National City's 22nd Annual Automobile Heritage Day



Join the National City Chamber of Commerce at the 22nd Annual Automobile Heritage Day Car Show! On Sunday, August 4, more than 100 antique automobiles will be showcased and compete for the

Year of the C

In honor of its 100th anniversary, the all-American classic car show. A variety of models are expected to be showcased for all Corvette enthusiasts.



Home » Blog » Celebrate Día de los Muertos at La Vista Memorial Park

Celebrate Día de los Muertos at La Vista Memorial Park



Home » Blog » National City Community Comes Together to Show their Respect for the U.S. Military

National City Community Comes Together to Show their Respect for the U.S. Military



National City did its part in supporting the U.S. military at the 67th Annual Salute to Navy that took place on Oct. 27. Community members, business and civic leaders came together to show their respect for the U.S. military, their families and acknowledge more than 100 Sailors from various ranks.

Mayor Ron Merrick addressed the crowd of more than 300 uniformed Sailors and civilians about the importance of the long-standing event to the community.



La Vista Memorial Park

Public Relations Recap

Press Releases

- San Diego PR distributed the following press releases in 2013 that highlighted National City attractions, offerings and events:
 - National City TMD Surpasses 1st Year Goals
 - National City Scores Urban Little League Jamboree
 - Historical Archive Room Open in National City
 - Spend Summer in National City
 - National City's Summer Movies in the Park Series Kicks Off June 14
 - Celebrate Independence Day with an Old-Fashioned Carnival at National City's Kimball Park
 - Automobile Heritage Day Aug. 4 in National City Honors The Corvette
 - National City Offers Kid-Friendly Activities
 - National City Hosts 57th Annual Salute to Navy
 - More than 150 Sailors Honored at The 57th Annual Salute to Navy Luncheon

Sample Coverage



Janice Martini, president of the National City Historical Society, stands in the newly opened archive room of the city's Brick Row. Martini has spent decades advocating for the preservation of the city's history. **PHOTO COURTESY**

History comes alive in National City

Archive room is new addition to preserved area, offering a look at photos, records from 1880s

ALLISON SAMPTON/STATION 12

A preserved area in National City known as Heritage Square recently gained a new addition.

The Historical Archives Room packs up with rich memorabilia from the 1880s is now open to the public.

The archive room was built in 1987 and is about 500 square feet, chock-full of ancient newspapers, photos, records and recipes from

the 1880s.

Located at the bottom floor of an old home on Brick Row, the archive room commemorates National City's heritage.

"I love it," said Janice Martini, executive director of the National City Historical Society, who is the project director of the National City Historical Society and preserving history is about educating the youth of the future.

While the Historic Society receives \$5,000 annually to conduct research and outreach for the Kimball museum, the first \$100 month for all costs associated with the archive room.

"It's my own project," she said. "In addition, we do more through fundraisers, theme classes and create the Friday parties."

Every Saturday and Sunday from 11 a.m. to 3 p.m., Martini and her staff members, Margaret Paine provide tours of the historic Brick Row.

"Every weekend we hold on the porch in Victorian dress and

we serve tea with a free-will donation," Martini said.

"It is also the expense that the Historic Society has to pay."

"When people come on the website to see the archive, we can take them over to see the archive room."

Martini had an idea for the 18 years when the archive was not open.

About two years ago she and Paine began considering the ways to get the public to think through memorabilia. Now, Martini says people will walk to see Kimball's diary, thanks to a collaboration

SEE ARCHIVE PAGE 2

It's a South Bay summer

By Robert Martinez
Staff Writer

Now that the kids are out of school, families across the country are planning their summer vacations.

Going on the recommendation of the Chula Vista and National City Chambers of Commerce, The Star News decided a short summer fun list whose vacationing in the South Bay.

Agaveita

Chula Vista's water park has a new course, a new theme and a new look. Open only for the summer, Agaveita at the new water attraction in Chula Vista.

Agaveita recently opened in Chula Vista.



Agaveita, the LIX water park under the InWorld Parks and Entertainment brand, and the first in California, features six water slides, two attractions, a lazy river and fountains and water exhibits.

Formerly known as Krazy's Splash City, officially launched June 1, and will be open daily through Sept. 9, then open only on the weekends from Sept. 7 to Oct. 20.

For tickets to the water park, visit www.inworldparks.com/agaveita website.

Admission is at \$20 for members and \$25.

Living Coast Discovery Center

The old Chula Vista Marine Center offers a glimpse of some of the unique animals and plants in Southern California. Chula Vista marine life with the Discovery Center's assistance



Sea creatures fast and slow can be spotted at the Living Coast Discovery Center.

which is open to the public July 13, 14 and 27 in the California State Games, which is open to public participation. July 27-28 in the Thorpe Cup, an international triathlon and field competition between USA and Germany.

The house can interested in participating in any of these activities, the Olympia Training Center offers guided public tours on Saturdays at 11 a.m. and on Wednesdays from 9 a.m. to 4:30 p.m.

For more information about these events visit <http://www.olympia.org/about-the-olympia-training-center-and-historic-chula-vista>.

Sleep Train Amphitheatre

The South Bay's early developmental years will surely see musical activities. This summer the amphitheatre facility will host artists from different musical genres ranging from hip-hop to rock to country.

"Sleep Train, general manager of the Sleep Train Amphitheatre, said guests should visit the amphitheatre this summer if they want a top-notch experience."

"Sleep Train hosts world class entertainment in San Diego County. The largest touring live music acts are performing at our venue. Experience the best in live music because there are the top acts in music," he said.

"The amenities are fantastic. The outdoor venue provides great views under the stars while enjoying the great weather that we have."

They said special moments like create new memories on Christmas. For a list of summer performers, or to buy tickets visit www.sleeptrain.com/venue/ (410) sleeptrain.com/venue/ or visit the venue.

Sleep Train Amphitheatre is located at 3200 Entertainment Circle.

Brick Row

Brick Row is where most of

SEE DISCOVERY PAGE 4

SUMMER

CONTINUED FROM PAGE 2

National City's history was made. Learn all about the second oldest city in San Diego at Brick Row.

Listed on the National Register of Historical Places, the historical site that once housed the Kimballs — the founding fathers

of "El Rancho de la Nacion," and now National City — offers the chance to tour the historic site and view historical records, documents and journals in its newly implemented archive room.

Brick Row is located at 909 A Ave.

The National City Depot

Another historical site in National City, The Depot was

the first terminus of transcontinental rail travel in San Diego. The Depot is the oldest railroad-related structure in San Diego County, and still at its original location.

Dave Slater, president and general manager of The National City Depot said The Depot is ideal for any history buff.

"The Depot has been there since 1881. We've kept it restored and turned it in to a mu-

seum," Slater said.

The National City Depot is located at 922 W. 23rd St.

Westfield Plaza Bonita

Shopping is a big part of any vacation. While Plaza Bonita mall isn't the ultimate tourist destination, it provides a shopping experience.

"It's not exactly what you call a tourist destination but people like going there" Jac-

queline Reynoso, CEO of the National City Chamber of Commerce, said. "It's not what most people think of when it comes to tourism, but it's there to indulge in."

Over the last few years, the mall has been revamped to include a Target, an AMC Movie Theater and several restaurants.

Westfield Plaza Bonita is located at 3030 Plaza Bonita Road.

UT San Diego— May 2, 2013

Chula Vista Star News -- June 28, 2013

SANDIEGO PR

National City Offers Kid-Friendly Activities

National City has many activities specially tailored for children to enjoy that are offered all year long. Many of the engaging activities are either free or a very affordable way to spend the day while visiting the city.

Visit Hannah Lee's Tea House

Lady Janice Martinelli hosts sumptuous Victoria teas in Hannah Lee's Tea House on historic Brick Row. The tea shop offers various customs teas for all ages, but specializes in teas geared toward children.

Miss Hannah Lee's Tea, for children 6 to 12 years old, features assorted sandwiches, seasonal fresh fruit, freshly baked pastries, and a complimentary keepsake, set in a flowering garden.

Hannah Lee's specializes in classes in etiquette and visual poise for young women. To book a tea party or special event, call 619-962-4128.

See Historic Trains at Santa Fe Rail Depot

For the train lover in the family, the San Diego Electric Railway Association operates the historic National City Depot. Open Thursdays to Sundays from 9 a.m. to 5 p.m., the Santa Fe Rail Depot is the only original transcontinental railroad terminus still standing. The restored depot serves as a railroad museum for tours and is also a popular community-meeting place. For more info, visit <http://www.sdera.org/depot.php> or call 619-474-4400.

Cook Organic Food at Olivewood Gardens and Learning Center

Olivewood Gardens and Learning Center's historic 6.85-acre property serves as an interactive, indoor-outdoor classroom for children and adults from around San Diego County.

Located in the historic Neves House, Olivewood Gardens and Learning Center provides science-based environmental education lessons, hands-on gardening, and hands-on cooking to students and families from underserved communities. For more info about Olivewood Gardens and Learning Center, visit <http://olivewoodgardens.org/>.



Olivewood Gardens and Learning Center

La Prensa – Aug. 16, 2013

Sample
Coverage



SUNDAY 8.04

National City's 22nd annual Automobile Heritage Day

9:30 a.m. to 4 p.m. Sunday, Kimball Park, East 12 Street and D Avenue, National City. Show entry fee \$40; free to spectators. (619) 477-9339 or nationalcitychamber.org/events/list-view-of-events

In honor of its 60th anniversary, the all-American classic Chevy Corvette will take the spotlight among the more than 100 vehicles on view during National City's cavalcade of cars. The event will feature turn-of-the-century, classic and muscle cars, as well as six classes of motorcycles. There will be children's activities, specialty booths, raffles and food. The Bobby Sanchez Combo will kick it into gear performing early rock 'n' roll, rockabilly and Western swing. The show concludes with a 3 p.m. drive-by awards ceremony.

CAROLINA GUSMAN • UT

UT San Diego – Night
& Day – July 31, 2013

BACK TO THE FUTURE ////////// SOUTH BAY

Updated 19th- and 20th-century icons thrive in today's world

I call this drive "Back to the Future."

No flying cars, but our best vehicle today is a mid-century icon updated to 21st century performance — the hot and fiery Fiat 500C Abarth. The drive route includes stops at a revitalized coffee shop, the bustling port terminal importing Fiat's larger 500L, the only remaining original transcontinental railroad terminal and some organic farms. It's a mostly urban drive, although the scenic Tijuana River Valley in one of the region's best nature preserves.

Head south on Interstate 5. The first stop is Aunt Emma's Pancaque's new location at 214 National City Boulevard. Packed on a Saturday morning when I visited, Aunt Emma's boasts 24 kinds of pancakes, plus other breakfast goodies.

A bit south is our first railroad-related site, the Brick Row on Heritage Square. Built in 1867 by visionary Frank Kimball, it served as housing for Santa Fe Railroad executives when the western terminus of the railroad was a short distance away.

On the way to the depot, our next stop, the road winds through National City's old neighborhoods and Kimball Park over to the bayfront, the working 24th Street terminal of the Port of San Diego. All those new cars in view on Tidelands Avenue are the work

of Pasha Automotive Services, which will unload an estimated 260,000 vehicles this year by Honda, Acura, Volkswagen, Audi, Fiat, Mazda, Porsche, Lamborghini, Bentley, Lotus, Mitsubishi, Suzuki, Hyundai and Kia.

National City's waterfront is the lastest civilian portion of the working Port of San Diego. Kimball would be proud. The first 287 of the Fiat 500C Abarth's larger cousin, the new 500L, arrived here in mid-July.

The Fiat 500C Abarth has a three-position soft top, almost 50 percent more power than the base model, a lighter and lower suspension, bigger brakes and a more aggressive look. It's a lot of fun at speed on twisting, curving roads. Not so fun on a city drive is the stiffer suspension, which picks up every bump in the street. But it did look cute in front of the old National City Depot.

The San Diego Electric Railway Association has exhibits telling the story of the depot, the only remaining original western terminus of the original transcontinental railroads. There's also a gift shop and train layout. Vintage streetcars are being restored, including the Birney model that sat for years in the dining room of the downtown Spaghetti

UT San Diego –
Aug. 24, 2013

SANDIEGO PR

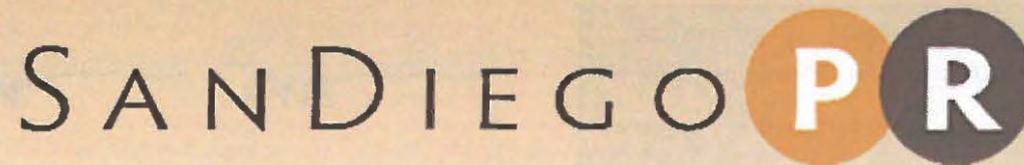
2013 Events

- VNC supported the following community events:
- **Mariachi Festival -- April 27**
 - Attracted 5,000 Attendees
 - Joined committee and assisted in planning event
- **Auto Heritage – August 4**
 - Attracted 6,500 Attendees
 - Provided extra PR support
 - Worked in conjunction with planning committee and Mile of Cars staff
- **Salute to Navy – October 2**
 - Attracted 300 Attendees
 - 4 television stations in attendance
 - Provided PR support and hosted media at event
 - Live tweeted event on VNC Twitter and posted photos on Facebook



Public Relations Recap

- Since January 2013, the National City Tourism Marketing District has received:
 - More than 53,000,000 impressions
 - More than \$175,600 of media value
 - More than \$500,800 of public relations value
- Translated press releases into Spanish:
 - National City TMD Supera Metas Del Primo
 - Paso Verano en National City



National City TMD

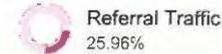
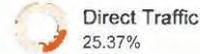
Website Statistics

January 1 through October 31, 2013

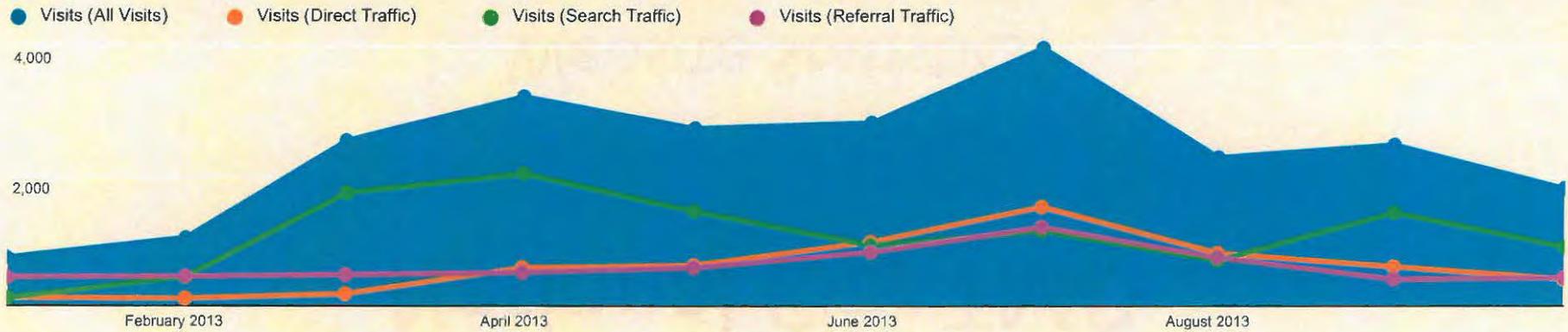
National City TMD Website Visits

Audience Overview

Jan 1, 2013 Oct 31, 2013



Overview



Visits

All Visits
23,759



Direct Traffic

6,028



Search Traffic

10,961



Referral Traffic

6,168



Unique Visitors

All Visits
20,895



Direct Traffic

5,471



Search Traffic

9,654



Referral Traffic

5,640



Pageviews

All Visits
39,235



Direct Traffic

8,724



Search Traffic

15,417



Referral Traffic

12,761



Key Statistics

- 23,759 Visits
- 46.13% from search engines
- 25.96% referrals from other websites
- Search is producing the most visits
- Referrals (advertising and content marketing) are producing the second most

Goal Conversions

Mar 1, 2013 Oct 31, 2013

Overview



All Visits
100.00%



Direct Traffic
12.67%



Search Traffic
37.04%



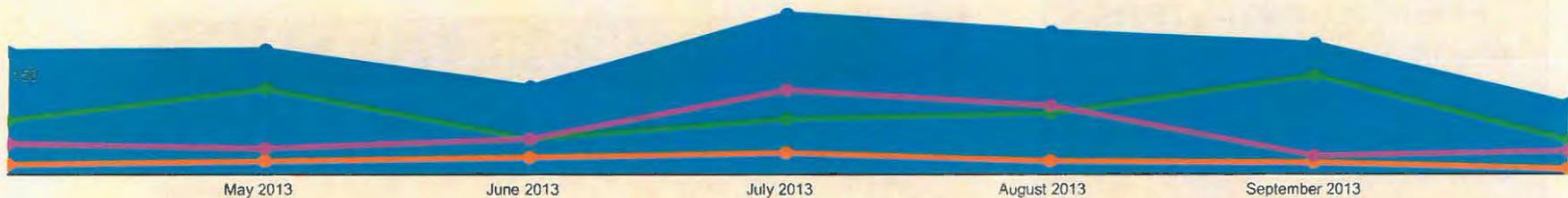
Referral Traffic
32.12%

Overview

All Goals

● Goal Completions (All Visits) ● Goal Completions (Direct Traffic) ● Goal Completions (Search Traffic) ● Goal Completions (Referral Traffic)

300



Goal Completions

All Visits

2,052



Direct Traffic

260



Search Traffic

760



Referral Traffic

659



Goal Value

All Visits

\$163,341.28



Direct Traffic

\$18,615.46



Search Traffic

\$60,074.07



Referral Traffic

\$55,000.08



Goal Conversion Rate

All Visits

8.64%



Direct Traffic

4.31%



Search Traffic

6.93%



Referral Traffic

10.68%



Key Conversion Statistics

- \$163,341 in potential business delivered to hotels
- 37.04% of business from search engines
- 32.12% of business from referrals (advertising and content marketing)
- 8.64% of visits to the site are delivered to a hotel booking site.

Goal Conversion = A visitor clicks through from visitnationalcity.com directly to a booking site for one of the TMD hotels.

NOTE: Measurement began in March 2013.

SAN DIEGO **PR**

U.S. vs Mexico Conversions

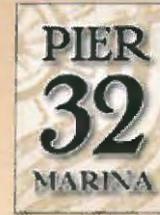
United States	Visits	New Visits	Goal Completion	Goal Conversion Rate	Goal Value
All Visits	14,044	11,818	1,638	11.66%	\$129,418.39
Search Traffic	5,519	4,652	494	8.95%	\$38,326.80
Referral Traffic	5,020	4,526	557	11.10%	\$46,128.87
Direct Traffic	2,965	2,428	227	7.66%	\$16,178.66
Mexico	Visits	New Visits	Goal Completion	Goal Conversion Rate	Goal Value
All Visits	4,801	4,330	255	5.31%	\$21,417.47
Search Traffic	4,583	4,135	228	4.97%	\$19,115.06
Referral Traffic	170	160	26	15.29%	\$2,302.41
Direct Traffic	30	27	0	0.00%	\$0.00

Business from Mexico

- 21% of all website visits were from Mexico
- 12.5% of goal conversions were from Mexico
- Visitnationalcity.com delivered \$21,417 in potential business from Mexico directly to hotel sites since March.
- 89% of conversion value from Mexico is attributable to search.

SAN DIEGO **P** **R**

Strategic Partnerships



- SDPR coordinated the Visitor Center Network meeting at Pier 32 Marina on March 15
- More than 30 representatives from various hotels and visitor centers from around the county attended the event, toured the marina, and heard a presentation from Lady Janice Martinelli about all the things that National City has to offer.

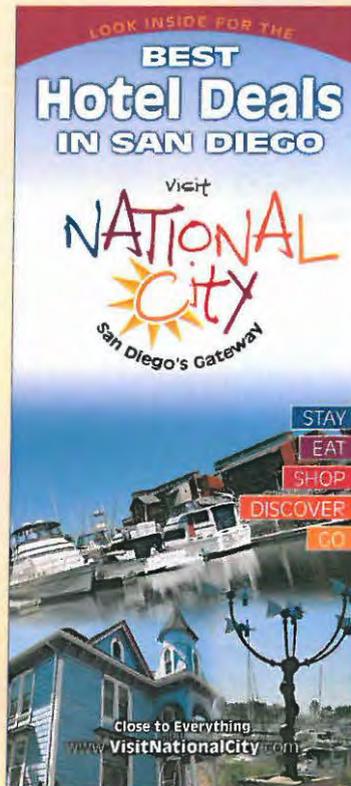


Chamber Partnerships

- El Centro
- Temecula
- San Bernardino
- Corona
- Yuma, AZ
- Phoenix, AZ
- Tucson, AZ
- Orange
- Alpine
- Santa Ana
- Irvine
- Newport Beach
- Las Vegas, NV
- Tijuana, Mexico



- Imperial Valley
 - Featured in Imperial April E-Newsletter
 - Brochure was mailed to chamber members



Imperial Chamber of Commerce

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OUR THOUGHTS AND PRAYERS TO ALL WHO WERE AFFECTED BY THE BOSTON MARATHON BOMBINGS AND TEXAS FERTILIZER PLANT EXPLOSION.

E-News From the Imperial Chamber April 18, 2013

National City Tourism Marketing District

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National City, less than 10 minutes from downtown San Diego, is a visitor-friendly destination filled with historic charm and vibrant culture. As

the second-oldest city in the San Diego region, National City has numerous historic points of interest. And, with a newly developed marina, National City has made great strides in providing visitors with a wide selection of dining options.

The Santa Fe Rail Depot is the only original transcontinental railroad terminus in the United States that is still standing. The city has also preserved Brick Row, ten houses originally constructed for the executives of the Santa Fe Railroad that were designed after the row houses in Philadelphia.

In the center of it all, National City is minutes from some of the most popular things to do and places to see in San Diego County yet boasts a sparkling new marina of its own and

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Item # _____

12/03/13

**APPROVAL OF THE MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT
COMMISSION – HOUSING AUTHORITY OF THE CITY OF
NATIONAL CITY OF NOVEMBER 19, 2013.**

(City Clerk)

DRAFT DRAFT DRAFT

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

November 19, 2013

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: Cano, Morrison, Natividad, Rios, Sotelo-Solis. Administrative Officials present: Cusato, Dalla, Deese, Duong, Manganiello, Parra, Raulston, Roberts, Rodriguez, Silva, Smith, Vergara, Williams.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC ORAL COMMUNICATIONS

Brian Clapper, President of the National City Host Lion's Club, gave a brief update on the recently completed One-Sight Program hosted by the Lion's Club and expressed disappointment that Lion's Club volunteers did not receive recognition certificates from the City.

Marisol Natividad, National City, extended Birthday well wishes to her father, Vice Mayor Luis Natividad and presented him with a cake and balloons.

Myongsin Wellendorf, San Diego, said she has been harassed and exploited for the past couple of years and has not been able to get any help from the Police Department.

Eddie Perez, San Diego, congratulated the City Council for working together on the Westside item two weeks ago and encouraged them to consider quality of life when acting on future development proposals.

Lizeth Olivas, former Miss National City and current Miss South Bay, informed the Council that she is a contestant in the Miss California Latina Pageant and invited everyone to a fundraising event on November 24th to defray her pageant expenses.

PUBLIC ORAL COMMUNICATIONS (cont.)

Robert Dominguez, National City, invited the Council to attend the CIF Playoff game at Sweetwater High School on November 22nd and reminded everyone that this year is the 150th Anniversary of the Gettysburg Address.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 1 (Minutes), Item No. 2 (NCCMC), Item Nos. 3 through 8 (Resolution Nos. 2013-169 through 2013-174), Item Nos. 9 and 10 (Warrant Registers). Motion by Sotelo-Solis, seconded by Natividad, to approve the Consent Calendar. Carried by unanimous vote.

APPROVAL OF MINUTES

1. Approval of the Minutes of the Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City of September 17, 2013. (City Clerk)

ACTION: Approved. See above.

MUNICIPAL CODE 2013 (506-2-28)

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: Adopted. See above.

GRANT / PLANNING (206-4-24)

3. RESOLUTION NO. 2013-169. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA COASTAL COMMISSION LOCAL COASTAL PROGRAM (LCP) GRANT PROGRAM IN AN AMOUNT OF UP TO \$100,000 FOR AN UPDATE OF THE NATIONAL CITY LOCAL COASTAL PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT AND RELATED DOCUMENTS, IF APPROVED FOR FUNDING. (Planning)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

CONTRACT (C2013-46)

4. Resolution No. 2013-170. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH THE CITY OF CHULA VISTA FOR STAFF SUPPORT TO PROVIDE GEOGRAPHIC INFORMATION SYSTEMS (GIS) SERVICES TO NATIONAL CITY IN AN AMOUNT NOT TO EXCEED \$1,800. (Planning)

ACTION: Adopted. See above.

CONTRACT (C2011-23)

5. Resolution NO. 2013-171. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT WITH SAFDIE RABINES ARCHITECTS, INC. TO INCREASE THE NOT-TO-EXCEED AMOUNT OF THE AGREEMENT BY \$150,000 AND EXTEND THE TERM OF THE AGREEMENT FROM JUNE 30, 2013 TO DECEMBER 31, 2014 FOR ARCHITECTURAL AND CONSTRUCTION SUPPORT SERVICES FOR THE NATIONAL CITY AQUATIC CENTER PROJECT. (Funded by San Diego Unified Port District CIP). (Engineering)

ACTION: Adopted. See above.

LABOR RELATIONS MEA (605-4-12)

6. RESOLUTION NO. 2013-172. THE RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AN AMENDMENT TO THE SALARY SCHEDULE FOR THE MUNICIPAL EMPLOYEES ASSOCIATION EMPLOYEE GROUP TO INCLUDE A SALARY BAND FOR THE NEWLY CREATED CLASSIFICATION OF PROPERTY AGENT AT \$4,499 - \$5,468, MONTHLY (RANGE 130). (Human Resources)

ACTION: Adopted. See above.

CONTRACT (C2013-47)

7. Resolution No. 2013-173. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT WITH THE LEW EDWARDS GROUP EXTENDING THE TERM FOR ONE YEAR, INCREASING THE NOT TO EXCEED AMOUNT BY \$69,500, AND AMENDING THE SCOPE OF SERVICES TO EXPAND THE CONSULTING DUTIES RELATED TO THE CURRENT DISTRICT SALES TAX FOR A TOTAL NOT TO EXCEED AMOUNT OF \$110,550. (Administrative Services)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

EQUIPMENT DONATIONS OF SURPLUS (209-1-3)

8. Resolution No. 2013-174. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE DONATION OF A 1989 SEAGRAVES FIRE ENGINE TO SWEETWATER HIGH SCHOOL TO PROVIDE THE FIRE SCIENCE PROGRAM WITH A FIRE ENGINE THAT WILL ALLOW THE STUDENTS TO PRACTICE SKILLS IN A MORE REALISTIC ENVIRONMENT. (Fire)
ACTION: Adopted. See above.

WARRANT REGISTER JULY 2013 – JUNE 2014 (202-1-28)

9. Warrant Register #16 for the period of 10/9/13 through 10/15/13 in the amount of \$1,565,124.97. (Finance)
ACTION: Ratified. See above.

WARRANT REGISTER JULY 2013 – JUNE 2014 (202-1-28)

10. Warrant Register #17 for the period of 10/16/13 through 10/22/13 in the amount of \$567,071.95. (Finance)
ACTION: Ratified. See above.

PUBLIC HEARING

CONDITIONAL USE PERMITS 2013 (403-28-1)

11. Conditional Use Permit for a self-storage facility with accessory truck rental located at 1300 Wilson Avenue. (Applicant: U-Haul) (Case File 2013-20 CUP) (Planning)
RECOMMENDATION: Staff recommends approval of the Conditional Use Permit.

TESTIMONY: Parul Butala, representing the applicant, spoke in favor and responded to questions.

Margarita Garcia, National City, spoke against the proposed hours of operation.

Ron Peterson, representing the applicant, spoke in favor and responded to questions.

Norma Cruz, National City, spoke against the proposed hours of operation.

Carlos Vizcara, representing the applicant, spoke in favor and responded to questions.

Maria Villanueva, National City, spoke against the proposed hours of operation.

Eric Crocker, representing the applicant, spoke in favor and responded to questions.

Carolina Martinez, representing the Environmental Health Coalition, spoke against the proposed hours of operation.

PUBLIC HEARING (cont.)

CONDITIONAL USE PERMITS 2013 (403-28-1)

11. Conditional Use Permit for a self-storage facility with accessory truck rental located at 1300 Wilson Avenue (continued).

TESTIMONY: Ron Pederson, representing the applicant, responded to questions about the impact on the project of modifying the hours of operation.

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

ORDINANCES FOR INTRODUCTION

MUNICIPAL CODE 2013 (506-2-28)

12. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2013 CALIFORNIA FIRE CODE AND THE APPENDICES THERETO, ADOPTING THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS, AND AMENDING CHAPTER 15.28 OF THE NATIONAL CITY MUNICIPAL CODE. (Fire)

MUNICIPAL CODE 2013 (506-2-28)

13. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2013 CALIFORNIA ELECTRICAL CODE, INCLUDING ANNEX H, AND THE 2011 NATIONAL ELECTRIC CODE, AND AMENDING CERTAIN SECTIONS OF THOSE CODES, AND AMENDING CHAPTER 15.24 OF THE NATIONAL CITY MUNICIPAL CODE. (Building)

MUNICIPAL CODE 2013 (506-2-28)

14. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2013 CALIFORNIA ENERGY CODE, AND AMENDING CHAPTER 15.75 OF THE NATIONAL CITY MUNICIPAL CODE. (Building)

MUNICIPAL CODE 2013 (506-2-28)

15. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, ADOPTING THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE, AND AMENDING CHAPTER 15.78 OF THE NATIONAL CITY MUNICIPAL CODE. (Building)

ORDINANCES FOR INTRODUCTION (cont.)

MUNICIPAL CODE 2013 (506-2-28)

16. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, ADOPTING THE CALIFORNIA MECHANICAL CODE, INCLUDING APPENDIX CHAPTERS A, B, C AND D, AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.14 OF THE NATIONAL CITY MUNICIPAL CODE. (Building)

MUNICIPAL CODE 2013 (506-2-28)

17. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, ADOPTING THE 2013 CALIFORNIA PLUMBING CODE AND TABLE 2902.1 OF THE 2013 CALIFORNIA BUILDING CODE, AMENDING CERTAIN SECTIONS OF THOSE CODES, AND AMENDING CHAPTER 15.20 OF THE NATIONAL CITY MUNICIPAL CODE. (Building)

MUNICIPAL CODE 2013 (506-2-28)

18. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, ADOPTING VOLUMES I AND II AND APPENDICES C, G, H AND I OF THE 2013 CALIFORNIA BUILDING CODE, AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.08 OF THE NATIONAL CITY MUNICIPAL CODE. (Building)

MUNICIPAL CODE 2013 (506-2-28)

19. AN ORDINANCE OF THE CITY OF NATIONAL CITY, ADOPTING APPENDIX J OF THE 2013 CALIFORNIA BUILDING CODE, AMENDING CERTAIN SECTIONS OF APPENDIX J AND AMENDING CHAPTER 15.70 (GRADING) OF THE NATIONAL CITY MUNICIPAL CODE. (Engineering)

MUNICIPAL CODE 2013 (506-2-28)

20. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, ADOPTING THE 2013 CALIFORNIA RESIDENTIAL CODE, AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.79 OF THE NATIONAL CITY MUNICIPAL CODE. (Building)

MUNICIPAL CODE 2013 (506-2-28)

21. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING CHAPTER 15.04 OF THE NATIONAL CITY MUNICIPAL CODE BY AMENDING SECTION 15.04.010 PERTAINING TO THE CITY COUNCIL'S AUTHORITY UNDER TITLE 15. (Building)

ORDINANCE FOR ADOPTION

MUNICIPAL CODE 2013 (506-2-28)

22. AN ORDINANCE AMENDING APPENDIX 'A' OF THE WESTSIDE SPECIFIC PLAN TO ADD "SELF-STORAGE FACILITY WITH ACCESSORY TRUCK RENTAL" AS A CONDITIONALLY-ALLOWED USE IN THE LIMITED COMMERCIAL (CL) ZONE. (Applicant: U-Haul) (Case File 2013-20 SPA) (Planning)

RECOMMENDATION: Adopt the Ordinance.

TESTIMONY: None.

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

NON CONSENT RESOLUTION

CONDITIONAL USE PERMITS 2013 (403-28-1)

23. Resolution No. 2013-175. Resolution of the City Council of the City of National City approving a Conditional Use Permit for a Self-Storage Facility with Accessory Truck Rental located at 1300 Wilson Avenue. (Applicant: U-Haul/Amerco) (Case File 2013-20 CUP) (Planning)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, to approve the CUP but with Sunday hours reduced by four. Motion died for lack of a second.

Motion by Natividad, seconded by Sotelo-Solis, to approve the CUP with suggested Sunday hours to be 9 am to 3 pm. Motion failed by the following vote, to-wit: Ayes: Natividad, Sotelo-Solis. Nays: Cano, Morrison, Rios. Absent: None. Abstain: None.

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

NEW BUSINESS

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

24. Request to use Martin Luther King Jr. Community Center (North & South Rooms) by National City College Campus Lions Club for a Spirit of the Holidays toy and food giveaway to needy families of National City, on Saturday, December 21, 2013. Applicant anticipates approximately 300-350 families/children will be attending this year's event. The applicant is requesting a waiver of fees. (Public Works)

RECOMMENDATION: This event is not a City-sponsored event. Staff recommends approval of use/fees.

TESTIMONY: None.

NEW BUSINESS (cont.)

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

24. Request to use Martin Luther King Jr. Community Center (continued).

ACTION: Motion by Natividad, seconded by Cano, to approve the request. Motion was clarified that it includes waiver of all fees. Second was withdrawn.

The original motion was seconded by Sotelo-Solis. After further clarification the second was withdrawn.

The original motion was clarified by the maker to be, to approve the request with a waiver of all fees except the \$50.00. The motion was seconded by Rios. Motion carried by the following vote, to-wit: Ayes: Natividad, Rios, Sotelo-Solis. Nays: Cano, Morrison. Absent: None. Abstain: None.

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

25. The Port of San Diego is requesting the use of the Martin Luther King Jr. Community Center (North Room) on Wednesday, December 4, 2013, from 8:00 am to 12:00 noon, for a public forum for approximately 75-100 attendees for a special gathering of regional stakeholders to develop a new Port Master Plan. (Public Works)

RECOMMENDATION: Staff recommends approval of use/fees.

TESTIMONY: None.

ACTION: Motion by Rios, seconded by Natividad, to approve with waiver of fees. Carried by unanimous vote.

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

26. City Council consideration of Electronic ("E") Newsletter Proposal. (City Manager)

RECOMMENDATION: If the Council supports the concept of publishing an e-newsletter, staff recommends a one year pilot program to gauge community interest. Staff further recommends the City Council consider the following factors: 1) Working with a firm with expertise in newsletter design; 2) Publish the newsletter bi-monthly and 3) City staff create story content.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to approve moving forward as recommended. Carried by unanimous vote.

MIS DEPT ADMIN (1104-1-14)

27. Information Technology Update. (Administrative Services)
(Presentation on file in the Office of the City Clerk)

NEW BUSINESS (cont.)

BUDGET FY 2013-2014 (206-1-29)

28. Staff Report: Fiscal Year 2013 4th Quarter Budget Review. (Finance)
(Presentation on file in the Office of the City Clerk)

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

NO AGENDA ITEMS

STAFF REPORTS

None.

BLOCK GRANT PROGRAM ADMIN 2014-2015 (406-1-29)

29. FY 2014-15 CDBG/HOME Notice of Funding Availability Update.
(Housing & Grants)

MAYOR AND CITY COUNCIL

Council Member Rios provided the City Council with a copy of the Metropolitan Transit System's (MTS) Semi-annual Security Report; reported that she has been appointed to the MTS Ad Hoc nominating committee and requested that staff bring back information and options on the issue of what some refer to as puppy mills.

Mayor Morrison reported on an experience he had with an e-mail campaign involving a recent SANDAG issue; advised that he will be involved in the selection process for a new Executive Director for the National Congress of Governments and that the California Congress of Governments met in San Diego and will be looking into the issue of housing numbers. Mayor Morrison also announced that a benefit concert will be held in Pepper Park to assist the victims of the recent typhoon in the Philippines and advised that Certificates of Appreciation were presented to Members of the Lion's Club last year for their participation in the One-Sight Program and would be again this year as soon as the list of volunteers is provided.

CLOSED SESSION REPORT

City Attorney Claudia Silva stated there was no Closed Session.

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, December 3, 2013 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 9:44 p.m.

City Clerk

The foregoing minutes were approved at the Regular Meeting of December 5, 2013.

Mayor

DRAFT

**ITEM #
12-03-13**

**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)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing installation of a blue curb handicap space with signage in front of 405 "E" Avenue. (TSC 2013-20)

PREPARED BY: Kenneth Fernandez, P.E.

DEPARTMENT: Engineering

PHONE: 619-336-4388

APPROVED BY: _____

EXPLANATION:



See attached.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

N/A

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Resolution

BOARD / COMMISSION RECOMMENDATION:

At their meeting on November 13, 2013, the Traffic Safety Committee unanimously approved the staff recommendation to install a blue curb handicap space with signage in front of 405 "E" Avenue

ATTACHMENTS:

1. Explanation
2. Staff Report to the Traffic Safety Committee on November 13, 2013 (TSC 2013-20)
3. Resolution

EXPLANATION

Ms. Lupe Sandoval, daughter of residents Jose and Adelia Acevedo of 405 "E" Avenue, has requested a blue curb handicap parking space in front of her parent's residence due to physical limitations. The residence is located on the east side of "E" Avenue at the southeast corner of "E" Avenue and E 4th Street. Mrs. Acevedo possesses a valid disabled person placard from the California Department of Motor Vehicles. According to Ms. Sandoval, Mr. Acevedo is in the process of attaining a disabled person placard.

Staff visited the site to determine whether or not the Acevedo's driveway could accommodate a vehicle and provide ADA access. Their driveway length inside their private property is approximately 10 feet. The driveway width does not provide for accessible loading/unloading, nor does it provide a minimum of 4 feet of clearance as required by ADA. Based on the site evaluation, staff has determined that accessible parking is not available on the property.

Currently, there are no on-street handicap parking spaces provided nearby the Acevedo's residence.

At their meeting on November 13, 2013, the Traffic Safety Committee unanimously approved the staff recommendation to install a blue curb handicap parking space in front of 405 "E" Avenue.

If approved by City Council, all work will be performed by City Public Works.

**NATIONAL CITY TRAFFIC SAFETY COMMITTEE
AGENDA REPORT FOR NOVEMBER 13, 2013**

ITEM NO. 2013-20

ITEM TITLE: REQUEST FOR INSTALLATION OF A BLUE CURB HANDICAP PARKING SPACE IN FRONT OF 405 "E" AVENUE (BY L. SANDOVAL)

PREPARED BY: Kenneth Fernandez, P.E.

DISCUSSION:

Ms. Lupe Sandoval, daughter of residents Jose and Adelia Acevedo of 405 "E" Avenue, has requested a blue curb handicap parking space in front of her parent's residence due to physical limitations. The residence is located on the east side of "E" Avenue at the southeast corner of "E" Avenue and E 4th Street. Mrs. Acevedo possesses a valid disabled person placard from the California Department of Motor Vehicles. According to Ms. Sandoval, Mr. Acevedo is in the process of attaining a disabled person placard.

Staff visited the site to determine whether or not the Acevedo's driveway could accommodate a vehicle and provide ADA access. Their driveway length inside their private property is approximately 10 feet. The driveway width does not provide for accessible loading/unloading, nor does it provide a minimum of 4 feet of clearance as required by ADA. Based on the site evaluation, staff has determined that accessible parking is not available on the property.

Currently, there are no on-street handicap parking spaces provided nearby the Acevedo's residence. Per the City Council Disabled Persons Parking Policy, since the total number of on-street handicap parking spaces (including the proposed handicap parking space in front of 405 "E" Avenue) would not exceed 3% of the total number of available on-street parking spaces in the area, the request is eligible for further consideration.

The City Council has adopted a policy, which is used to evaluate requests for handicap parking spaces. The City Council Policy requirements for "Special Hardship" cases are as follows:

1. Applicant (or guardian) must be in possession of valid license plates or placard for "disabled persons" or "disabled veterans". This condition is met.
2. The proposed disabled parking space must be in front of the applicant's (or guardian's) place of residence. This condition is met.
3. The residence must not have useable off-street parking available or an off-street space available that may be converted into disabled parking. This condition is met.

It shall be noted that handicap parking spaces do not constitute "personal reserved parking" and that any person with valid "disabled persons" license plates or placards may park in handicap spaces.

STAFF RECOMMENDATION:

Since all three conditions of the City Council's Disabled Persons Parking Policy are met for this "Special Hardship" case, staff recommends installation of a blue curb handicap parking space with sign in front of the residence at 405 "E" Avenue.

EXHIBITS:

1. Correspondence
2. Location Map
3. Photos
4. Disabled Persons Parking Policy

2013-20

Sept 17, 2013

To City Engineer,

My parents Jose and Adella Acevedo living at 405 E Ave. National City, 91950 are both very ill. My mom is disabled. My father is picked up by Valley transportation to go to dialysis 3 times a week. My father is also blind. When he is picked up by Valley transportation the curve in front of their home is always occupied. They are requesting the curve in front of their home to be designated for disabled parking. In advance we thank you for your consideration.

Please contact Lupe Sandoval at (619)339-8783. Again, I am the daughter of Jose and Adella Acevedo who reside at the address stated above.

Thank you,

Lupe Sandoval

2013 SEP 17 P 2:21

**RECEIVED
ENGINEERING DEPT.**

**DEPARTMENT OF MOTOR VEHICLES
DISABLED PERSON
PLACARD IDENTIFICATION
CARD/RECEIPT**

**PLACARD NUMBER: J074991
EXPIRES: 06/30/2015
DATE ISSUED: 03/21/2013**

This identification card or facsimile copy is to be carried by the placard owner. Present it to any peace officer upon demand. Immediately notify DMV by mail of any change of address. When parking, hang the placard from the rear view mirror, remove it from the mirror when driving.

**When your placard is properly displayed,
you may park in or on:**

- Disabled person parking spaces (blue zones)
- Street metered zones without paying.
- Green zones without restrictions to time limits.
- Streets where preferential parking privileges are given to residents and merchants.

You may not park in or on:

- Red, Yellow, White or Tow Away Zones.
- Crosshatch marked spaces next to disabled person parking spaces.

It is considered misuse to:

- Display a placard unless the disabled owner is being transported.
- Display a placard which has been cancelled or revoked.
- Loan your placard to anyone, including family members.

Misuse is a misdemeanor (section 4461VC) and can result in cancellation or revocation of the placard, loss of parking privileges, and/or fines.

**TYPE: N1 TV: 92 CO: 37
DOB: 08/15/1950**

ISSUED TO

**ACEVEDO MARIA A
405 E AVE**

NATIONAL CITY CA 91950

Purchase of fuel

(Business & Professions Code 13060):

- State law requires service stations to refuel a disabled person's vehicle at self-service rates, except self-service facilities with only one cashier.

Jose & Adelia Acevedo
405 E Ave.
National City, CA 94150

REMOVE FROM MIRROR BEFORE DRIVING VEHICLE

CALIFORNIA



WARNING: The illegal use of a disabled parking placard could result in a maximum fine of \$4,200.

DISABLED PERSON



PARKING PLACARD

EXPIRES JUNE 30

2015

J 074991

PURCHASE OF FUEL (Business & Professions Code 19630)
State law requires service stations to reduce a disabled person's vehicle fuel charge rate. Local service facilities will only use employee's duty.



**403 E Avenue National City, CA 91950
Request for curb to be designated for disabled parking.**

Location Map





405 "E" Avenue (looking northeast)

DISABLED PERSONS PARKING POLICY

The purpose of a disabled persons parking zone is to provide designated parking spaces at major points of assembly for the exclusive use of physically disabled persons whose vehicle displays a distinguishing license plate as authorized by the California Department of Motor Vehicles.

The City Council may upon recommendation of the City Engineer, designate specially marked and posted on-street parking spaces for disabled persons pursuant to California Vehicle Code 21101, et seq. at the following facilities:

1. Government buildings serving the public such as administration buildings, public employment offices, public libraries, police stations, etc.
2. Hospitals and convalescent homes with more than 75-bed capacity.
3. Medical facilities and doctors' offices staffed by a maximum of five practitioners. Zones shall be located to serve a maximum number of facilities on one block.
4. Community service facilities such as senior citizens service centers, etc.
5. Accredited vocational training and educational facilities where no off-street parking is provided for disabled persons.
6. Employment offices for major enterprises employing more than 200 persons.
7. Public recreational facilities including municipal swimming pools, recreation halls, museums, etc.
8. Public theaters, auditoriums, meeting halls, arenas, stadiums with more than 300 seating capacity.
9. Other places of assembly such as schools and churches.
10. Commercial and/or office building(s) with an aggregate of more than 50,000 square feet of usable floor space. Zone shall be located to serve a maximum number of facilities on one block.
11. Hotels catering to daily guests, maintaining a ground floor lobby and a switchboard that is operated 24 hours per day.

12. A hotel or apartment house catering to weekly or monthly guests and containing more than 30 separate living units.

In addition, disabled persons parking spaces may be provided within all publicly owned, leased or controlled off-street parking facilities as specified in the General Requirements.

General Requirements

Each disabled persons parking space shall be indicated by blue paint and a sign (white on blue) showing the international symbol of accessibility (a profile view of a wheelchair with occupant).

Where installed under the above criteria the total number of disabled persons curb parking spaces will be limited to 3% of the total number of on-street parking spaces available in the area and shall be distributed uniformly within the area.

Disabled persons parking will not be installed at locations with a full-time parking prohibition. When a disabled persons parking zone is installed where a part-time parking prohibition is in effect, the disabled persons parking zone will have the same time restrictions as the part-time parking prohibition.

The cost of installing disabled persons parking will be assumed by the City on public streets and public off-street parking facilities.

In establishing on-street parking facilities for the disabled there shall be a reasonable determination made that the need is of an on-going nature. The intent is to prevent the proliferation of special parking stalls that may be installed for a short-term purpose but later are seldom used. Unjustified installation of such parking stalls unnecessarily increases the City's maintenance and operations costs, reduce available on-street parking for the general public, and detract from the overall effectiveness of the disabled persons parking program.

Special Hardship Cases

It is not the intention of the City to provide personal reserved parking on the public right-of-way, especially in residential areas. However, exceptions may be made, in special hardship cases, provided all of the following conditions exist:

- (1) Applicant (or guardian) must be in possession of valid license plates for "disabled persons" or "disabled veterans."
- (2) The proposed disabled parking space must be in front of the applicant's (or guardian's) place of residence.

- (3) Subject residence must not have useable off-street parking available or off-street space available that may be converted into disabled parking.

NOTE:It must be emphasized that such parking spaces do not constitute "personal reserved parking" and that any person with valid "disabled persons" license plates may park in the above stalls.

Jha:p

RESOLUTION NO. 2013 – 176

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE INSTALLATION OF A BLUE CURB HANDICAP
PARKING SPACE WITH A SIGN IN FRONT OF 405 "E" AVENUE

WHEREAS, the daughter of a resident has requested the installation of a blue curb handicap parking space in front of her parents' home at 405 "E" Avenue; and

WHEREAS, the daughter has a valid Disabled Person Placard from the State of California Department of Motor Vehicles; and

WHEREAS, after conducting an inspection and review, staff determined that all conditions have been met for the property to qualify for a blue curb handicap parking space; and

WHEREAS, the Traffic Safety Committee approved the blue curb handicap parking space at its November 13, 2013 meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the City Engineer to approve the installation of a blue curb handicap parking space with a sign in front of the residence at 405 "E" Avenue.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing installation of a blue curb handicap space with signage in front of 305 "F" Avenue. (TSC 2013-21)

PREPARED BY: Kenneth Fernandez, P.E.

DEPARTMENT: Engineering

PHONE: 619-336-4388

APPROVED BY: _____

EXPLANATION:



See attached.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

N/A

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Resolution

BOARD / COMMISSION RECOMMENDATION:

At their meeting on November 13, 2013, the Traffic Safety Committee unanimously approved the staff recommendation to install a blue curb handicap space with signage in front of 305 "F" Avenue

ATTACHMENTS:

1. Explanation
2. Staff Report to the Traffic Safety Committee on November 13, 2013 (TSC 2013-21)
3. Resolution

EXPLANATION

Ms. Charlotte Webster, resident of 305 "F" Avenue, has requested a blue curb handicap parking space in front of her residence due to physical limitations. The residence is located on the east side of "F" Avenue at the southeast corner of "F" Avenue and E 3rd Street. Ms. Webster possesses a valid disabled person placard from the California Department of Motor Vehicles.

Staff visited the site and verified that the aforementioned residence does not have a driveway or garage to accommodate a vehicle. Based on the site evaluation, staff has determined that accessible parking is not available on the property.

Currently, there are no on-street handicap parking spaces provided nearby Ms. Webster's residence.

At their meeting on November 13, 2013, the Traffic Safety Committee unanimously approved the staff recommendation to install a blue curb handicap parking space in front of 305 "F" Avenue.

If approved by City Council, all work will be performed by City Public Works.

**NATIONAL CITY TRAFFIC SAFETY COMMITTEE
AGENDA REPORT FOR NOVEMBER 13, 2013**

ITEM NO. 2013-21

ITEM TITLE: REQUEST FOR INSTALLATION OF A BLUE CURB HANDICAP PARKING SPACE IN FRONT OF 305 "F" AVENUE (BY C. WEBSTER)

PREPARED BY: Kenneth Fernandez, P.E.

DISCUSSION:

Ms. Charlotte Webster, resident of 305 "F" Avenue, has requested a blue curb handicap parking space in front of her residence due to physical limitations. The residence is located on the east side of "F" Avenue at the southeast corner of "F" Avenue and E 3rd Street. Ms. Webster possesses a valid disabled person placard from the California Department of Motor Vehicles.

Staff visited the site and verified that the aforementioned residence does not have a driveway or garage to accommodate a vehicle. Based on the site evaluation, staff has determined that accessible parking is not available on the property.

Currently, there are no on-street handicap parking spaces provided nearby Ms. Webster's residence. Per the City Council Disabled Persons Parking Policy, since the total number of on-street handicap parking spaces (including the proposed handicap parking space in front of 305 "F" Avenue) would not exceed 3% of the total number of available on-street parking spaces in the area, Ms. Webster's request is eligible for further consideration.

The City Council has adopted a policy, which is used to evaluate requests for handicap parking spaces. The City Council Policy requirements for "Special Hardship" cases are as follows:

1. Applicant (or guardian) must be in possession of valid license plates or placard for "disabled persons" or "disabled veterans". This condition is met.
2. The proposed disabled parking space must be in front of the applicant's (or guardian's) place of residence. This condition is met.
3. The residence must not have useable off-street parking available or an off-street space available that may be converted into disabled parking. This condition is met.

It shall be noted that handicap parking spaces do not constitute "personal reserved parking" and that any person with valid "disabled persons" license plates or placards may park in handicap spaces.

STAFF RECOMMENDATION:

Since all three conditions of the City Council's Disabled Persons Parking Policy are met for this "Special Hardship" case, staff recommends installation of a blue curb handicap parking space with sign in front of the residence at 305 "F" Avenue.

EXHIBITS:

1. Correspondence
2. Location Map
3. Photos
4. Disabled Persons Parking Policy

2013-21

September 23, 2013

Kenneth Fernandez
Civil Engineering Technician
Engineering Department
City of National City
National City, CA 91950

Dear Mr. Fernandez:

My name is Charlotte Webster and I have resided at 305 'F' Avenue, National City, California for the past 45 years.

I am requesting that I be granted a handicap area in front of my home, on 'F' Avenue, due to the volume of cars in my area and my inability to find parking in front of my home. I do not have a garage and there is no area on my lot available for off the street parking.

I am dependent upon the use of a cane or walker and my home has a permanent ramp to the front door.

Attached is a copy of my handicap placard, together with a copy of the Disabled Person Placard Identification Card/Receipt.

Thank you for your help.

Charlotte Webster
Charlotte Webster

2013 SEP 23 P 4 19

RECEIVED
ENGINEERING DEPT.

DEPARTMENT OF MOTOR VEHICLES
DISABLED PERSON
PLACARD IDENTIFICATION
CARD/RECEIPT

PLACARD NUMBER: J073512
EXPIRES: 06/30/2016
DATE ISSUED: 03/21/2013

DMV Service Agency

This identification card or facsimile copy is to be carried by the placard owner. Present it to any peace officer upon demand. Immediately notify DMV by mail of any change of address. When parking, hang the placard from the rear view mirror, remove it from the mirror when driving.

TYPE: N1 TV: 82 CO: 37

DOB: 06/20/1924

ISSUED TO

WEBSTER CHARLOTTE A
305 F AVE

NATIONAL CITY CA 91950

When your placard is properly displayed, you may park in or on:

- Disabled person parking spaces (blue zones)
- Street metered zones without paying.
- Green zones without restrictions to time limits.
- Streets where preferential parking privileges are given to residents and merchants.

You may not park in or on:

- Red, Yellow, White or Tow Away Zones.
- Crosshatch marked spaces next to disabled person parking spaces.

It is considered misuse to:

- Display a placard unless the disabled owner is being transported.
- Display a placard which has been cancelled or revoked.
- Loan your placard to anyone, including family members.

Misuse is a misdemeanor (section 4461VC) and can result in cancellation or revocation of the placard, loss of parking privileges, and/or fines.

Purchase of fuel

(Business & Professions Code 13600):

- State law requires service stations to refuel a disabled person's vehicle at self-service rates, except self-service facilities with only one cashier.

DMV
DPV08 Rev-0/13



DISABLED PERSON (DP) PARKING PLACARD

Enclosed are your new DP Placard and Placard Identification Card (ID), which have been renewed and processed by DMV.

IMPORTANT: If a new placard has already been received: 1) Contact DMV at 1-800-777-0133 to determine which placard should be returned to DMV. 2) Return the invalid placard to the address below.

If the placard owner is no longer at this address or the placard owner is deceased, the placard must be returned to your local DMV office or mailed to:

Department of Motor Vehicles
P.O. Box 942869, MS C271
Sacramento, CA 94289-0001

Please use this placard responsibly. Protect your parking privileges and help eliminate placard abuse by never allowing your placard to be used by others (even family members or friends) when you are not being transported in the vehicle. To avoid misuse, please destroy your placard immediately after use.

WARNING: Placard misuse is a misdemeanor, which can result in cancellation, revocation, and loss of parking privileges, and subject to fines up to \$4,200 and/or imprisonment up to 6 months in the county jail. The display of an invalid placard also subjects the vehicle to impoundment. (See explanation of misuse on the enclosed DP ID Card.)

For more information, visit dmv.ca.gov or call 1-800-777-0133

REMOVE FROM MIRROR BEFORE DRIVING VEHICLE

CALIFORNIA



-WARNING- The illegal use of a disabled parking placard could result in a maximum fine of \$4,200.7

DISABLED PERSON



PARKING PLACARD

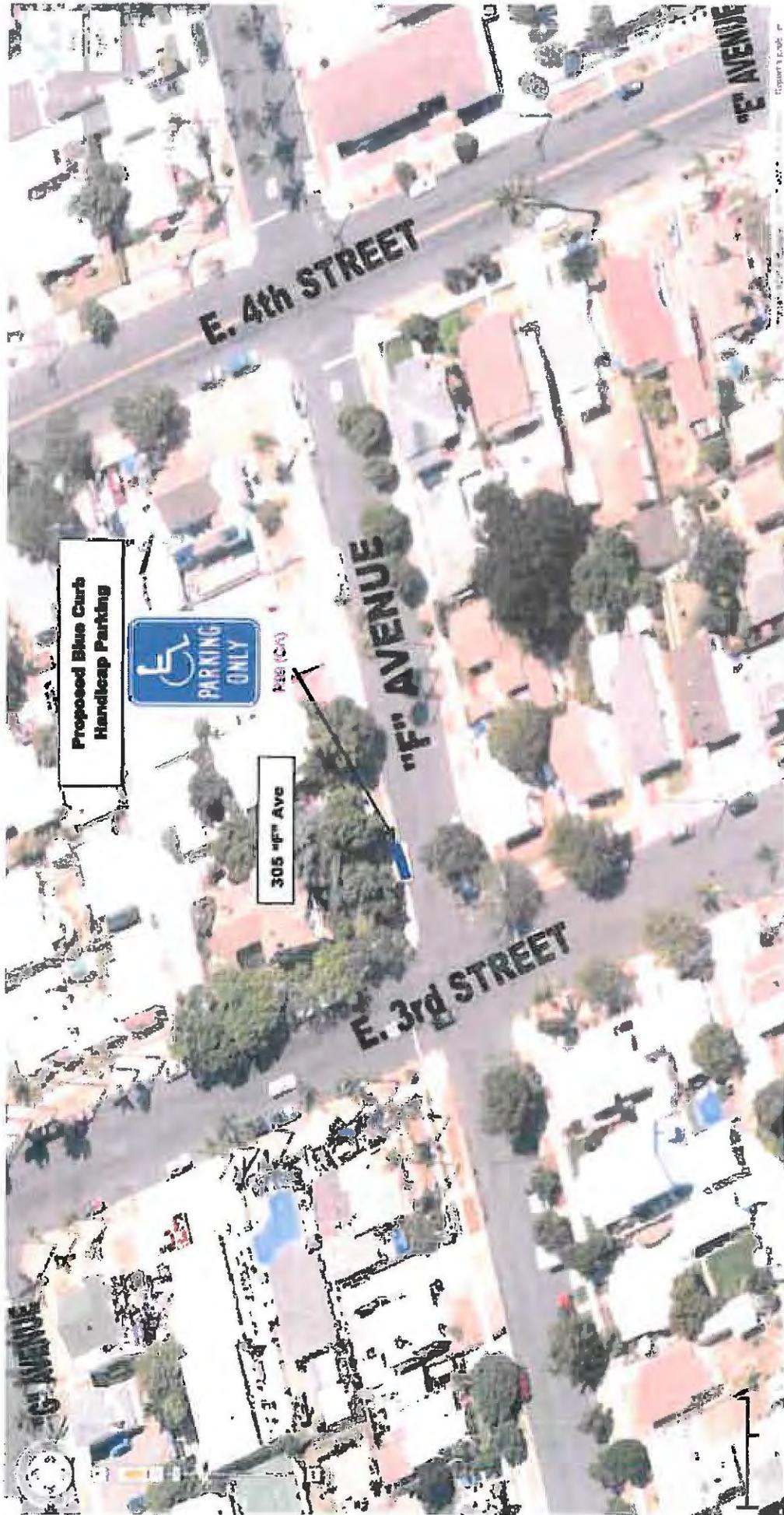
EXPIRES JUNE 30

2015

J 073512

PURCHASE OF FUEL (BIRMINGHAM & PLYMOUTH GOLD CARD 13000)
Some City/County/State/Regional/Local and Public
reports valid. Restrictions on rates except as shown.
Inquiries only one end of 48 hours.

Location Map





305 "F" Avenue (looking northeast)

DISABLED PERSONS PARKING POLICY

The purpose of a disabled persons parking zone is to provide designated parking spaces at major points of assembly for the exclusive use of physically disabled persons whose vehicle displays a distinguishing license plate as authorized by the California Department of Motor Vehicles.

The City Council may upon recommendation of the City Engineer, designate specially marked and posted on-street parking spaces for disabled persons pursuant to California Vehicle Code 21101, et seq. at the following facilities:

- 1. Government buildings serving the public such as administration buildings, public employment offices, public libraries, police stations, etc.**
- 2. Hospitals and convalescent homes with more than 75-bed capacity.**
- 3. Medical facilities and doctors' offices staffed by a maximum of five practitioners. Zones shall be located to serve a maximum number of facilities on one block.**
- 4. Community service facilities such as senior citizens service centers, etc.**
- 5. Accredited vocational training and educational facilities where no off-street parking is provided for disabled persons.**
- 6. Employment offices for major enterprises employing more than 200 persons.**
- 7. Public recreational facilities including municipal swimming pools, recreation halls, museums, etc.**
- 8. Public theaters, auditoriums, meeting halls, arenas, stadiums with more than 300 seating capacity.**
- 9. Other places of assembly such as schools and churches.**
- 10. Commercial and/or office building(s) with an aggregate of more than 50,000 square feet of usable floor space. Zone shall be located to serve a maximum number of facilities on one block.**
- 11. Hotels catering to daily guests, maintaining a ground floor lobby and a switchboard that is operated 24 hours per day.**

12. A hotel or apartment house catering to weekly or monthly guests and containing more than 30 separate living units.

In addition, disabled persons parking spaces may be provided within all publicly owned, leased or controlled off-street parking facilities as specified in the General Requirements.

General Requirements

Each disabled persons parking space shall be indicated by blue paint and a sign (white on blue) showing the international symbol of accessibility (a profile view of a wheelchair with occupant).

Where installed under the above criteria the total number of disabled persons curb parking spaces will be limited to 3% of the total number of on-street parking spaces available in the area and shall be distributed uniformly within the area.

Disabled persons parking will not be installed at locations with a full-time parking prohibition. When a disabled persons parking zone is installed where a part-time parking prohibition is in effect, the disabled persons parking zone will have the same time restrictions as the part-time parking prohibition.

The cost of installing disabled persons parking will be assumed by the City on public streets and public off-street parking facilities.

In establishing on-street parking facilities for the disabled there shall be a reasonable determination made that the need is of an on-going nature. The intent is to prevent the proliferation of special parking stalls that may be installed for a short-term purpose but later are seldom used. Unjustified installation of such parking stalls unnecessarily increases the City's maintenance and operations costs, reduce available on-street parking for the general public, and detract from the overall effectiveness of the disabled persons parking program.

Special Hardship Cases

It is not the intention of the City to provide personal reserved parking on the public right-of-way, especially in residential areas. However, exceptions may be made, in special hardship cases, provided all of the following conditions exists:

- (1) Applicant (or guardian) must be in possession of valid license plates for "disabled persons" or "disabled veterans."
- (2) The proposed disabled parking space must be in front of the applicant's (or guardian's) place of residence.

- (3) Subject residence must not have useable off-street parking available or off-street space available that may be converted into disabled parking.

NOTE:It must be emphasized that such parking spaces do not constitute "personal reserved parking" and that any person with valid "disabled persons" license plates may park in the above stalls.

Jha:p

RESOLUTION NO. 2013 – 177

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE INSTALLATION OF A BLUE CURB HANDICAP PARKING
SPACE WITH A SIGN IN FRONT OF THE RESIDENCE AT 305 "F" AVENUE

WHEREAS, a resident with a valid Disabled Person Placard from the State of California Department of Motor Vehicles, has requested the installation of a blue curb handicap parking space in front of her home at 305 "F" Avenue; and

WHEREAS, after conducting an inspection and review, staff determined that all conditions have been met for the property to qualify for a blue curb handicap parking space and recommends the installation of a blue curb handicap parking space; and

WHEREAS, the Traffic Safety Committee approved staff's recommendation at its November 13, 2013 meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the City Engineer to approve the installation of a blue curb handicap parking space with a sign in front of the residence at 305 "F" Avenue.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing installation of a blue curb handicap space with signage in front of 905 E. 5th Street. (TSC 2013-22)

PREPARED BY: Kenneth Fernandez, P.E.

PHONE: 619-336-4388

EXPLANATION:

See attached.

DEPARTMENT: Engineering

APPROVED BY: _____



FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____

Finance

APPROVED: _____

MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Resolution

BOARD / COMMISSION RECOMMENDATION:

At their meeting on November 13, 2013, the Traffic Safety Committee unanimously approved the staff recommendation to install a blue curb handicap space with signage in front of 905 E. 5th Street

ATTACHMENTS:

1. Explanation
2. Staff Report to the Traffic Safety Committee on November 13, 2013 (TSC 2013-22)
3. Resolution

EXPLANATION

Mr. Roberto Manlangit, resident of 905 E. 5th Street, has requested a blue curb handicap parking space in front of his residence due to physical limitations. The residence is located on the north side of E. 5th Street at the northeast corner of "I" Avenue and E. 5th Street. Mr. Manlangit possesses a valid disabled person placard from the California Department of Motor Vehicles.

Staff visited the site and verified that the aforementioned residence does not have a long enough driveway or accessible garage to accommodate a vehicle. Based on the site evaluation, staff has determined that accessible parking is not available on the property.

Currently, there are no on-street handicap parking spaces provided nearby Mr. Manlangit's residence.

At their meeting on November 13, 2013, the Traffic Safety Committee unanimously approved the staff recommendation to install a blue curb handicap parking space in front of 905 E. 5th Street.

If approved by City Council, all work will be performed by City Public Works.

**NATIONAL CITY TRAFFIC SAFETY COMMITTEE
AGENDA REPORT FOR NOVEMBER 13, 2013**

ITEM NO. 2013-22

ITEM TITLE: REQUEST FOR INSTALLATION OF A BLUE CURB HANDICAP PARKING SPACE IN FRONT OF 905 E. 5th STREET (BY R. MANLANGIT)

PREPARED BY: Kenneth Fernandez, P.E.

DISCUSSION:

Mr. Roberto Manlangit, resident of 905 E. 5th Street, has requested a blue curb handicap parking space in front of her residence due to physical limitations. The residence is located on the north side of E. 5th Street at the northeast corner of 1st Avenue and E 5th Street. Mr. Manlangit possesses a valid disabled person placard from the California Department of Motor Vehicles.

Staff visited the site and verified that the aforementioned residence does not have a long enough driveway or accessible garage to accommodate a vehicle. Based on the site evaluation, staff has determined that accessible parking is not available on the property.

Currently, there are no on-street handicap parking spaces provided nearby Mr. Manlangit's residence. Per the City Council Disabled Persons Parking Policy, since the total number of on-street handicap parking spaces (including the proposed handicap parking space in front of 905 E. 5th Street) would not exceed 3% of the total number of available on-street parking spaces in the area, Mr. Manlangit's request is eligible for further consideration.

The City Council has adopted a policy, which is used to evaluate requests for handicap parking spaces. The City Council Policy requirements for "Special Hardship" cases are as follows:

1. Applicant (or guardian) must be in possession of valid license plates or placard for "disabled persons" or "disabled veterans". This condition is met.
2. The proposed disabled parking space must be in front of the applicant's (or guardian's) place of residence. This condition is met.
3. The residence must not have useable off-street parking available or an off-street space available that may be converted into disabled parking. This condition is met.

It shall be noted that handicap parking spaces do not constitute "personal reserved parking" and that any person with valid "disabled persons" license plates or placards may park in handicap spaces.

STAFF RECOMMENDATION:

Since all three conditions of the City Council's Disabled Persons Parking Policy are met for this "Special Hardship" case, staff recommends installation of a blue curb handicap parking space with sign in front of the residence at 905 E. 5th Street.

EXHIBITS:

1. Correspondence
2. Location Map
3. Photos
4. Disabled Persons Parking Policy

2013-22

RECEIVED
ENGINEERING DEPT.

2013 OCT 15 P 1:16

Roberto Maniangit
905 E.5th Street
National City, CA, 91950
October 3, 2013

Dear Council Member,

I am writing to request for a disabled parking sign in front of my home at the address above. Since there are several apartments in my area, I am forced at times to park a block away from my home. With my current condition, as well as wife's recent knee surgery, it has been very difficult for us this past year.

Thank you so much for your help.

Sincerely,

Roberto Maniangit
619- 245-1722

A Public Service Agency

CUSTOMER RECEIPT COPY

EXPIRES: 06/30/2015

*** D I S A B L E D P E R S O N P L A C A R D ***

PLACARD NUMBER: G392046 PIC: 1 TV: 91

DATE ISSUED: 09/24/13

MO/YR: UW

MANLANGIT ROBERTO
905 E 5TH ST

DT FEES RECVD: 09/24/13

NATIONAL CITY
CA 91950
CO: 37



AMT DUE : NONE
AMT RECVD CASH :
- CHCK :
- CRDT :

E10 677 C4 000000 0006 CS E10 092413 N1 G392046

DEPARTMENT OF MOTOR VEHICLES PLACARD IDENTIFICATION CARD

THIS IDENTIFICATION CARD OR FACSIMILE COPY IS TO BE CARRIED BY THE PLACARD OWNER. PRESENT IT TO ANY PEACE OFFICER UPON DEMAND. IMMEDIATELY NOTIFY DMV BY MAIL OF ANY CHANGE OF ADDRESS. WHEN PARKING, HANG THE PLACARD FROM THE REAR VIEW MIRROR. REMOVE IT WHEN DRIVING.

A Public Service Agency

PLACARD#: G392046 PLACARD HOLDER: MANLANGIT ROBERTO
EXPIRES: 06/30/2015 905 E 5TH ST
DOB: 09/11/1951
ISSUED: 09/24/13
TYPE: E1 NATIONAL CITY
CA 91950

PURCHASE OF FUEL (BUSINESS & PROFESSIONS CODE 13660):
STATE LAW REQUIRES SERVICE STATIONS TO REFUEL A DISABLED PERSON'S VEHICLE AT SELF-SERVICE RATES, EXCEPT SELF-SERVICE FACILITIES WITH ONLY ONE CASHIER.

WHEN YOUR PLACARD IS PROPERLY DISPLAYED, YOU MAY PARK IN/ON:
*DISABLED PERSON PARKING SPACES (BLUE ZONES) *STREET METERED ZONES WITHOUT PAYING *GREEN ZONES WITHOUT RESTRICTIONS TO TIME LIMITS *STREET WHERE PREFERENTIAL PARKING PRIVILEGES ARE GIVEN TO RESIDENTS AND MERCHANTS.

YOU MAY NOT PARK IN/ON: *RED ZONES *TAXI STANDING ZONES *WHITE OR YELLOW ZONES *SPACES MARKED BY CROSSHATCH LINES NEAR DISABLED PERSON PARKING SPACES.

IT IS CONSIDERED MISUSE: *TO DISPLAY A PLACARD UNLESS THE DISABLED OWNER IS BEING TRANSPORTED *TO DISPLAY A PLACARD WHICH HAS BEEN CANCELLED OR REVOKED *TO LOAN YOUR PLACARD TO ANYONE, INCLUDING FAMILY MEMBERS. MISUSE IS A MISDEMEANOR (SECTION 4461VC) AND CAN RESULT IN CANCELLATION OR REVOCATION OF THE PLACARD. LOSS OF PARKING PRIVILEGES. AND/OR FINES.

REMOVE FROM MIRROR BEFORE DRIVING VEHICLE

CALIFORNIA



WARNING: The illegal use of a disabled parking placard could result in a maximum fine of \$4,200.*

DISABLED PERSON



PARKING PLACARD

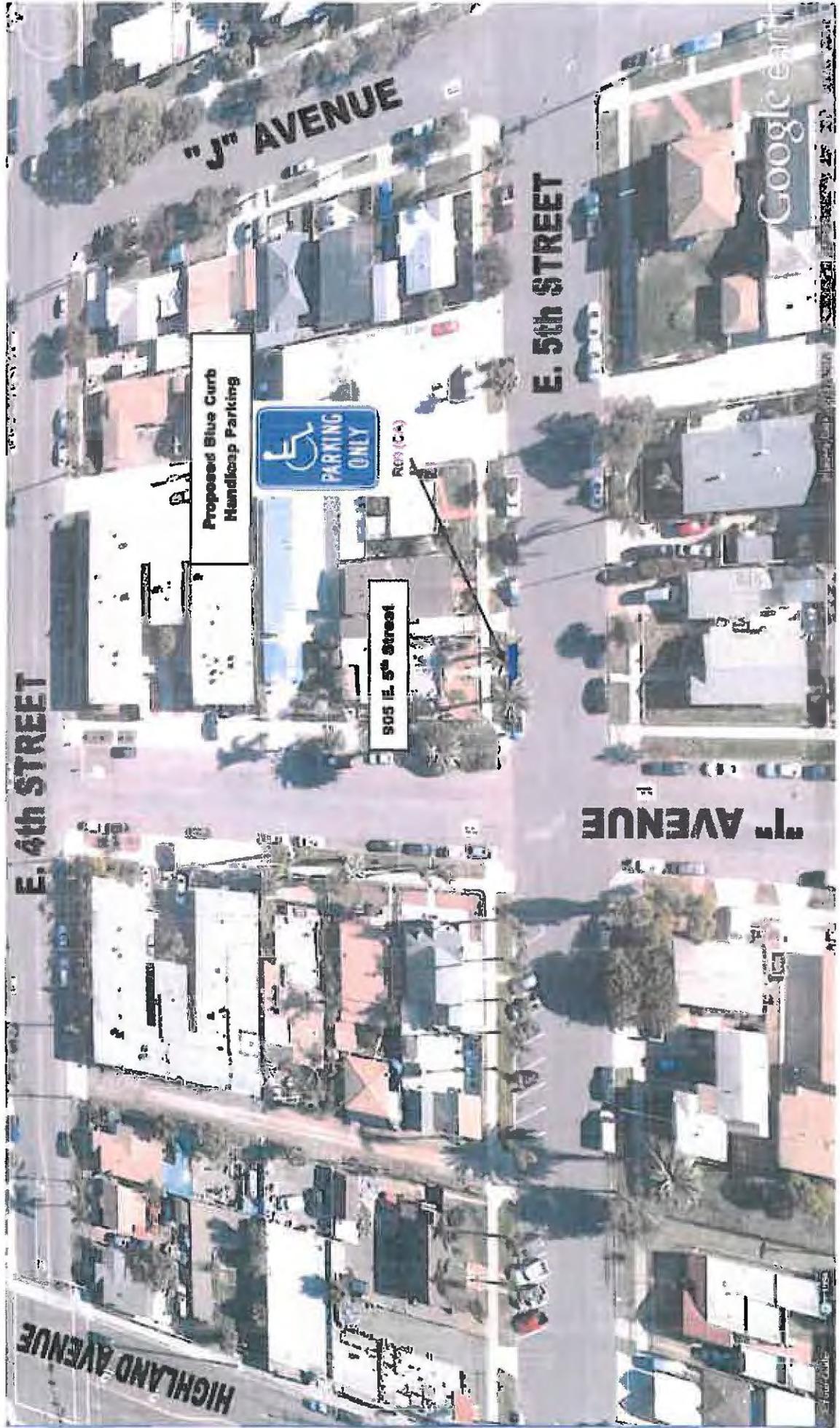
EXPIRES JUNE 30

2015

G 392046

PURCHASE OF FUEL (Business & Professions Code 13660)
State law requires service stations to allow a disabled person's vehicle at all service areas except at service facilities with pay and employee on duty.

Location Map





905 E. 5th Street (looking northwest)



905 E. 5th Street (looking northeast at intersection of E. 5th Street and "I" Avenue)

DISABLED PERSONS PARKING POLICY

The purpose of a disabled persons parking zone is to provide designated parking spaces at major points of assembly for the exclusive use of physically disabled persons whose vehicle displays a distinguishing license plate as authorized by the California Department of Motor Vehicles.

The City Council may upon recommendation of the City Engineer, designate specially marked and posted on-street parking spaces for disabled persons pursuant to California Vehicle Code 21101, et seq. at the following facilities:

- 1. Government buildings serving the public such as administration buildings, public employment offices, public libraries, police stations, etc.**
- 2. Hospitals and convalescent homes with more than 75-bed capacity.**
- 3. Medical facilities and doctors' offices staffed by a maximum of five practitioners. Zones shall be located to serve a maximum number of facilities on one block.**
- 4. Community service facilities such as senior citizens service centers, etc.**
- 5. Accredited vocational training and educational facilities where no off-street parking is provided for disabled persons.**
- 6. Employment offices for major enterprises employing more than 200 persons.**
- 7. Public recreational facilities including municipal swimming pools, recreation halls, museums, etc.**
- 8. Public theaters, auditoriums, meeting halls, arenas, stadiums with more than 300 seating capacity.**
- 9. Other places of assembly such as schools and churches.**
- 10. Commercial and/or office building(s) with an aggregate of more than 50,000 square feet of usable floor space. Zone shall be located to serve a maximum number of facilities on one block.**
- 11. Hotels catering to daily guests, maintaining a ground floor lobby and a switchboard that is operated 24 hours per day.**

12. A hotel or apartment house catering to weekly or monthly guests and containing more than 30 separate living units.

In addition, disabled persons parking spaces may be provided within all publicly owned, leased or controlled off-street parking facilities as specified in the General Requirements.

General Requirements

Each disabled persons parking space shall be indicated by blue paint and a sign (white on blue) showing the international symbol of accessibility (a profile view of a wheelchair with occupant).

Where installed under the above criteria the total number of disabled persons curb parking spaces will be limited to 3% of the total number of on-street parking spaces available in the area and shall be distributed uniformly within the area.

Disabled persons parking will not be installed at locations with a full-time parking prohibition. When a disabled persons parking zone is installed where a part-time parking prohibition is in effect, the disabled persons parking zone will have the same time restrictions as the part-time parking prohibition.

The cost of installing disabled persons parking will be assumed by the City on public streets and public off-street parking facilities.

In establishing on-street parking facilities for the disabled there shall be a reasonable determination made that the need is of an on-going nature. The intent is to prevent the proliferation of special parking stalls that may be installed for a short-term purpose but later are seldom used. Unjustified installation of such parking stalls unnecessarily increases the City's maintenance and operations costs, reduce available on-street parking for the general public, and detract from the overall effectiveness of the disabled persons parking program.

Special Hardship Cases

It is not the intention of the City to provide personal reserved parking on the public right-of-way, especially in residential areas. However, exceptions may be made, in special hardship cases, provided all of the following conditions exists:

- (1) Applicant (or guardian) must be in possession of valid license plates for "disabled persons" or "disabled veterans."
- (2) The proposed disabled parking space must be in front of the applicant's (or guardian's) place of residence.

- (3) Subject residence must not have useable off-street parking available or off-street space available that may be converted into disabled parking.

NOTE: It must be emphasized that such parking spaces do not constitute "personal reserved parking" and that any person with valid "disabled persons" license plates may park in the above stalls.

lha:p

RESOLUTION NO. 2013 – 178

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE INSTALLATION OF A BLUE CURB HANDICAP PARKING
SPACE WITH A SIGN IN FRONT OF THE RESIDENCE AT 905 EAST 5TH STREET

WHEREAS, a resident with a valid Disabled Person Placard from the State of California Department of Motor Vehicles, has requested the installation of a blue curb handicap parking space in front of his home at 905 East 5th Street; and

WHEREAS, after conducting an inspection and review, staff determined that all conditions have been met for the property to qualify for a blue curb handicap parking space and recommends the installation of a blue curb handicap parking space; and

WHEREAS, the Traffic Safety Committee approved staff's recommendation at its November 13, 2013 meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the City Engineer to approve the installation of a blue curb handicap parking space with a sign in front of the residence at 905 East 5th Street.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the restriping of E. 16th Street between Highland Avenue and "I" Avenue to install a two-way left turn lane and "Keep Clear" pavement markings with signage in front of the commercial driveway to 1539 Highland Avenue to enhance safety and access. (TSC 2013-23)

PREPARED BY: Stephen Manganiello.

DEPARTMENT: Engineering

PHONE: 619-336-4388

APPROVED BY: _____



EXPLANATION:

See attached.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

N/A

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Resolution

BOARD / COMMISSION RECOMMENDATION:

At their meeting on November 13, 2013, the Traffic Safety Committee unanimously approved the staff recommendation to enhance safety and access.

ATTACHMENTS:

1. Explanation
2. Staff Report to the Traffic Safety Committee on November 13, 2013 (TSC 2013-23)
3. Resolution

EXPLANATION

Mr. Ivan Abreu, representative for 7-Eleven located at 1539 Highland Avenue, has requested installation of "KEEP CLEAR" pavement markings on E. 16th Street in front of the 7-Eleven driveway to improve ingress and egress for customers. Mr. Abreu has indicated that drivers traveling south on Highland Avenue cannot make a left turn directly into the 7-Eleven driveway on Highland Avenue due to the 2-foot raised median. Therefore, they must turn left onto E. 16th Street, then left again into the other 7-Eleven driveway on E. 16th Street. When vehicles traveling west on E. 16th Street are queued at the traffic signal, both ingress and egress to the property are temporarily blocked.

Staff visited the site and observed these conditions during peak traffic periods. Given the proximity of the driveway in question to Highland Avenue, staff agrees that installation of "KEEP CLEAR" pavement markings would not only improve ingress and egress to 7-Eleven, but would also reduce the potential for vehicles to queue into the intersection of Highland Avenue and E. 16th Street. In order to provide vehicle storage for the westbound left turn lane on E. 16th Street, staff recommends restriping to extend the left turn lane east of the "KEEP CLEAR" area, then transition to a new two-way left turn lane for the remainder of the block to "I" Avenue. The two-way left turn lane will also provide a refuge for drivers attempting to turn left into other driveways along the block.

At their meeting on November 13, 2013, the Traffic Safety Committee unanimously approved the staff recommendation to restripe E. 16th Street between Highland Ave and "I" Ave to install a two-way left turn lane and "Keep Clear" pavement markings with signage in front of the commercial driveway to 1539 Highland Ave to enhance safety and access.

If approved by City Council, staff will leverage existing construction contracts to complete the work, give the size and scope.

**NATIONAL CITY TRAFFIC SAFETY COMMITTEE
AGENDA REPORT FOR NOVEMBER 13, 2013**

ITEM NO. 2013-23

ITEM TITLE: REQUEST TO RESTRIPE E. 16TH STREET BETWEEN HIGHLAND AVENUE AND "I" AVENUE TO INSTALL A TWO-WAY LEFT TURN LANE AND "KEEP CLEAR" PAVEMENT MARKINGS WITH SIGNAGE IN FRONT OF THE COMMERCIAL DRIVEWAY TO 1539 HIGHLAND AVENUE TO ENHANCE SAFETY AND ACCESS (BY I. ABREAU)

PREPARED BY: STEPHEN MANGANIELLO, CITY ENGINEER

DISCUSSION:

Mr. Ivan Abreu, representative for 7-Eleven located at 1539 Highland Avenue, has requested installation of "KEEP CLEAR" pavement markings on E. 16th Street in front of the 7-Eleven driveway to improve ingress and egress for customers. Mr. Abreu has indicated that drivers traveling south on Highland Avenue cannot make a left turn directly into the 7-Eleven driveway on Highland Avenue due to the 2-foot raised median. Therefore, they must turn left onto E. 16th Street, then left again into the other 7-Eleven driveway on E. 16th Street. When vehicles traveling west on E. 16th Street are queued at the traffic signal, both ingress and egress to the property are temporarily blocked.

Staff visited the site and observed these conditions during peak traffic periods. Given the proximity of the driveway in question to Highland Avenue, staff agrees that installation of "KEEP CLEAR" pavement markings would not only improve ingress and egress to 7-Eleven, but would also reduce the potential for vehicles to queue into the intersection of Highland Avenue and E. 16th Street. In order to provide vehicle storage for the westbound left turn lane on E. 16th Street, staff recommends restriping to extend the left turn lane east of the "KEEP CLEAR" area, then transition to a new two-way left turn lane for the remainder of the block to "I" Avenue. The two-way left turn lane will also provide a refuge for drivers attempting to turn left into other driveways along the block.

STAFF RECOMMENDATION:

Staff recommends the following improvements to enhance safety and access on E. 16th Street between Highland Avenue and "I" Avenue:

1. Install "KEEP CLEAR" pavement markings with signage on E. 16th Street in front of the 7-Eleven driveway (property address is 1539 Highland Avenue) to improve ingress and egress for customers, and reduce the potential for vehicles to queue into the intersection of Highland Avenue and E. 16th Street.

2. Restripe E. 16th Street to extend the westbound left turn lane east of the "KEEP CLEAR" area, then transition to a new two-way left turn lane for the remainder of the block to "I" Avenue.

EXHIBITS:

1. Correspondence
2. Location Map
3. Photos

2013-23

Stephen Manganiello

From: Abreu, Ivan <Ivan.Abreu@7-11.com>
Sent: Thursday, September 05, 2013 10:01 AM
To: Stephen Manganiello
Cc: Sullivan, Patrick
Subject: RE: 7-Eleven 16th and Highland

Hi Stephen,

i left you a voicemail yesterday, and just wanted to follow up on our request for a survey to be done on 16th St, where our 7-Eleven store is located. Customers are having a hard time entering & exiting our store given traffic congestion, and we'd like to see if a 'keep clear' posting would be possible there. Please let me know how we can get this initiated and if we can assist in anyway. My contact information is below, thank you.

Ivan Abreu | Sr. Real Estate Representative
7-Eleven, Inc. | San Diego, CA | Pacific Desert Zone 4
C: (619) 922-3860 | F: (858) 694-0433 | Ivan.Abreu@7-11.com

Check out our business conversion program at <http://bcp.7-eleven.com>

From: Sullivan, Patrick
Sent: Thursday, August 15, 2013 10:17 AM
To: 'Stephen Manganiello'
Subject: RE: 7-Eleven 16th and Highland

Hi Stephen. I don't believe I heard back regarding a "keep clear" posting at this 7-Eleven. The Franchisee understands there is no chance at a u-turn being allowed but asked me to follow up about the keep clear. Thank you.

Patrick Sullivan
7-Eleven, Inc.
Field Consultant 2131
(619) 746-1773

Location Map with Recommended Improvements





Westbound Traffic on E. 16th Street at Highland Avenue



Westbound Traffic on E. 16th Street at Highland Avenue

RESOLUTION NO. 2013 – 179

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE RESTRIPING OF EAST 16TH STREET BETWEEN
HIGHLAND AVENUE AND "I" AVENUE TO INSTALL A TWO-WAY LEFT
TURN LANE AND "KEEP CLEAR" PAVEMENT MARKINGS WITH SIGNAGE
IN FRONT OF THE COMMERCIAL DRIVEWAY AT 1539 HIGHLAND AVENUE

WHEREAS, a representative for the 7-Eleven located at 1539 Highland Avenue has requested the installation of "Keep Clear" pavement markings on East 16th Street in front of the 7-Eleven driveway to improve ingress and egress for customers; and

WHEREAS, after conducting an inspection and review, staff determined that not only would the installation of "Keep Clear" pavement markings improve ingress and egress to the store, it would also reduce the potential for vehicles to queue into the intersection of Highland Avenue and East 16th Street; and

WHEREAS, staff recommends restriping East 16th Street between Highland Avenue and "I" Avenue for the installation of a two-way left turn lane and "Keep Clear" pavement markings with signage in front of the commercial driveway at 1539 Highland Avenue; and

WHEREAS, the Traffic Safety Committee approved staff's recommendation at its November 13, 2013 meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the City Engineer to restripe East 16th Street between Highland Avenue and "I" Avenue for the installation of a two-way left turn lane and "Keep Clear" pavement markings with signage in front of the commercial driveway at 1539 Highland Avenue.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City: 1) accepting the work of Koch-Armstrong General Engineering, Inc., 2) approving the final contract amount of \$859,808.86, 3) authorizing the release of retention in the amount of \$42,990.44, and 4) ratifying the filing of a Notice of Completion for the Citywide Pedestrian Crossing Enhancements Project, Specification No. 12-12 (funded by CDBG and Proposition A funds).

PREPARED BY: Stephen Manganiello

DEPARTMENT: Engineering

PHONE: 619-336-4382

APPROVED BY: _____

EXPLANATION:

See attached



FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

APPROVED: _____ MIS

Retention is encumbered on Purchase Order 76675 and will be released upon City Council approval.

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt Resolution

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation
2. Notice of Completion
3. Final Contract Balance Sheet
4. Resolution

On February 14, 2013, ten (10) sealed bids were received, opened, and read to the public for the Citywide Pedestrian Crossing Enhancements Project, Specification No. 12-12. The project included installation of ADA compliant pedestrian ramps, new sidewalk, curb and gutter, bulb-outs for traffic calming, pedestrian refuge islands, street resurfacing, and enhanced crosswalk signing and striping at the following five locations:

1. E. 4th Street from Palm Avenue to Euclid Avenue;
2. E. 30th Street at F Avenue;
3. E. 8th Street from Palm Avenue to Harbison Avenue;
4. National City Boulevard at 7th Street;
5. National City Boulevard at 14th Street.

After reviewing the bids, staff determined that Koch-Armstrong General Engineering, Inc.'s bid was responsive and that they were the lowest responsible bidder qualified to perform the work as described in the project specifications

On March 5, 2013, the City Council adopted Resolution No. 2013-31 awarding the contract to Koch-Armstrong in the amount of \$813,949.15.

The Notice to Proceed with construction was issued on March 14, 2013, with a construction start date of March 25, 2013. The Notice of Completion was issued on November 4, 2013 and filed with the San Diego County Recorder's Office on November 20, 2013.

The 22 change orders issued for this project are detailed in the Final Contract Balance Report (see attached). The 22 change orders increased the contract by \$87,358.42, while line item adjustments decreased the contract by \$41,498.71, for a net increase of \$45,859.71 to the contract. This results in a 5.6% contract increase for a final contract balance of \$859,808.86.

As a result of satisfactory completion of the project, staff recommends that City Council: 1) accept the work of Koch-Armstrong General Engineering, Inc., 2) approve the final contract amount of \$859,808.86, 3) authorize the release of retention in the amount of \$42,990.44, and 4) ratify the filing of a Notice of Completion for the Citywide Pedestrian Crossing Enhancements Project, Specification No. 12-12.

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

CITY CLERK OF NATIONAL CITY
1243 National City Blvd.
National City, CA 91950

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON NOV 20, 2013
DOCUMENT NUMBER 2013-0684368
Ernest J. Dronenburg, Jr., COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 9:43 AM

AND WHEN RECORDED MAIL TO:

CITY ENGINEER
CITY OF NATIONAL CITY
1243 National City Blvd.
National City, CA 91950

THIS SPACE FOR RECORDER'S USE ONLY

(Note: This document is recorded on behalf of the City of National City, a municipal corporation, and is exempt from Recorder's fees pursuant to Government Code Section 27383)

NOTICE OF COMPLETION: CITYWIDE PEDESTRIAN CROSSING, SPECIFICATION NO. 12-12

(Please fill in document title(s) on this line)

RECORDING REQUESTED BY
WHEN RECORDED MAIL TO:
NAME: CITY OF NATIONAL CITY
ADDRESS: 1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CA 91950

NOTICE OF COMPLETION

CALIFORNIA CIVIL CODE SECTION 3093

NOTICE IS HEREBY GIVEN of the completion on November 4, 2013 of the Citywide Pedestrian Crossings Project, Specification No. 12-12

Work of improvement or portion of work of improvement under construction or alteration.

Various locations in National City, CA 91950

Street Address City State Zip Code

The undersigned owns the following interest or estate in said property: _____

Owner in fee

Nature of the interest or estate of owner (mortgagor, lessee, etc.)

Said work of improvement was performed on the property pursuant to a contract with

Koch-Armstrong General Engineering

Name of Original Contractor

The following work and material were supplied:
Labor provided: General Laborer. Materials: Concrete, asphalt, irrigation supplies, traffic control supplies. Equipment: paving equipment.

General statement of kind of labor, services, equipment or materials

The names and addresses of co-owners are: N/A

Joint tenants, tenants in common, or other owners

Dated: November 12, 2013;

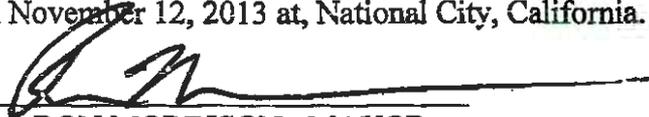


Signature of Owner

City of National City, 1243 National City Blvd., National City, CA 91950

I, the undersigned, say: I have read the foregoing Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 12, 2013 at, National City, California.

Signature: 
RON MORRISON, MAYOR



FINAL CONTRACT BALANCE

DATE: October 31, 2013
PROJECT: Citywide Pedestrian Crossings
FY 12-13
Specification No. 12-12
TO: Koch-Armstrong
PO Box 1190
Lakeside, CA 92040

ORIGINAL CONTRACT AMOUNT:	\$813,949.15
START DATE:	March 25, 2013
COMPLETION DATE:	September 27, 2012
ORIGINAL CONTRACT LENGTH:	60 Working Days
EXTENSION OF WORK DAYS:	35 Working Days
TOTAL CONTRACT TIME:	95 Working Days

DESCRIPTION:

The Final Contract Balance reports final line item amounts and summarizes all change orders to produce a final contract amount.

CHANGE ORDERS AND LINE ITEM ADJUSTMENTS:

Change Order #1 deleted the 36" box trees at National City Blvd. and 14th St. as they were removed from the plans by the designer and no longer needed as a bid item. This work was performed at an agreed upon price. This Change Order resulted in a deduct to the contract in the amount of **\$ 7,947.00.**

Change Order #2 required the reconstruction a Manhole cone @ 30th St. and F Ave. It was too high for the new design grades and had to be reconstructed in order to be lowered to finish pave elevation. This allowed for the adjustment to the new design grades. This work was performed at an agreed upon price. This Change Order total amount was **\$ 2,750.00.**

Change Order #3 directed the contractor to repair a pothole due to a failed abandon utility abandonment as directed by National City at NC Blvd. and 7th. The work was performed on a T&M basis. This Change Order total amount was **\$ 217.92.**

Change Order #4 directed the contractor to saw cut the stamped concrete and asphalt, removed the stamped concrete, curb and asphalt and replace curb and asphalt as needed to provide 2' additional

FINAL CONTRACT BALANCE

National City Citywide Pedestrian Crossings

Specification No. 12-12

lane width on 30th. This work was performed at an agreed upon price. This Change Order total amount was \$ 5,597.02.

Change Order #5 added directed the contractor to match the existing sidewalk and maintenance strip color and finish along National City Blvd. @ 14th. A french grey colored concrete was used with a light washed finish. This work was performed at an agreed upon price. This Change Order total amount was \$ 2,174.42.

Change Order #6 deleted the bio-barrier at National City Blvd. and 14th St. as they were no longer needed with the deletion of the 36" box trees by the designer. This work was performed at an agreed upon price. This Change Order resulted in a deduct to the contract in the amount of \$ 3,230.00.

Change Order #7 directed the contractor to excavate wet subgrade under existing cross gutter on southwest side of 30th St. and F Ave. This work was performed on a T&M basis. This Change Order total amount was \$ 1,050.40.

Change Order #8 directed the contractor to excavate 5'x50' of subgrade, place concrete sidewalk at same location, remove and replace 66 feet of curb and gutter and repair the slot patch as needed at 21st. and I Ave. This work was performed at an agreed upon price. This Change Order total amount was \$ 5,777.20.

Change Order #9 directed the contractor to excavate and remove three 11' x 11' areas in the proposed center median locations for the addition of ADA Pedestrian Passageways at 8th St. in lieu of striped crosswalks as directed by National City. This work was performed at an agreed upon price. This Change Order total amount was \$ 7,827.82.

Change Order #10 directed the contractor to delete design planned planted median on 8th St. This included the deletion of survey, unclassified excavation, portion of median curb, vegetation median, and a portion of the misc. signage and striping. The original design called for drought tolerant material with no irrigation. Current design requirements could pose added maintenance cost issues for the city with a low survivability rate of plant material. City will review adding this island at a later date with an automatic irrigation system. This work was performed at an agreed upon price. This Change Order resulted in a deduct to the contract in the amount of \$ 6,042.77.

Change Order #11 directed the contractor to provide additional striping at 7th St. and NC Blvd. as directed by National City. This work was performed at an agreed upon price. This Change Order total amount was \$ 963.00.

Change Order #12 reviewed the designed irrigation system at 14th and National City Blvd. The city decided to have the contractor match the existing irrigation system in lieu of installing per plans. This would make future maintenance of the system more practical for city crews. The continuity between the two systems would also allow managing the irrigation water cycles more efficient. This work was

FINAL CONTRACT BALANCE

National City Citywide Pedestrian Crossings

Specification No. 12-12

performed at an agreed upon price. This Change Order resulted in a deduct to the contract in the amount of \$ **1,100.00**.

Change Order # 13 directed the contractor to remove existing vegetation not originally identified on the plans, excavate and install additional mainline and backfill and repair as directed. This work was performed at an agreed upon price. This Change Order total amount was \$ **4,355.13**.

Change Order # 14 directed the contractor to provide 26 "Push to Activate Crossing Warning" pedestrian push button signs to match existing signs @ Highland and 28th for pedestrian safety. This work was performed at an agreed upon price. This Change Order total amount was \$ **3,343.00**.

Change Order #15 directed the contractor to install a separate pedestrian push button to comply with ADA specifications due to a conflict with an existing power pole and the 1B pole located at the second proposed median crossing on 8th St. This work was performed at an agreed upon price. This Change Order total amount was \$ **1,598.63**.

Change Order #16 directed the contractor to procure 12 additional Type "Q" markers as requested by city. This work was performed at an agreed upon price. This Change Order total amount was \$ **778.28**.

Change Order # 17 directed the contractor to complete striping not shown on plans by adding five reflectors to each median nose on 8th St. for a total of 30 reflectors, and paint each median nose yellow. This work was performed at an agreed upon price. This Change Order total amount was \$ **690.00**.

Change Order #18 directed the contractor to repaired as necessary an unknown area drain connection and repair of a broken conduit not shown on plans. The work was performed on a T&M basis. This Change Order total amount was \$ **1,027.55**.

Change Order #19 directed the contractor to provide additional work not show on the original plans for improvements on T Ave. from Sta. 10+82.75 to Sta. 12+19.56. Contractor removed existing AC, concrete and subgrade including misc. clearing and reconstruct 3"AC/6" CLII Base, curb & gutter, driveways, sidewalk, including masonry retaining wall and survey to complete all improvements shown on T Ave. plan NC T Ave SW 100 Plans dated 07/13/10 provided by Harris & Assoc. and all other misc work necessary to complete improvements. This work was performed at an agreed upon price. This Change Order total amount was \$ **48,047.82**.

Change Order #20 directed the contractor to remove and replace ADA ramps at the N/W corner of Division and T Ave, remove ADA ramp at the S/E corner of Division and T Ave and repalce with C&G and sidewalk, and install truncated domes at the N/E and S/W corner of Division and T Ave. including all removal and replacement work necessary to complete work. This work was performed at an agreed upon price. This Change Order total amount was \$ **10,980.00**.

FINAL CONTRACT BALANCE

National City Citywide Pedestrian Crossings

Specification No. 12-12

Change Order #21 directed the contractor to remove and replace sidewalk and portion of driveway near 635 Harbison Avenue including all labor, equipment and materials necessary. This work was performed at an agreed upon price. This Change Order total amount was \$ 1,450.00.

Change Order #22 directed the contractor to contractor to remove and replace all concrete sidewalk panels at the Nutrition Center and Morgan Towers as marked in the field including all labor, equipment and materials necessary. This work was performed at an agreed upon price. This Change Order total amount was \$ 7,050.00.

All Change Orders listed above increased the total contract amount \$ 87,358.42.

There were numerous line item adjustments per the attached FINAL BILLING STATEMENT that resulted in a total deduct of \$ 41,498.71.

CONTRACT ADJUSTMENT:

As a result of the above change orders and line item adjustments, the contract price is adjusted as follows:

1. The final contract price is adjusted to \$ 859,808.86.
2. As a result of the satisfactory completion of said project, a retention amount of \$ 42,990.44 is set for invoice processing and payment upon the receipt of signatures and City Council's ratification of this agreement and the Notice of Completion.

This document and its purpose to balance payment shall be considered full compensation for furnishing and installing the materials, labor, tools and equipment, profit, overhead, and all incidentals for performing the work described above. Koch-Armstrong will not be entitled to damages or additional payment for delays as described in the 2012 edition of the Standard Specifications for Public Works Construction, Section 6-6.3, for performing the work as described above.

CITY OF NATIONAL CITY
Citywide Pedestrian Crossing
Project #: 12-12

FINAL BILLING STATEMENT
October 31, 2013

ITEM NO.	DESCRIPTION	Original Contract			Total To Date		Delta
		CONTRACT QUANTITY	UNIT PRICE	AMOUNT	TOTAL QUANTITY OR % TO DATE	TOTAL AMOUNT TO DATE	
Bid Schedule A - East 4th Street from Palm Avenue to Euclid Avenue							
A1	Mobilization / Demobilization	1	\$3,200.00	\$3,200.00	1.00	3,200.00	-
A2	Surveying	1	\$4,200.00	\$4,200.00	1.00	4,200.00	-
A3	Clearing & Grubbing	1	\$8,550.00	\$8,550.00	1.00	8,550.00	-
A4	Storm Water BMPs	1	\$490.00	\$490.00	1.00	490.00	-
A5	Traffic Control	1	\$20,480.00	\$20,480.00	1.00	20,480.00	-
A6	Unclassified Excavation	1	\$59,890.00	\$59,890.00	1.00	59,890.00	-
A7	Construct 3" AC Pavement	580	\$95.00	\$55,100.00	556.47	52,864.65	(2,235.35)
A8	Construct 8" Aggregate Base	1,490	\$15.15	\$22,573.50	1478.63	22,401.24	(172.26)
A9	Type II Slurry Seal	18,900	\$3.21	\$60,669.00	15282.00	49,055.22	(11,613.78)
A10	PCC Median Curb (6" CF) SDRSD G-6, Type B-1	110	\$20.00	\$2,200.00	96.00	1,920.00	(280.00)
A11	Stamped & Colored PCC Median (4" thick)	290	\$7.70	\$2,233.00	290.00	2,233.00	-
A12	PCC Curb & Gutter (6" CF) per SDRSD G-2	170	\$23.00	\$3,910.00	76.00	1,748.00	(2,162.00)
A13	PCC Curb & Gutter (8" CF) per SDRSD G-2	510	\$24.00	\$12,240.00	336.00	8,064.00	(4,176.00)
A14	PCC Curb & Gutter (Variable CF) per Modified SDRSD G-1 Adjacent to Private Walkway +/- sta. 53+65	10	\$28.00	\$280.00	10.00	280.00	-
A15	Construct 6" AC Dike per SDRSD G-5 Type "A"	20	\$31.00	\$620.00	0.00	-	(620.00)
A16	Construct Cross Gutter per SDRSD G-12	810	\$7.80	\$6,318.00	768.00	5,990.40	(327.60)
A17	4" PCC Sidewalk, SDRSD G-7	5,620	\$3.70	\$20,794.00	5461.00	20,205.70	(588.30)
A18	PCC Driveway (W=10') per SDRSD G-14A	180	\$10.00	\$1,800.00	295.00	2,950.00	1,150.00
A19	Construct Portion of PCC Driveway per SDRSD G-14A	20	\$10.00	\$200.00	10.00	100.00	(100.00)
A20	PCC Bus Pad per Modified SDG-102	760	\$9.30	\$7,068.00	720.00	6,696.00	(372.00)
A21	PCC Curb Ramp per City Std SDG-132	7	\$1,600.00	\$11,200.00	7.00	11,200.00	-
A22	Curb Inlet Type "B" per SDRSD D-2	1	\$7,640.00	\$7,640.00	1.00	7,640.00	-
A23	Island Refuge with Passageway with Truncated Domes per City std SDG-130	1	\$1,700.00	\$1,700.00	1.00	1,700.00	-

ITEM NO.	DESCRIPTION	CONTRACT QUANTITY	UNIT PRICE	AMOUNT	TOTAL QUANTITY OR % TO DATE	TOTAL AMOUNT TO DATE	
A24	Adjust Water Meters to New Finished Grade (NFG)	7	\$40.00	\$280.00	7.00	280.00	-
A25	Adjust Water Valve to NFG	8	\$50.00	\$400.00	8.00	400.00	-
A26	Adjust Manhole to NFG	2	\$620.00	\$1,240.00	2.00	1,240.00	-
A27	Adjust Exist. Sewer CO to grade, SDRSD SC-01, Type "B"	1	\$390.00	\$390.00	0.00	-	(390.00)
A28	Adjust Well Mon. to NFG	2	\$390.00	\$780.00	0.00	-	(780.00)
A29	Traffic Signing and Striping	1	\$30,880.00	\$30,880.00	1.00	30,880.00	-
A30	Solar Powered LED Enhanced School Warning Sign System	2	\$15,770.00	\$31,540.00	2.00	31,540.00	-
A31	Type 1-B Pole (14') per Caltrans Standard Plan ES-7B (for LED Enhanced School Warning Sign System)	4	\$1,590.00	\$6,360.00	4.00	6,360.00	-
				\$385,225.50		\$362,558.21	-\$22,667.29
Bid Schedule B - East 30th Street at F Avenue							
B1	Mobilization / Demobilization	1	\$1,710.00	\$1,710.00	1.00	1,710.00	-
B2	Surveying	1	\$1,480.00	\$1,480.00	1.00	1,480.00	-
B3	Clearing & Grubbing	1	\$2,610.00	\$2,610.00	1.00	2,610.00	-
B4	Storm Water BMPs	1	\$310.00	\$310.00	1.00	310.00	-
B5	Traffic Control	1	\$5,260.00	\$5,260.00	1.00	5,260.00	-
B6	Unclassified Excavation	1	\$22,410.00	\$22,410.00	1.00	22,410.00	-
B7	Construct 4" AC Pavement	160	\$104.00	\$16,640.00	220.27	22,908.08	6,268.08
B8	Construct 10" Aggregate Base	390	\$17.00	\$6,630.00	339.14	5,765.38	(864.62)
B9	PCC Median Curb (Type B-1, 5" CF) per SDRSD G-6	210	\$19.50	\$4,095.00	205.00	3,997.50	(97.50)
B10	Stamped & Colored PCC Median (4" thick)	700	\$5.60	\$3,920.00	667.00	3,735.20	(184.80)
B11	PCC Curb & Gutter (5" CF) per SDRSD G-2	180	\$24.50	\$4,410.00	89.00	2,180.50	(2,229.50)
B12	Cross Gutter per SDRSD G-12	790	\$7.75	\$6,122.50	738.80	5,725.70	(396.80)
B13	PCC Sidewalk (4" thick) per SDRSD G-7	680	\$4.65	\$3,162.00	674.00	3,134.10	(27.90)
B14	PCC Curb Ramp (Type A) per City Std SDG-132	2	\$1,560.00	\$3,120.00	2.00	3,120.00	-
B15	PCC Curb Ramp (Type D) per City Std SDG-136	1	\$1,340.00	\$1,340.00	1.00	1,340.00	-
B16	PCC Curb Ramp (Case E) per City Std SDG-137 with Pedestrian Protective Railing behind curb ramp per SDRSD M-24	1	\$6,170.00	\$6,170.00	1.00	6,170.00	-
B17	Island Refuge / Passageway with Truncated Domes per City Std SDG-130	1	\$1,050.00	\$1,050.00	1.00	1,050.00	-
B18	Adjust Water Valve to New Finished Grade	1	\$40.00	\$40.00	1.00	40.00	-

ITEM NO.	DESCRIPTION	CONTRACT QUANTITY	UNIT PRICE	AMOUNT	TOTAL QUANTITY OR % TO DATE	TOTAL AMOUNT TO DATE	
B19	Adjust Manhole to New Finished Grade	1	\$610.00	\$610.00	1.00	610.00	-
B20	Adjust Survey Well Monument to New Finished Grade	1	\$400.00	\$400.00	1.00	400.00	-
B21	Traffic Signing and Striping	1	\$8,700.00	\$8,700.00	1.00	8,700.00	-
B22	Solar Powered LED Enhanced School Warning Sign System	1	\$14,700.00	\$14,700.00	1.00	14,700.00	-
B23	Type 1-B Pole (14') per Caltrans Standard Plan ES-7B (for LED Enhanced School Warning Sign System)	2	\$1,660.00	\$3,320.00	2.00	3,320.00	-
				\$118,209.50		\$120,676.46	\$2,466.96
Bid Schedule C - East 8th Street from Palm Avenue to Harbison Avenue							
C1	Mobilization / Demobilization	1	\$490.00	\$490.00	1.00	490.00	-
C2	Surveying	1	\$740.00	\$740.00	1.00	740.00	-
C3	Clearing & Grubbing	1	\$960.00	\$960.00	1.00	960.00	-
C4	Storm Water BMPs	1	\$140.00	\$140.00	1.00	140.00	-
C5	Unclassified Excavation	1	\$710.00	\$710.00	1.00	710.00	-
C6	Traffic Control	1	\$1,990.00	\$1,990.00	1.00	1,990.00	-
C7	6" Type B-3 Median Curb G-6	300	\$17.00	\$5,100.00	228.00	3,876.00	(1,224.00)
C8	6" Stamped Concrete Median	900	\$7.65	\$6,885.00	852.00	6,517.80	(367.20)
C9	Vegetated Median	345	\$5.65	\$1,949.25	345.00	1,949.25	-
C10	Signing and Striping	1	\$6,750.00	\$6,750.00	1.00	6,750.00	-
C11	Solar Powered LED Enhanced School Warning Sign System	3	\$15,770.00	\$47,310.00	3.00	47,310.00	-
C12	Type 1-B Pole (14') per Caltrans Standard Plan ES-7B (for LED Enhanced School Warning Sign System)	6	\$1,590.00	\$9,540.00	6.00	9,540.00	-
				\$82,564.25		\$80,973.05	-\$1,591.20
Bid Schedule D - National City Boulevard and 7th Street							
D1	Mobilization / Demobilization	1	\$590.00	\$590.00	1.00	590.00	-
D2	Surveying	1	\$240.00	\$240.00	1.00	240.00	-
D3	Clearing & Grubbing	1	\$590.00	\$590.00	1.00	590.00	-
D4	Unclassified Excavation	1	\$910.00	\$910.00	1.00	910.00	-
D5	Storm Water BMPs	1	\$120.00	\$120.00	1.00	120.00	-
D6	Traffic Control	1	\$730.00	\$730.00	1.00	730.00	-
D7	Concrete Curb	148	\$15.50	\$2,294.00	146.00	2,263.00	(31.00)
D8	Minor Concrete Curb Paving	74	\$10.00	\$740.00	73.00	730.00	(10.00)
D9	Asphalt Paving, 6" thick	148	\$11.00	\$1,628.00	146.00	1,606.00	(22.00)
D10	Asphalt Overlay	740	\$3.65	\$2,701.00	720.00	2,628.00	(73.00)
D11	Signing and Striping	1	\$3,450.00	\$3,450.00	1.00	3,450.00	-
				\$13,993.00		\$13,857.00	-\$136.00
Bid Schedule E - National City Boulevard and 14th Street							

ITEM NO.	DESCRIPTION	CONTRACT QUANTITY	UNIT PRICE	AMOUNT	TOTAL QUANTITY OR % TO DATE	TOTAL AMOUNT TO DATE	
E1	Mobilization / Demobilization	1.00	\$3,510.00	\$3,510.00	1.00	3,510.00	-
E2	Construction Surveying	1.00	\$1,560.00	\$1,560.00	1.00	1,560.00	-
E3	Clearing & Grubbing	1.00	\$4,450.00	\$4,450.00	1.00	4,450.00	-
E4	Unclassified Excavation	1.00	\$25,120.00	\$25,120.00	1.00	25,120.00	-
E5	Storm Water BMPs	1.00	\$1,340.00	\$1,340.00	1.00	1,340.00	-
E6	Traffic Control	1.00	\$7,110.00	\$7,110.00	1.00	7,110.00	-
E7	Import	230.00	\$19.00	\$4,370.00	110.00	2,090.00	(2,280.00)
E8	Construct Pedestrian Concrete Pavement G-7, G-9 & G-10	1,770.00	\$4.70	\$8,319.00	1222.02	5,743.49	(2,575.51)
E9	6" Curb & Gutter, SDRSD G-2	155.00	\$25.50	\$3,952.50	157.00	4,003.50	51.00
E10	Median Curb, SDRSD B-1, G-6	400.00	\$24.15	\$9,660.00	378.00	9,128.70	(531.30)
E11	6" Curb, SDRSD G-1	30.00	\$20.00	\$600.00	0.00	-	(600.00)
E12	Cross-gutter, SDRSD G-12	115.00	\$8.00	\$920.00	245.00	1,960.00	1,040.00
E13	Concrete Median Passageway, Type A w/ domes per Caltrans A88A and A88B	1.00	\$1,160.00	\$1,160.00	1.00	1,160.00	-
E14	Concrete Median Nose per Detail C, sheet 2	30.00	\$23.50	\$705.00	36.40	855.40	150.40
E15	Concrete in Median for Landscape Maintenance	400.00	\$11.00	\$4,400.00	399.00	4,389.00	(11.00)
E16	Mill Existing Asphalt (2" Depth)	1,300.00	\$0.93	\$1,209.00	958.00	890.94	(318.06)
E17	Asphalt Pavement Incl. Overlay	210.00	\$127.00	\$26,670.00	206.72	26,253.44	(416.56)
E18	Class II Base	260.00	\$26.00	\$6,760.00	260.44	6,771.44	11.44
E19	Slurry Seal	1,661.00	\$7.40	\$12,291.40	1952.00	14,444.80	2,153.40
E20	Curb Ramp, Type A, G-27	4.00	\$1,350.00	\$5,400.00	4.00	5,400.00	-
E21	Signing and Striping	1.00	\$5,780.00	\$5,780.00	1.00	5,780.00	-
E22	Irrigation System	1.00	\$7,840.00	\$7,840.00	1.00	7,840.00	-
E23	Mulch, 3" thick	14.00	\$98.00	\$1,372.00	9.00	882.00	(490.00)
E24	5 Gallon Shrubs	325.00	\$27.00	\$8,775.00	343.00	9,261.00	486.00
E25	36" Box Trees	9.00	\$883.00	\$7,947.00	9.00	7,947.00	-
E26	Bio-Barrier, 20 foot length	17.00	\$190.00	\$3,230.00	17.00	3,230.00	-
E27	Soil Preparations and Amendments	14.00	\$129.00	\$1,806.00	14.00	1,806.00	-
E28	90-Day Landscaping Maintenance	1.00	\$1,500.00	\$1,500.00	1.00	1,500.00	-
E29	Solar Powered LED Enhanced School Warning Sign System	1.00	\$15,770.00	\$15,770.00	1.00	15,770.00	-
E30	Type 1-B Pole (14") per Caltrans Standard Plan ES-7B (for LED Enhanced School Warning Sign System)	2.00	\$1,590.00	\$3,180.00	2.00	3,180.00	-
				\$186,706.90		\$183,376.71	-\$3,330.19

Additive Bid #1 - All Locations

ITEM NO.	DESCRIPTION	CONTRACT QUANTITY	UNIT PRICE	AMOUNT	TOTAL QUANTITY OR % TO DATE	TOTAL AMOUNT TO DATE	
ADD #1	Removal & Disposal of Unsuitable Subgrade, Provide and Place Mirafi 700x Geotextile Fabric, Provide, Place and Compact Crushed Aggregate Base	500.00	\$54.50	\$27,250.00	202.00	11,009.00	(16,241.00)
				\$27,250.00		\$11,009.00	-\$16,241.00
	ORIGINAL CONTRACT ITEMS			\$813,949.15			
	FINAL CONTRACT ITEMS						\$772,450.44
Change Orders							
CO #1	Delete Trees & Root Barriers @ 14th	1.00	\$ (7,947.00)	-\$7,947.00	1.00	(7,947.00)	-
CO #2	Reconstruct MH @ 30th	1.00	\$ 2,750.00	\$2,750.00	1.00	2,750.00	-
CO #3	Repair AC @ 7th	1.00	\$ 217.92	\$217.92	1.00	217.92	-
CO #4	Reduce median width @ 30th	1.00	\$ 5,597.02	\$5,597.02	1.00	5,597.02	-
CO #5	Match color & finish @ 14th & NC Blvd.	1.00	\$ 2,174.42	\$2,174.42	1.00	2,174.42	-
CO#6	Delete 36" Box Trees @ 14th & NC	1.00	\$ (3,230.00)	-\$3,230.00	1.00	(3,230.00)	-
CO#7	Excavate wet subgrade @ 30th & F	1.00	\$ 1,050.40	\$1,050.40	1.00	1,050.40	-
CO#8	Conc. And AC repairs @ 21st & I	1.00	\$ 5,777.20	\$5,777.20	1.00	5,777.20	-
CO#9	Add ADA domes and pedestrian refuge on 8th	1.00	\$ 7,827.82	\$7,827.82	1.00	7,827.82	-
CO#10	Delete portion of contract work (Survey, Demo & planting) on 8th	1.00	\$ (6,042.77)	-\$6,042.77	1.00	(6,042.77)	-
CO#11	Misc striping @ 7th & NC	1.00	\$ 963.00	\$963.00	1.00	963.00	-
CO#12	Irrigation System Modification	1.00	\$ (1,100.00)	-\$1,100.00	1.00	(1,100.00)	-
CO#13	Additional Irrigation Mainline	1.00	\$ 4,355.13	\$4,355.13	1.00	4,355.13	-
CO#14	Ped Crossing Signs	1.00	\$ 3,343.00	\$3,343.00	1.00	3,343.00	-
CO#15	Add Ped Push Button	1.00	\$ 1,598.63	\$1,598.63	1.00	1,598.63	-
CO#16	Type "Q" Markers	1.00	\$ 778.28	\$778.28	1.00	778.28	-
CO#17	Add Striping on 8th	1.00	\$ 690.00	\$690.00	1.00	690.00	-
CO#18	T&M Drain and conduit repairs	1.00	\$ 1,027.55	\$1,027.55	1.00	1,027.55	-
CO#19	Additional Improvements On T Ave.	1.00	\$ 48,047.82	\$48,047.82	1.00	48,047.82	-
CO#20	Additional Imp. At Division & T Ave.	1.00	\$ 10,980.00	\$10,980.00	1.00	10,980.00	-
CO#21	Misc . Conc. Imp. On Harbison	1.00	\$ 1,450.00	\$1,450.00	1.00	1,450.00	-
CO#22	Conc. @ Nutrition & Morgan Towers	1.00	\$ 7,050.00	\$7,050.00	1.00	7,050.00	-
	SUB TOTAL CHANGE ORDERS			\$ 87,358.42		\$ 87,358.42	\$ -
	FINAL ADD/DEDUCT						\$ (41,498.71)
	FINAL CONTRACT TOTAL					\$859,808.86	

RESOLUTION NO. 2013 – 180

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ACCEPTING THE WORK PERFORMED BY KOCH-ARMSTRONG GENERAL
ENGINEERING, INC., APPROVING THE FINAL CONTRACT AMOUNT OF \$859,808.86,
AUTHORIZING THE RELEASE OF THE RETENTION IN THE AMOUNT OF \$42,990.44,
AND RATIFYING THE NOTICE OF COMPLETION FILED WITH THE COUNTY
RECORDER ON NOVEMBER 20, 2013 FOR THE CITY-WIDE
PEDESTRIAN CROSSING ENHANCEMENTS PROJECT

BE IT RESOLVED by the City Council of the City of National City as follows:

It appearing to the satisfaction of the Engineering Division of the Development Services Department that all work required to be done by Koch-Armstrong General Engineering, Inc., for the total final contract amount of \$859,808.86, for the City Wide Pedestrian Crossing enhancements Project has been completed, the City Council of National City hereby accepts said work, orders that payment for said work be made in accordance with said contract, including release of the retention in the amount of \$42,990.44, and ratifies the Notice of Completion filed with the County Recorder on November 20, 2013.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO. |

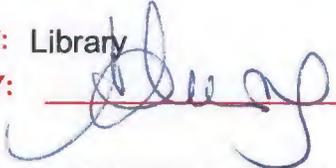
ITEM TITLE:

Resolution of the City Council of National City ratifying the acceptance of an augmentation of \$27,411 to the California Library Literacy Services (CLLS) FY2013-14 Grant; and authorizing the establishment of fund appropriations and a corresponding revenue budget.

PREPARED BY: G. Olivares

DEPARTMENT: Library

PHONE: 470-5800

APPROVED BY: 

EXPLANATION:

In August 2013, the Library was awarded a CLLS grant in the baseline amount of \$10,000 to fund the Library's literacy services for FY2013-14. This augmentation of \$27,411 represents the final payment from the State Library to National City Library and is based on a formula that takes into account the following:

- The *per capita* amount per adult learner served in 2012-13.
- The *match* on local funds raised and expended for adult literacy services (CDBG) in 2012-13.

With this final payment, the total amount of the CLLS Grant to the National City Library's Literacy Program is \$37,411 for FY2013-14.

FINANCIAL STATEMENT:

ACCOUNT NO.

320-431-338

APPROVED: 

Finance

APPROVED: _____

MIS

ENVIRONMENTAL REVIEW:

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Approval recommended

BOARD / COMMISSION RECOMMENDATION:

Approved by the Library Board of Trustees on November 11, 2013.

ATTACHMENTS:

1. Award letter with claim form
2. Resolution



November 5, 2013

Minh Duong, City Librarian
National City Public Library
1401 National City Boulevard
National City, CA 91950-3314

Dear Ms. Duong:

I am pleased to enclose a claim form for the remainder of your library's 2013/2014 California Library Literacy Services funding as determined by the California Library Literacy Services (CLLS) funding formula.

This **final payment** of your total allocation for the 2013/14 fiscal year is **\$27,411.00** and is based on:

- A *per capita* amount per adult learner served at your library in 2012/13 that reflects the fact that Adult Literacy Services are the heart of our service, and are the basis for all other literacy services.
- A *match* on local funds raised and expended for adult literacy services at your library in 2012/13 - reflecting a commitment to a continuing State/Local partnership, and to providing an incentive for increased local support for adult literacy.

Earlier this year you received a \$10,000.00 baseline for your literacy program. The baseline reflects the importance of each library having enough funds to provide at least a minimum level of local literacy staffing and service.

Below is a re-cap of your total CLLS funding for the 2013/14 program year:

Baseline Adult Literacy Services:	\$10,000.00 (amount previously claimed)
Final Payment (Per Capita & Match):	\$27,411.00 (amount to be claimed now)
GRAND TOTAL FOR 2013/14:	\$37,411.00

Changes in your funding from last year are based on an increase or decrease in the number of adult learners you served, and/or an increase or decrease in the amount of local funds expended on adult literacy last year. These changes are aggregated among all CLLS programs and applied to the total funds provided by the Legislature for the year.

We will initiate the payment process upon receipt of your signed Claim Form (attached). This final payment will be processed after all reporting requirements from the prior fiscal year have been received and all adjustments made and unexpended monies returned.

Please mail the signed claim form to: **California State Library
Fiscal/Local Assistance
P.O. Box 942837
Sacramento, CA 94237-0001**

Since electronic signatures are not available on the website at this time a statement acknowledging the accuracy of the revised budget figures has been added to the claim form for your signature to certify its accuracy. No additional signature document will be needed at this time.

In December, you will be asked to revise your literacy budget for fiscal year 2013/14 utilizing the actual total allotment from the State Library as outlined in this award letter. The budget that you submitted with your application earlier this year was based on projections. Your revised budget should reflect updated information and more accurate figures than you had at the time of application.

You will be asked to report electronically after the close of the fiscal year. CLLS staff will provide more details on this process. If you need a copy of your most recent final report and/or application, please contact Andrea Freeland at andrea.freeland@library.ca.gov.

Please remember that all state funds must be expended or encumbered by June 30, 2014 or must be returned to the State Library.

Should you have additional questions regarding the new funding and/or reporting process, please contact:

Carla Lehn (916) 653-7743 or carla.lehn@library.ca.gov
Andrea Freeland (916) 651-3191 or andrea.freeland@library.ca.gov

Best wishes in implementing your library literacy services.

Respectfully yours,



Gerald Maginnity
Acting State Librarian of California

cc: Melissa Solis, Literacy Coordinator (via email: melissa.solis@nationalcitylibrary.org)
Minh Duong, City Librarian (via email: minh.duong@nationalcitylibrary.org)
Enc.: Claim Form

CLAIM FORM

**California Library Literacy and English Acquisition Services Program (CLLS)
FY 2013/2014**

California Education Code; Sections 18880-18884 ♦ CSL Budget Item 6120-213-0001

The _____ claims the indicated allowance for the purposes of carrying out the functions stated in its CLLS application and in Sections 18880-18884 of the California Education Code.

I hereby certify under penalty of perjury: that the library named above shall use their allowance solely for the purposes indicated in their CLLS application and in Sections 18880-18884 of the California Education Code.

Library Director (signature) Typed Name of Signatory

CLAIM FOR PAYMENT OF GRANT

Claim of _____
Name of Authorized Library

Address _____

Date _____

Amount Claimed: **\$27,411.00**

<u>State Library Budget Office Use Only</u> <u>California Library Literacy Services \$ _____</u>

CERTIFICATION

I hereby certify under penalty of perjury: that I am the duly authorized officer of the claimant herein; that the claim is in all true, correct and in accordance with law and that payment has not previously been received for the amount claimed herein.

By _____
Official Representative of Fiscal Agent (Signature Required) Title

Note: Warrant to be issued for payment to the library to be addressed to:

(Authorized agency to receive, disburse and account for CLLS funds)

(Address of above agency)

Mail to: California State Library, Fiscal/Local Assistance P.O. Box 942837 Sacramento, CA 94237-0001

Approval by State:

<u>STATE LIBRARY BUDGET OFFICE</u> BY: _____ DATE: _____

RESOLUTION NO. 2013 – 181

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
RATIFYING THE ACCEPTANCE OF A \$27,411 AUGMENTATION FROM
THE CALIFORNIA LIBRARY LITERACY SERVICES (“CLLS”) GRANT, FISCAL
YEAR 2013-2014, FOR THE NATIONAL CITY LIBRARY’S LITERACY PROGRAM,
INCREASING THE TOTAL AMOUNT OF THE GRANT FROM \$10,000 TO \$37,411,
AND AUTHORIZING THE ESTABLISHMENT OF FUND APPROPRIATIONS
AND A CORRESPONDING REVENUE BUDGET

WHEREAS, in August, 2013, the National City Public Library was awarded and accepted a California Literacy Services (“CLLS”) literacy award for Fiscal Year 2014 in the baseline amount of \$10,000, which was used to fund adult literacy services, a Families for Literacy program, and an English Language Literacy Intensive program; and

WHEREAS, the augmentation to the Grant in the amount of \$27,411 represents the final payment of the grant from the State Library, which is based on the number of learners the Library served in Fiscal Year 2012-2013, and the match of local funds raised and expended for adult literacy service (CDBG) in 2012-2013; and

WHEREAS, this final payment brings the total amount of CLLS Grant funds to \$37,411 for the National City Library’s Literacy Program for Fiscal Year 2013-2014.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby ratifies the acceptance of an augmentation to the California Library Literacy Services award grant in the amount of \$27,411, to bring the total grant amount to \$37,411 to fund the Library’s Literacy Program for Fiscal Year 2013-2014.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the establishment of fund appropriations in the amount of \$27,411 and a corresponding revenue budget.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the acceptance of additional grant funding from the FY 2011 Operation Stonegarden Program in the amount of \$85,163, authorizing the Chief of Police to execute Amendment No. 3 to the Agreement for the award of the grant funds, and authorizing the establishment of fund appropriations and a corresponding revenue budget.

PREPARED BY: Parris Bull, Police Sergeant

DEPARTMENT: Police

PHONE: (619) 336-4524

APPROVED BY: 

EXPLANATION:

On June 5, 2012, the City Council passed and adopted Resolution No. 2012-116 authorizing the acceptance of \$90,203 from the U.S. Department of Homeland Security via the FY 2011 Operation Stonegarden (OPSG) Program and the Chief of Police to execute Amendment No. 1 to the Agreement. The acceptance and execution of Amendment No. 2 to the Agreement for the FY 2012 OPSG grant was passed and adopted by Resolution No. 2013-49. On November 8, 2013, the San Diego County Sheriff's Department, who serves as the Fiscal Agent for the grant, informed the National City Police Department that it would be receiving an additional \$85,163 in grant funding from the FY 2011 OPSG Program to purchase two fully-equipped turn-key police vehicles. The police department's participation in the OPSG Program is governed through a Memorandum of Agreement with the San Diego County Sheriff's Department. The OPSG Program is a reimbursable grant. The OPSG Program is designed to enhance law enforcement preparedness and operational readiness along the land and water borders of the United States and to address cross-border crimes in the region.

FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO. 290-411-633-511-0000 (expenditure)
290-11633-3498 (revenue)

APPROVED: _____ MIS

The FY 2011 Operation Stonegarden grant does not require a match or in-kind contribution.

ENVIRONMENTAL REVIEW:

Not Applicable.

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Staff recommends that the City Council accept the additional grant funds via the FY 2011 Operation Stonegarden Program and authorize the Chief of Police to execute Amendment #3 to the Agreement.

BOARD / COMMISSION RECOMMENDATION:

Not Applicable.

ATTACHMENTS:

Amendment No. 3 to the "Agreement For Operation Stonegarden Grant"
Amendment No. 2 to the "Agreement For The 2010 Operation Stonegarden Grant"
Amendment No. 1 to the "Agreement For The 2010 Operation Stonegarden Grant"

**AGREEMENT FOR
OPERATION STONEGARDEN GRANT**

AMENDMENT NO. 3

WHEREAS, the PARTIES have executed an Agreement Among the County of San Diego, and Law Enforcement Agencies, for program support of the Operation Stonegarden Grant ("OPSG"); and

WHEREAS, COUNTY, by action of the Board of Supervisors Minute Order No. 4 dated November 8, 2011, and Minute Order No.4 dated December 4, 2012 approved and authorized the SHERIFF to re-allocate FY 2011 and FY 2012 OPSG grant funding between OPSG agencies, including any annual extensions, amendments, and/or revisions thereof that do not materially impact or alter the services or funding level; and

WHEREAS, City of Chula Vista's allocation will be increased by \$195,000, from \$384,029 to \$579,029;

WHEREAS, City of National City's allocation will be increased by \$85,163, from \$90,203 to \$175,366;

WHEREAS, Los Angeles County's allocation will be increased by \$200,180, from \$661,217 to \$861,397;

WHEREAS, Santa Barbara County's allocation will be increased by \$15,000, from \$50,000 to \$65,000;

WHEREAS, San Luis Obispo County's allocation will be increased by \$30,000, from \$50,000 to \$80,000;

WHEREAS, Department of Parks and Recreation's allocation will be increased by \$50,000, from \$45,000 to \$95,000;

WHEREAS, the term of the AGREEMENT, shall be indefinite subject to sufficient funding;

NOW, THEREFORE, the COUNTY through the SHERIFF and the CITIES OF CHULA VISTA and NATIONAL CITY; COUNTIES OF LOS ANGELES, SANTA BARBARA and SAN LUIS OBISPO; and CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, by and through their respective police departments or law enforcement agencies, have agreed to continue to provide basic services as described in the AGREEMENT, in Section IV. A.

The terms and conditions of the AGREEMENT not specified herein, remain unmodified.

This AMENDMENT NO. 3 may be signed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto approve and agree to the terms of this AMENDMENT NO. 3 to the original AGREEMENT, such AMENDMENT NO. 3 being effective July 1, 2013.

**COUNTY OF SAN DIEGO
SHERIFF'S DEPARTMENT**

William D. Gore
Sheriff

**LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT**

Leroy D. Baca
Sheriff

**SANTA BARBARA COUNTY
SHERIFF'S OFFICE**

Bill Brown
Sheriff-Coroner

**CALIFORNIA DEPARTMENT
OF PARKS AND RECREATION**

Clayton Phillips
District Superintendent

Approved as to form and legality:
SAN DIEGO COUNTY COUNSEL

William L. Pettingill
Senior Deputy

**CHULA VISTA POLICE
DEPARTMENT**

David Bejarano
Chief

**NATIONAL CITY
POLICE DEPARTMENT**

Manuel Rodriguez
Chief

**SAN LUIS OBISPO COUNTY
SHERIFF'S OFFICE**

Ian Parkinson
Sheriff

AGREEMENT FOR OPERATION STONEGARDEN

AMENDMENT NO. 2

RECITALS

1. **Original Agreement** – On or about April 11, 2011, the PARTIES to the Agreement listed in Amendment Recital 2, below, entered into the AGREEMENT FOR OPERATION STONEGARDEN (“Agreement”) effective retroactively to October 1, 2010 and with a termination date of April 30, 2013, subject to various provisions of the Agreement.
2. **Parties To The Agreement** – The Agreement has been, prior to this Amendment 2 between the COUNTY OF SAN DIEGO (“COUNTY”), the CITY OF CARLSBAD, the CITY OF CHULA VISTA, the CITY OF CORONADO, the CITY OF EL CAJON, the CITY OF ESCONDIDO, the CITY OF LA MESA, the CITY OF NATIONAL CITY, the CITY OF OCEANSIDE, the CITY OF SAN DIEGO (“CITIES”), the SAN DIEGO UNIFIED PORT DISTRICT (“SDUPD”), the COUNTY OF ORANGE (“OC”), the CALIFORNIA HIGHWAY PATROL (“CHP”), the CALIFORNIA DEPARTMENT OF FISH AND GAME (“DFG”), the CALIFORNIA DEPARTMENT OF MOTOR VEHICLES (“DMV”), the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (“DPR”), the SAN DIEGO STATE UNIVERSITY (“SDSU”), the COUNTY OF LOS ANGELES (“LAC”), and the CALIFORNIA DEPARTMENT OF CORRECTIONS, OFFICE OF CORRECTIONAL SAFETY (“CDC”), collectively the “PARTIES”, for program support of the Operation Stonegarden Grant (“OPSG”).
3. **Party Departments Or Agencies Participating In The Agreement** – For the COUNTY, participating agencies are Probation Department and the Sheriff’s Department (“SHERIFF”). For the CITIES, participating agencies are their respective police departments. For the college, participating agency is its respective police department. For the OC and LAC, participating agencies are their respective Sheriff’s Department. SDUPD, CHP, DFG, DMV, DPR, and CDC do not have subordinate agencies or department participants.
4. **Authority To Amend The Agreement** – The San Diego County Sheriff is authorized to enter into amendments to the Agreement on behalf of the COUNTY pursuant to the San Diego County Board of Supervisor’s actions on the 11/9/ 2010 (2), 11/8/ 2011 (4), and 12/4/ 2012 (1). The persons signing this Amendment (No. 2) on behalf of the PARTIES represent that they have the authority to do so.
5. **Previous Amendment** – Amendment No. 1 was entered into by the Parties effective October 1, 2011.

THEREFORE, the PARTIES agree to the following:

AMENDMENTS TO THE AGREEMENT

- A. **The Agreement's "PARTIES TO THE AGREEMENT" is amended and restated to read as follows:**

This Agreement is among the COUNTY OF SAN DIEGO ("COUNTY"), the CITY OF CARLSBAD, the CITY OF CHULA VISTA, the CITY OF CORONADO, the CITY OF EL CAJON, the CITY OF ESCONDIDO, the CITY OF LA MESA, the CITY OF NATIONAL CITY, the CITY OF OCEANSIDE, the CITY OF SAN DIEGO ("CITIES"), the SAN DIEGO UNIFIED PORT DISTRICT ("SDUPD"), the SAN DIEGO STATE UNIVERSITY ("SDSU"), the COUNTY OF ORANGE ("OC"), the COUNTY OF LOS ANGELES ("LAC"), the CALIFORNIA HIGHWAY PATROL ("CHP"), the CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ("CDFW"), the CALIFORNIA DEPARTMENT OF MOTOR VEHICLES ("DMV"), the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION ("DPR"), and the CALIFORNIA DEPARTMENT OF CORRECTIONS, OFFICE OF CORRECTIONAL SAFETY ("CDC"), collectively the "PARTIES", for program support of the Operation Stonegarden Grant ("OPSG")."

- B. **The Agreement's "Party Departments Or Agencies Participating In The Agreement" is amended and restated to read as follows:**

For the COUNTY, participating agencies are Probation Department and the Sheriff's Department ("SHERIFF"). For the CITIES and SDUPD, participating agencies are their respective police departments. For the university, participating agency is its respective police department. For OC and LAC, participating agencies are their respective Sheriff's Department. CHP, CDFW, DMV, DPR, and CDC do not have subordinate agencies or department participants.

- C. **The Agreement's "RECITALS" are amended to add the following:**

9. On November 6, 2012, COUNTY through SHERIFF was notified of an award of funding from the California Emergency Management Agency (Cal EMA) under the FY 2012 Operation Stonegarden (OPSG) grant program for the project period beginning September 1, 2012 through June 30, 2014 in the amount of \$5,250,665.
10. On December 4, 2012, the San Diego County Board of Supervisors, in approving Agenda Item No.4, approved and authorized the San Diego County Sheriff to:
 - (a) accept and administer grant funds totaling \$5,250,665 for the project period September 1, 2012 through June 30, 2014, and
 - (b) execute an amendment to the current memorandum of agreement for the FY 2012 OPSG grant.

11. The COUNTY OF VENTURA ("VC"), the COUNTY OF SANTA BARBARA ("SBC"), and the COUNTY OF SAN LUIS OBISPO ("SLOC") desire to enter into an agreement with provisions concerning the nature and extent of OPSG grant collaboration, services to be rendered, and compensation to be paid.
12. PARTIES agree to each of the following Exhibits:
 - (a) Exhibit A – FY 2012 Budget Worksheet
 - (b) Exhibit B – FY 2012 Grant Assurances as set forth by the Cal EMA
 - (c) Exhibit C – FY 2012 OPSG Operations Order, attached to this Amendment No. 2
 - (d) Exhibit D – FY 2012 The Operation Stonegarden Grant Program State Supplemental Guidance ("Guide"), which can be referenced at <http://www.calema.ca.gov/EMS-HS-HazMat/Pages/Operation-Stonegarden-Program-Documents.aspx>
 - (e) Exhibit E – 44 CFR Part 13— Uniform Administrative Requirements For Grants And Cooperative Agreements To State And Local Governments ("44 CFR Part 13"), which can be referenced at <http://www.calema.ca.gov/GrantsMonitoring/Documents/CFR%20Regs/44CFRP art13.pdf>.

D. Section "IV. STANDARDS OF SERVICE: OBLIGATIONS OF THE PARTIES" is amended as set forth below:

Paragraph "A. Anticipated Outcome" is amended to read as follows:

"The anticipated outcome of the OPSG Activities to be provided by PARTIES under this Agreement is increased law enforcement presence in each respective PARTY's designated area of jurisdiction in order to support the U. S. Department of Homeland Security, Bureau of Customs and Border Protection efforts in the region to improve border security and reduce border related crime. The anticipated outcome will be reached by achieving the goals and accomplishing the missions set forth below by the PARTIES and in Exhibit C – FY XXXX OPSG Operations Order for the applicable grant year, to this Agreement."

Paragraph "B. Personnel Qualifications and Assignment, 5. Equipment and Supplies" is amended to read as follows:

"COUNTY through SHERFF will provide SHERIFF OPSG personnel with all supplies and/or prescribed safety gear, body armor, and/or standard issue equipment necessary to perform OPSG Activities. Similarly, County Participating Agency and all Non-County PARTIES will provide their respective OPSG personnel with all supplies and/or prescribed safety gear, body armor, and/or standard issue equipment necessary to perform OPSG Activities unless otherwise specified in Exhibit C. PARTIES are responsible for the procurement of their own equipment to be used in OPSG Operations.

PARTIES will maintain an inventory list of all equipment purchased with OPSG funds and when practicable, the equipment shall be prominently labeled as follows: "Purchased with funds provided by the U.S. Department of Homeland Security" per federal guidelines.

- E. Section "VIII. GENERAL PROVISIONS" shall include all the text from the previous Section VII of that name, and is further amended as set forth below:

Paragraph "B. Notices" is amended to add the following:

Sheriff
San Luis Obispo County Sheriff's Office
1585 Kansas Avenue
San Luis Obispo, CA 93405

Sheriff
Santa Barbara County Sheriff's Office
4434 Calle Real
Santa Barbara, CA 93110

Sheriff
Ventura County Sheriff's Office
800 South Victoria Avenue
Ventura, CA 93009

- F. Except as otherwise provided by this AMENDMENT NO. 2, the Agreement, and each and every other term and condition therein, shall remain in full force and effect.

EXECUTION

This AMENDMENT NO. 2 may be signed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto approve and agree to the terms of this AMENDMENT NO. 2 to the original Agreement, such AMENDMENT NO. 2 being effective October 1, 2012, unless otherwise specified.

COUNTY OF SAN DIEGO
SHERIFF'S DEPARTMENT


William D. Gore
Sheriff

COUNTY OF SAN DIEGO
PROBATION DEPARTMENT

Mack Jenkins
Chief

PARTIES will maintain an inventory list of all equipment purchased with OPSG funds and when practicable, the equipment shall be prominently labeled as follows: "Purchased with funds provided by the U.S. Department of Homeland Security" per federal guidelines.

- E. Section "VIII. GENERAL PROVISIONS" shall include all the text from the previous Section VII of that name, and is further amended as set forth below:

Paragraph "B. Notices" is amended to add the following:

Sheriff
San Luis Obispo County Sheriff's Office
1585 Kansas Avenue
San Luis Obispo, CA 93405

Sheriff
Santa Barbara County Sheriff's Office
4434 Calle Real
Santa Barbara, CA 93110

Sheriff
Ventura County Sheriff's Office
800 South Victoria Avenue
Ventura, CA 93009

- F. Except as otherwise provided by this AMENDMENT NO. 2, the Agreement, and each and every other term and condition therein, shall remain in full force and effect.

EXECUTION

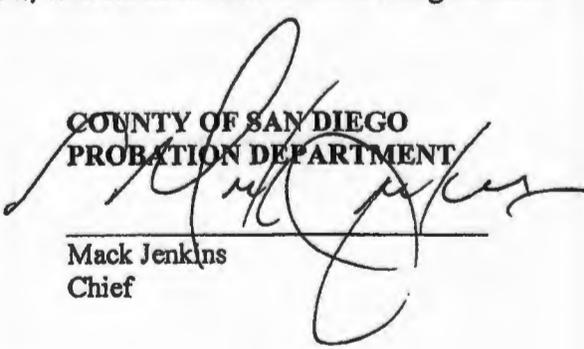
This AMENDMENT NO. 2 may be signed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto approve and agree to the terms of this AMENDMENT NO. 2 to the original Agreement, such AMENDMENT NO. 2 being effective October 1, 2012, unless otherwise specified.

**COUNTY OF SAN DIEGO
SHERIFF'S DEPARTMENT**

William D. Gore
Sheriff

**COUNTY OF SAN DIEGO
PROBATION DEPARTMENT**



Mack Jenkins
Chief

**CARLSBAD POLICE
DEPARTMENT**

Gary Morrison
Chief

**CORONADO POLICE
DEPARTMENT**

Lou Scanlon
Chief

**ESCONDIDO POLICE
DEPARTMENT**

Cory Moles
Acting Chief

**NATIONAL CITY
POLICE DEPARTMENT**

Adolfo Gonzales
Chief

**SAN DIEGO POLICE
DEPARTMENT**

William Lansdowne
Chief

**CITY OF SAN DIEGO
CONTRACTS & PURCHASING**

Ed Plank
Director (Interim)

**SAN DIEGO STATE UNIVERSITY
POLICE DEPARTMENT**

John Browning
Chief

**CHULA VISTA
POLICE DEPARTMENT**

David Bejarano
Chief

CITY OF EL CAJON

Douglas Williford
City Manager

**LA MESA POLICE
POLICE DEPARTMENT**

Ed Aceves
Chief

**OCEANSIDE POLICE
DEPARTMENT**

Frank McCoy
Chief

CITY OF SAN DIEGO

Mayor Bob Filner
or Designee

**SAN DIEGO HARBOR POLICE
DEPARTMENT**

John Bolduc
Chief

**LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT**

Leroy D. Baca
Sheriff

**CARLSBAD POLICE
DEPARTMENT**

Gary Morrison
Chief

**CORONADO POLICE
DEPARTMENT**

Lou Scanlon
Chief

**ESCONDIDO POLICE
DEPARTMENT**

Cory Moles
Acting Chief

**NATIONAL CITY
POLICE DEPARTMENT**

Adolfo Gonzales
Chief

**SAN DIEGO POLICE
DEPARTMENT**

William Lansdowne
Chief

**CITY OF SAN DIEGO
CONTRACTS & PURCHASING**

Ed Plank
Director (Interim)

**SAN DIEGO STATE UNIVERSITY
POLICE DEPARTMENT**

John Browning
Chief

**CHULA VISTA
POLICE DEPARTMENT**

D. Bejarano
David Bejarano
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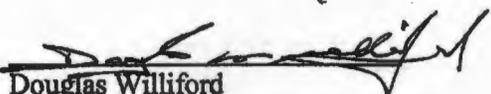
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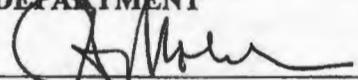
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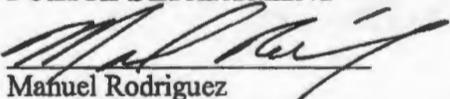
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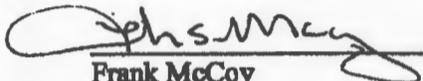
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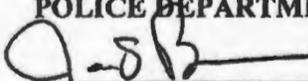
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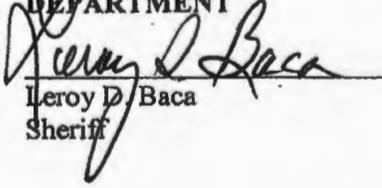
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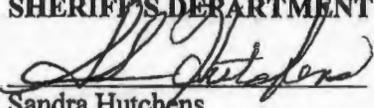
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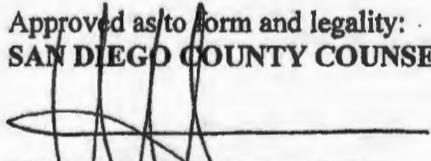
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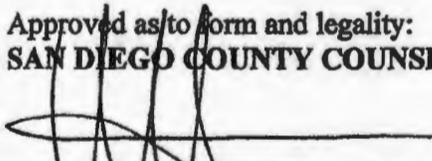
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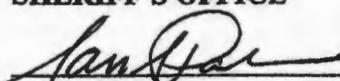
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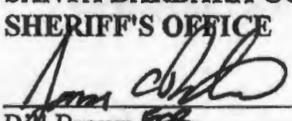
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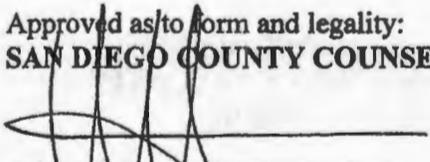
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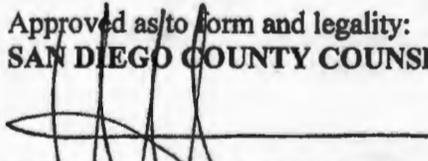
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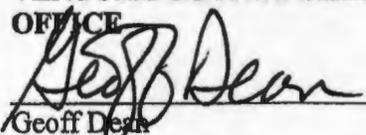


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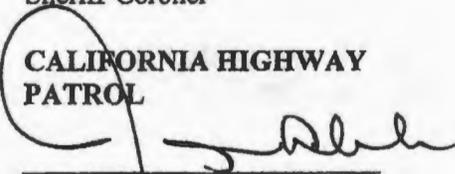
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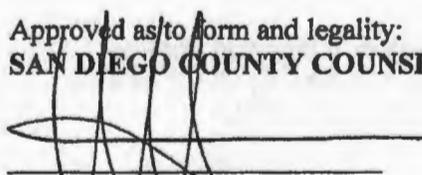
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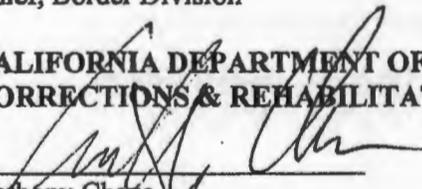
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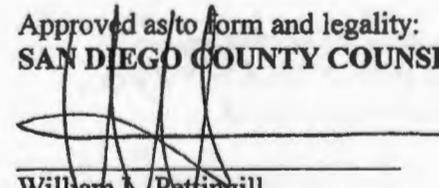


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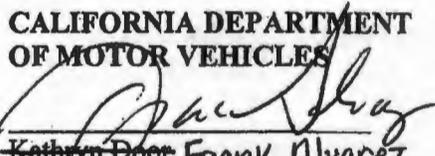
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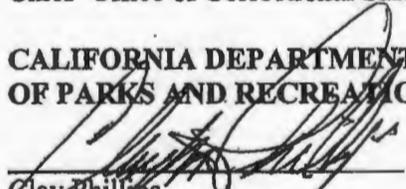
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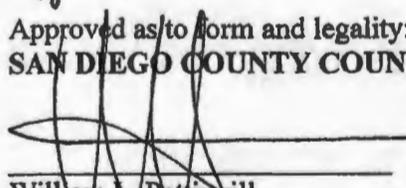
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Ian Parkinson
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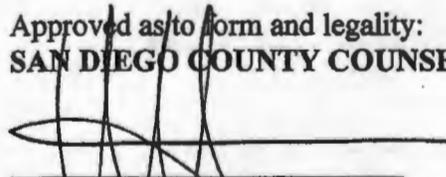
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Nicole A. Sims
Senior Deputy

**AGREEMENT FOR THE
2010 OPERATION STONEGARDEN GRANT**

AMENDMENT #1

RECITALS

1. The following parties executed the AGREEMENT FOR THE 2010 OPERATION STONEGARDEN GRANT ("Agreement"): The COUNTY OF SAN DIEGO ("COUNTY"), the CITY OF CARLSBAD, the CITY OF CHULA VISTA, the CITY OF CORONADO, the CITY OF EL CAJON, the CITY OF ESCONDIDO, the CITY OF LA MESA, the CITY OF NATIONAL CITY, the CITY OF OCEANSIDE, the CITY OF SAN DIEGO ("CITIES"), the SAN DIEGO UNIFIED PORT DISTRICT ("SDUPD"), the COUNTY OF ORANGE ("OC"), the CALIFORNIA HIGHWAY PATROL ("CHP"), the CALIFORNIA DEPARTMENT OF FISH AND GAME ("DFG"), the CALIFORNIA DEPARTMENT OF MOTOR VEHICLES ("DMV"), and the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION ("DPR"), collectively the "PARTIES", for program support of the 2010 Operation Stonegarden Grant ("OPSG").

2. The Party departments or agencies participating in the Agreement are as follows:
 - For the COUNTY, participating agencies are the Sheriff's Department and the Probation Department.
 - For the CITIES, participating agencies are the police departments.
 - For the OC, participating agency is the Sheriff's Department.
 - SDUPD, CHP, DFG, DMV, and DPR do not have subordinate agencies or department participants.

3. The COUNTY, by action of the Board of Supervisors Minute Order No. 2 dated November 9, 2010, approved and authorized the SHERIFF to execute expenditure contracts to use FY 2010 OPSG grant funds to reimburse all PARTIES for overtime expenses; equipment and vehicle purchases; fuel, mileage, flight, and vehicle and equipment maintenance costs incurred in OPSG activities not to exceed \$7,258,596, as described in Exhibit A – Budget Worksheet, during the project period beginning October 1, 2010 through April 30, 2013.

4. On October 6, 2011, COUNTY through SHERIFF was notified of a conditional award of funding from the California Office of Emergency Management (Cal EMA) under the FY 2011 Operation Stonegarden (OPSG) grant program for the project period beginning October 1, 2011 through June 30, 2014.

5. On November 8, 2011, the Board of Supervisors, in approving its Agenda Item No. 4, approved and authorized the Sheriff to:
 - (a) accept and administer grant funds totaling \$6,974,123 for the project period October 1, 2011 through June 30, 2014, and
 - (b) execute an amendment to the current memorandum of agreement for the FY 2011 OPSG grant.
6. SAN DIEGO STATE UNIVERSITY POLICE DEPARTMENT ("SDSU"), the COUNTY OF LOS ANGELES ("LAC"), and the CALIFORNIA DEPARTMENT OF CORRECTIONS, OFFICE OF CORRECTIONAL SAFETY ("CDC") desire to enter into an agreement with provisions concerning the nature and extent of OPSG grant collaboration, services to be rendered, and compensation to be paid.
7. PARTIES agree to Exhibit A – FY 2011 Budget Worksheet, Exhibit B – FY 2011 Grant Assurances as set forth by the Cal EMA, and Exhibit C – FY 2011 OPSG Operations Order, attached to this Amendment No. 1., and Exhibit D – FY 2011 The Homeland Security Grant Program Federal Guidance and Application Kit ("Guide"), which can be referenced at http://www.fema.gov/pdf/government/grant/2011/fy11_hsgp_kit.pdf, and Exhibit E – 44 CFR Part 13— Uniform Administrative Requirements For Grants And Cooperative Agreements To State And Local Governments ("44 CFR Part 13"), which can be referenced at <http://www.calema.ca.gov/GrantsMonitoring/Documents/CFR%20Regs/44CFRPart13.pdf>.
8. The terms and conditions of the Agreement not specified herein, remain unmodified.

AMENDMENTS TO THE AGREEMENT

NOW, THEREFORE, the COUNTY and PARTIES, through their authorized representatives below, agree as follows:

1. The title of the Agreement is amended to read as follows:

AGREEMENT FOR OPERATION STONEGARDEN

2. The opening paragraph of the Agreement is amended to read as follows:

"This Agreement is between the COUNTY OF SAN DIEGO ("COUNTY"), the CITY OF CARLSBAD, the CITY OF CHULA VISTA, the CITY OF CORONADO, the CITY OF EL CAJON, the CITY OF ESCONDIDO, the CITY OF LA MESA, the CITY OF NATIONAL CITY, the CITY OF OCEANSIDE, the CITY OF SAN DIEGO ("CITIES"), the SAN DIEGO UNIFIED PORT DISTRICT ("SDUPD"), the COUNTY

OF ORANGE ("OC"), the CALIFORNIA HIGHWAY PATROL ("CHP"), the CALIFORNIA DEPARTMENT OF FISH AND GAME ("DFG"), the CALIFORNIA DEPARTMENT OF MOTOR VEHICLES ("DMV"), the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION ("DPR"), the SAN DIEGO STATE UNIVERSITY ("SDSU"), the COUNTY OF LOS ANGELES ("LAC"), and the CALIFORNIA DEPARTMENT OF CORRECTIONS, OFFICE OF CORRECTIONAL SAFETY ("CDC"), collectively the "PARTIES", for program support of the Operation Stonegarden Grant ("OPSG")."

3. The second paragraph, "Party Departments Or Agencies Participating In The Agreement" is amended as follows:

After the sentence beginning, "For the OC..." add the following:

"For the college, participating agency is its respective police department."

"For the LAC, participating agency is the Sheriff's Department."

The sentence, "SDUPD, CHP..." is amended as follows:

"SDUPD, CHP, DFG, DMV, DPR, and CDC do not have subordinate agencies or department participants."

4. Section "I. PURPOSE AND INTENT" is amended to read as follows:

The phrase "under the FY 2010 Operation Stonegarden Grant" is amended to read, "under the Operation Stonegarden Grant".

5. Section "III. TERM OF AGREEMENT" is amended as set forth below:

Paragraph "A. Initial Term", is amended to read as follows:

"The term of this Agreement shall not exceed five years, terminating no later than September 30, 2015, subject to sufficient funding"

Paragraph "B. Option to Extend" is deleted.

6. Section "IV. STANDARDS OF SERVICE: OBLIGATIONS OF THE PARTIES" is amended as set forth below:

Paragraph "A. Anticipated Outcome" is amended to read as follows:

"The anticipated outcome of the OPSG Activities to be provided by PARTIES under this Agreement is increased law enforcement presence in each respective PARTY's designated area of jurisdiction in order to support the U. S. Department of Homeland Security, Bureau of Customs and Border Protection efforts in the region to improve border security and reduce border related crime. The anticipated outcome will be reached by achieving the goals and accomplishing the missions set forth below by the PARTIES and in Exhibit C – FY 2011 OPSG Operations Order, to this Agreement."

7. Section "V. **COST OF SERVICES/CONSIDERATION**" is amended as set forth below:

Paragraph "A. **General**" is amended to add the following two paragraphs:

"PARTIES agree that awarded funds, identified as allowable costs, as set forth in Exhibit D – Guide, Part II. A. Funding Guidelines, Law Enforcement Terrorism Prevention-Oriented Allowable Costs (SHSP, UASI), shall be expended only for Activities, operating expenses, and equipment as detailed in Exhibit A – FY XXXX Budget Worksheet for the applicable grant year and that unallowable costs are not reimbursable as set forth in Exhibit D – Guide, Part II. A. Funding Guidelines, Operation Stonegarden (OPSG), OPSG Unallowable Costs."

"No reimbursement shall be made to a PARTY during any period of time within which that PARTY is in default on filing any informational or financial reports required by the COUNTY through SHERIFF. SHERIFF shall make any necessary adjustments to PARTY claims to correct for previous overpayment and disallowances or underpayments."

Paragraph "B. **Personnel Costs/Rate of Compensation**" is re-titled to "B. **Project Costs/Compensation**" and the existing text is deleted and new text inserted as follows:

"Beginning with FY 2010 and continuing during the term of this Agreement, COUNTY through SHERIFF shall reimburse PARTIES for overtime worked by personnel assigned to perform OPSG Activities and shall reimburse for equipment and vehicle purchases, equipment and vehicle maintenance, flight costs, fuel, and mileage based upon available funding and the actual costs incurred by PARTIES to provide Activities, purchase and maintain equipment and vehicles, flight costs, fuel, and mileage, under this Agreement."

Paragraph "C. **Method of Payment**" subparagraph C.1 is amended as follows:

The phrase "no later than the final business day of the subsequent month" is amended to read, "within 90 days from the date expenditure was incurred."

Paragraph "C. Method of Payment" is also amended to add subparagraph C.3 and new text inserted as follows:

"PARTIES who do not comply with section V.C.1 are at risk of having any incurred expenditures disallowed for reimbursement by SHERIFF. If a PARTY fails to submit claims for reimbursement within the provided time period for reimbursement, they will be formally notified by SHERIFF that the claims are past due and any funds allocated to that PARTY for the time period can be redistributed among other participating agencies."

8. A new Section VI is inserted and the existing Sections VI and VII are moved down to become Sections VII and VIII respectively, as described in paragraphs 9, 10, and 11 below.

9. The new section "**VI. PROGRAM/FINANCIAL ADMINISTRATION**" shall read as follows:

"PARTIES shall use Exhibit D – Guide for the applicable grant year developed by the DHS and Exhibit E – 44 CFR Part 13, as the primary reference and day-to-day management tool in all programmatic, financial, and grant administration matters. The Guide and 44 CFR Part 13 shall be used in conjunction with the provision of the CFRs (Code of Federal Regulations) and OMB (Office of Management and Budget) Circulars, G&T (Grants & Training) information bulletins, and Cal EMA policy, regulations, and statutes."

10. The new Section "**VII. INDEMNIFICATION RELATED TO WORKERS COMPENSATION, EMPLOYMENT AND CLAIMS AND LIABILITY ISSUES**" shall include all the text from the previous Section VI of that name.

11. The new Section "**VIII. GENERAL PROVISIONS**" shall include all the text from the previous Section VII of that name, and is further amended as set forth below:

Paragraph "**B. Notices**" is amended to add the following:

Chief of Police
Public Safety / Police Department
Division of Business and Financial Affairs

San Diego State University
5500 Campanile Drive
San Diego, CA 92182-4390

Sheriff
Los Angeles County Sheriff's Department
Special Enforcement Bureau
1060 N. Eastern Ave.
Los Angeles, CA 90063

Chief - Office of Correctional Safety
California Department of Corrections, Office of Correctional Services
1515 S Street Room 201-North
Sacramento, California 95811-7243

This AMENDMENT NO. 1 may be signed in counterparts.

IN WITNESS WHEREOF, the parties hereto approve and agree to the terms of this AMENDMENT NO. 1 to the original Agreement, such AMENDMENT NO. 1 being effective October 1, 2011, unless otherwise specified.

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Sheriff

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Gary Morrison
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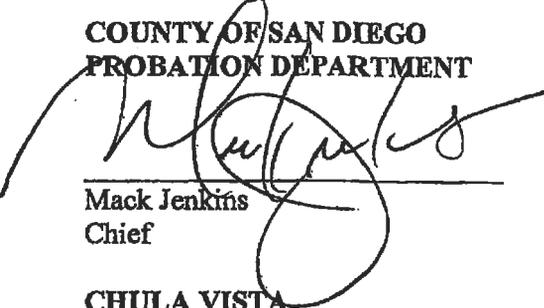
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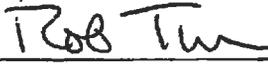
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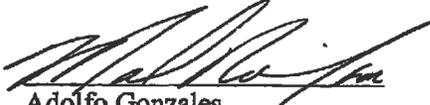
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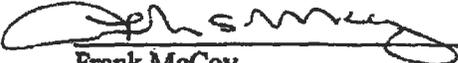
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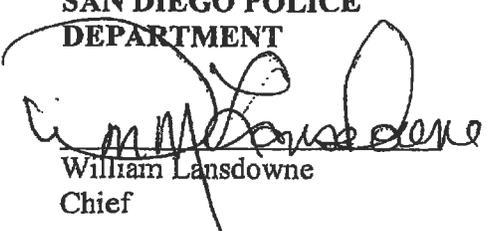
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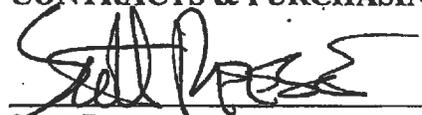
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~~CITY OF SAN DIEGO~~ *duplicate*

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**SAN DIEGO HARBOR POLICE
DEPARTMENT**



John Bolduc
Chief

**LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT**

Leroy D. Baca
Sheriff

**CALIFORNIA HIGHWAY
PATROL**

Jim Abele
Chief, Border Division

**ESCONDIDO POLICE
DEPARTMENT**

Jim Maher
Chief

**NATIONAL CITY
POLICE DEPARTMENT**

Adolfo Gonzales
Chief

**SAN DIEGO POLICE
DEPARTMENT**

William Lansdowne
Chief

**CITY OF SAN DIEGO
CONTRACTS & PURCHASING**

Scott Reese
Director (Acting)

**SAN DIEGO STATE UNIVERSITY
POLICE DEPARTMENT**

John Browning
Chief

**ORANGE COUNTY
SHERIFF'S DEPARTMENT**

Sandra Hutchens
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**LA MESA POLICE
POLICE DEPARTMENT**

Ed Aceves
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**OCEANSIDE POLICE
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Frank McCoy
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CITY OF SAN DIEGO

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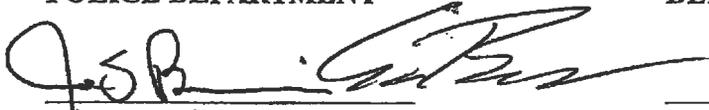
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Scott Burns
Asst Finance

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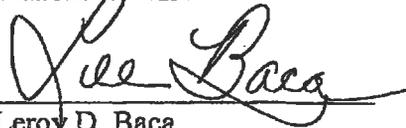
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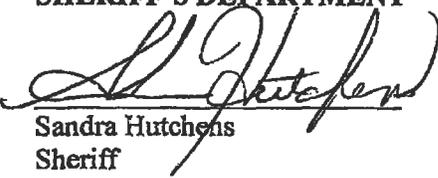
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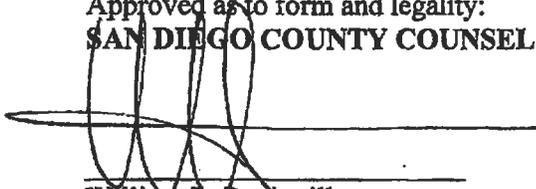
**CALIFORNIA DEPARTMENT
FISH AND GAME**


Helen Carriker
Deputy Director, Administration

**CALIFORNIA DEPARTMENT
OF MOTOR VEHICLES**

Kathryn Door
Chief, Investigations

Approved as to form and legality:
SAN DIEGO COUNTY COUNSEL



William D. Pettingill
Senior Deputy

Approved as to form and legality:
ORANGE COUNTY COUNSEL

Nicole A. Sims
Senior Deputy

**CALIFORNIA DEPARTMENT OF
CORRECTIONS & REHABILITATION**

Anthony Chau
Chief- Office of Correctional Safety

**CALIFORNIA DEPARTMENT
OF PARKS AND RECREATION**

Clay Phillips
(A) District Superintendent

Approved as to form and legality:
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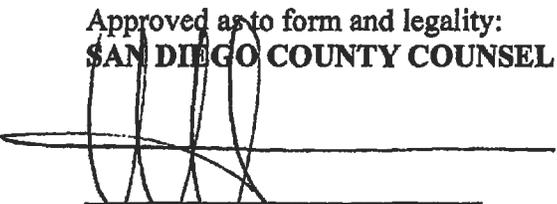
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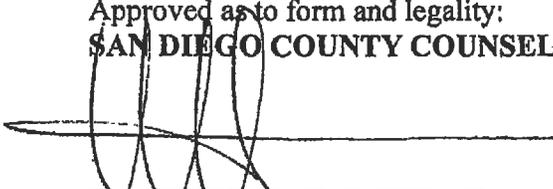
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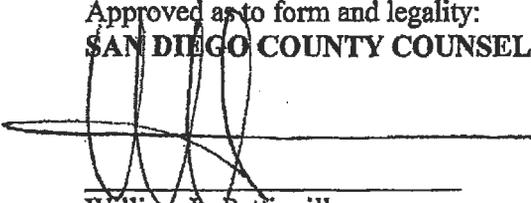
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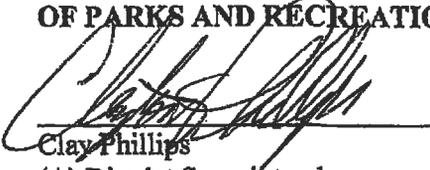
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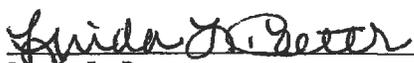
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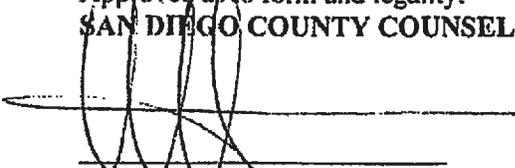
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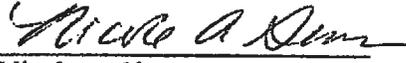
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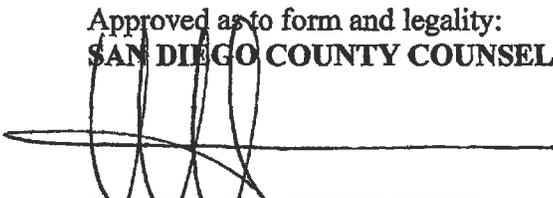
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Linda L. Peter
Deputy City Attorney

RESOLUTION NO. 2013 – 182

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORING THE ACCEPTANCE OF ADDITIONAL REIMBURSABLE GRANT FUNDS
FROM THE 2011 OPERATION STONEGARDEN PROGRAM IN THE AMOUNT OF
\$85,163, AUTHORIZING THE CHIEF OF POLICE TO EXECUTE AMENDMENT NO. 3
TO THE AGREEMENT FOR THE AWARD OF THE GRANT FUNDS, AND
AUTHORIZING THE ESTABLISHMENT OF FUND APPROPRIATIONS
AND A CORRESPONDING REVENUE BUDGET

WHEREAS, the Operation Stonegarden Program (OPSPG) is designed to enhance law enforcement preparedness and operational readiness along the land and water borders of the United States and to address cross-border crime in the region; and

WHEREAS, on June 5, 2012, the City Council adopted Resolution No. 2012-116, authorizing the Chief of Police to execute Amendment No. 1 to the Memorandum of Agreement with the San Diego County Sheriff's Department for the acceptance of reimbursable grant funds in the amount of \$90,203 from the U.S. Department of Homeland Security through the Fiscal Year 2011 OPSPG; and

WHEREAS, on April 2, 2013, the City Council adopted Resolution No. 2013-49, approving Amendment No. 2 to the Memorandum of Agreement for the acceptance of OPSPG grant funds in the amount of \$37,086 for overtime, fringe benefits, and mileage for the Police Department; and

WHEREAS, the National City Police Department has been awarded additional grant funding in the amount of \$85,163 from the Fiscal Year 2011 OPSPG Program, which will be used for the purchase of two fully-equipped turn-key police vehicles.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the acceptance of additional Fiscal Year 2011 Operation Stonegarden Grant funds in the amount to \$85,163.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the Chief of Police to execute Amendment No. 3 to the Memorandum of Agreement for the 2011 Operation Stonegarden Grant. Said Amendment No. 3 to the Memorandum of Agreement is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the establishment of fund appropriations in the amount of \$85,163 and a corresponding revenue budget.

[SIGNATURE PAGE TO FOLLOW]

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the Council to waive the formal bid process per Section 12 of Purchasing Ordinance #1480, and Chapters 2.60.220(d) and 2.60.260 of the Municipal Code, and authorize the City (Buyer) to piggyback the California Department of General Services Contract #1-12-23-14, and award the purchase and build-out of (3) fully-equipped police vehicles from Folsom Lake Ford in the not to exceed amount of \$150,000.

PREPARED BY: Parris Bull, Police Sergeant

DEPARTMENT: Police

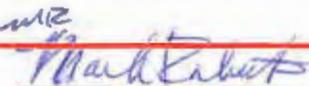
PHONE: (619) 336-4524

APPROVED BY: 

EXPLANATION:

The City of National City was awarded additional funds from the U.S. Department of Homeland Security through the County of San Diego to purchase two fully-equipped turn-key police vehicles via the FY 2011 Operation Stonegarden (OPSG) Program. The acceptance of the grant award and the execution of Amendment No. 3 to the "Agreement for Operation Stonegarden Grant" will go before the City Council on December 3, 2013. The OPSG Program is designed to enhance law enforcement preparedness and operational readiness along the land and water borders of the United States and to address cross-border crimes in the region. The vehicles will ensure that the police department has the resources to complete its approved missions and operations. The City was also awarded funds from the State of California through the County of San Diego to purchase one fully-equipped turn-key police vehicle via the FY 2013 Supplemental Law Enforcement Services Fund (SLESF)/Citizens' Option for Public Safety (COPS) Program grant per Resolution #2013-148. The SLESF/COPS Program provides grants to every City and County, and five special districts for "frontline law enforcement services."

FINANCIAL STATEMENT:

APPROVED:  Finance

APPROVED: _____ MIS

ACCOUNT NO. 290-411-633-511-0000 (FY 2011 OPSG)
208-411-915-511-0000 (FY 2013 SLESF/COPS)
131-411-000-511-0000 (Asset Forfeiture)

ENVIRONMENTAL REVIEW:

Not Applicable.

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Approve the Resolution.

BOARD / COMMISSION RECOMMENDATION:

Not Applicable.

ATTACHMENTS:

California Department of General Services Contract (No. 1-12-23-14) and Bid Documents

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

PAGE: 2

EXPLANATION:

The local Ford dealer does not bid on marked police vehicles.

It is requested that City Council waive the formal bidding requirements as allowed in Section 12 of Purchasing Ordinance #1480 and Chapters 2.60.220(d) and 2.60.260 of the Municipal Code, and authorize the Buyer to piggyback the California Department of General Services Contract (No. 1-12-23-14) with Folsom Lake Ford, who will subcontract with Lehr Auto Electric & Emergency Equipment for the build-out and up-fitting of the emergency (police) vehicles; this will shorten the delivery time since the grant expires in June 2014.

M e m o r a n d u m

Date: August 29, 2012

To: Department of General Services
Procurement Division

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Fleet Operations Section

File No.: 074.10480.10480.Utility Vehicle

Subject: ENFORCEMENT VEHICLE CONTRACT

The California Highway Patrol has completed driving related testing on both the Ford Utility and Sedan Police Interceptor. Both vehicles passed enforcement related compliance testing (speeds, acceleration and braking). The California Highway Patrol (i.e., PSCO) has completed radio related testing on the Ford Utility Police Interceptor. While PSCO has identified potential degradation concerns, the California Highway Patrol has waived the no more than 1 db degradation and accepts the Ford Utility Police Interceptor as tested.

In summary, both the Ford Sedan and Utility Police Interceptor vehicles tested for compliance with the specifications outlined in the California Highway Patrol Enforcement Vehicle Contract have passed and are accepted.

If you have any questions or need additional information, do not hesitate to contact me at (916) 376-3500.



W. A. PETERS, Captain
Commander



June 11, 2012

**CERTIFIED MAIL –
RETURN RECEIPT REQUESTED**

Mr. Dan Raimondi
Folsom Lake Ford
12755 Folsom Blvd.
Folsom, CA 95630

Subject: Contract Number 1-12-23-14, Award Notification

Dear Mr. Raimondi:

We are pleased to accept your bid for Solicitation Number IFB DGS 1009-014. The resulting contract information is as follows:

ENFORCEMENT VEHICLE, POLICE PURSUIT
Contract No.: 1-12-23-14
Lines Awarded: SEDAN & UTILITY VEHICLES
Total Evaluated Amount: \$43,704,477.50
Effective: 5/25/2012 through 5/24/2014

The contract consists of this acceptance letter, your bid, the State's Invitation for Bid (IFB) and the State's General Provisions.

The Contract User Instructions will be posted on the Department of General Services eProcurement system at www.bidsync.com. A copy of this notification is being sent to you so that you will know the exact information which has been transmitted to the departments.

In accordance with the State's general provisions, Article #35 entitled News Releases, the Contractor shall not publish or use any information concerning this Statewide Contract in any format or media for advertising or publicity without prior written consent from the State's Contract Administrator.

If you have any questions regarding this contract, please contact Timothy Smith at (916) 375-4451.

Sincerely,



Timothy Smith
State Contract Administrator
Contracts Management Unit 2

cc. Contract 1-12-23-14



Department of General Services
Procurement Division
707 Third Street, 2nd Floor
West Sacramento, CA 95605-2811

State of California
CONTRACT USER INSTRUCTIONS
****MANDATORY****

CONTRACT NUMBER:	1-12-23-14
DESCRIPTION:	ENFORCEMENT VEHICLES, SEDAN & UTILITY
CONTRACTOR(S):	FOLSOM LAKE FORD
CONTRACT TERM:	5/25/2012 through 5/24/2014
STATE CONTRACT ADMINISTRATOR:	Timothy Smith (916) 375-4451 timothy.smith@dgs.ca.gov

The contract user instructions, products, and pricing are included herein. All purchase documents issued under this contract incorporate the contract terms and applicable California General Provisions.

Original Signature on File

Timothy Smith, Contract Administrator

Date: 5/25/2012

Contract (Mandatory) No: 1-12-23-14
Contract User Instructions

1. SCOPE:

The State's contract with Folsom Lake Ford (Contractor) provides 2013 or current model year Enforcement Vehicles at contracted pricing to the State of California and local governmental agencies in accordance with the requirements of Contract # 1-12-23-14. The Contractor shall supply the entire portfolio of products as identified in the contract and will be the primary point of contact for data collection, reporting, and distribution of Enforcement Vehicles to the State.

The contract term is for two (2) years with an option to extend the contract for one additional 1 year period or portion thereof. The terms, conditions, and prices for the contract extension option shall be by mutual agreement between the Contractor and the State. If a mutual agreement cannot be met the contract may be terminated at the end of the current contract term.

If the manufacturer's cut-off date occurs prior to the contract expiration date, the dealer may offer the contracted or subsequent model year meeting or exceeding the contract specifications at the same contract terms, conditions, and pricing, after the manufacturer's order cut-off date for the remaining contract period or portion thereof. The Contractor shall notify the DGS State Contract Administrator in writing of its intention to participate in this roll-over provision, shall specify the model year(s) offered, and shall specify the period through which it will continue to offer vehicles under this provision. This offer shall be irrevocable once accepted by the State.

2. CONTRACT USAGE/RULES:

A. State Departments

- The use of this contract is mandatory for all State of California departments.
- Ordering departments must adhere to all applicable State laws, regulations, policies, best practices, and purchasing authority requirements, e.g. California Codes, Code of Regulations, State Administrative Manual, Management Memos, and State Contracting Manual Volume 2 and 3, as applicable.
- Prior to placing orders against this contract, departments must have been granted non-IT purchasing authority by the Department of General Services, Procurement Division (DGS/PD) for the use of this statewide contract. The department's current purchasing authority number must be entered in the appropriate location on each purchase document. Departments that have not been granted purchasing authority by DGS/PD for the use of the State's statewide contracts may access the Purchasing Authority Application at <http://www.dgs.ca.gov/pd/Resources/publications/SCM2.aspx> or may contact DGS/PD's Purchasing Authority Management Section by e-mail at pams@dgs.ca.gov.
- Departments must have a Department of General Services (DGS) agency billing code prior to placing orders against this contract. Ordering departments may contact their Purchasing Authority contact or their department's fiscal office to obtain this information.

B. Local Governmental Agencies

- Local governmental agency use of this contract is optional. Local government agencies are defined as "any city, county, city and county, district or other governmental body or corporation, including the California State Universities (CSU) and University of California (UC) systems, K-12 schools and community colleges", empowered to expend public funds for the acquisition of products, per Public Contract Code Chapter 2, Paragraph 10298 (a) (b). While the State makes this contract available to local governmental agencies, each local governmental agency should determine whether this contract is consistent with its procurement policies and regulations.

Contract (Mandatory) No: 1-12-23-14
Contract User Instructions

- Local governmental agencies shall have the same rights and privileges as the State under the terms of this contract. Any agencies desiring to participate shall be required to adhere to the same responsibilities as do State agencies and have no authority to amend, modify or change any condition of the contract.
- Local governmental agencies must have a DGS agency billing code prior to placing orders against this contract. DGS agency billing codes may be obtained by emailing the DGS billing code contact with the following information:
 - Local governmental agency
 - Contact name
 - Telephone number
 - Mailing address
 - Facsimile number and e-mail address

DGS Billing Code Contacts: Marilyn.ebert@dgs.ca.gov or Wilson.lee@dgs.ca.gov

- C. Unless otherwise specified within this document, the term "ordering agencies" will refer to all State departments and/or local governmental agencies eligible to utilize this contract. Ordering and/or usage instructions exclusive to State departments or local governmental agencies shall be identified within each article.

3. DGS ADMINISTRATIVE FEES:

A. State Departments

The DGS will bill each State department an administrative fee for use of this statewide contract. The administrative fee should NOT be included in the order total, nor remitted before an invoice is received from DGS.

Current fees are available online in the Procurement Division Price Book located at:
<http://www.dgs.ca.gov/ofs/Resources/Pricebook.aspx>. (Click on "Purchasing" under Procurement Division.)

B. Local Governmental Agencies

For all local government agency transactions issued against the contract the Contractor is required to remit the DGS/PD an Incentive Fee of an amount equal to 1% of the total purchase order amount excluding taxes and freight. This Incentive Fee shall not be included in the agency's purchase price, nor invoiced or charged to the purchasing entity. All prices quoted to local governmental agency customers shall reflect State contract pricing, including any and all applicable discounts, and shall include no other add-on fees.

4. CONTRACT ADMINISTRATION:

Both the State and the Contractor have assigned Contract Administrators as the single points of contact for problem resolution and related contract issues and questions. The table on the next page contains the points of contact for this contract:

Contract (Mandatory) No: 1-12-23-14
 Contract User Instructions

Administrator Information	DGS/PD (State Contract Administrator)	Folsom Lake Ford (Contractor)
Contact Name:	Timothy Smith	Dan Raimondi or Mark Paoli
Telephone:	(916) 375-4451	(916) 351-4246 / (916) 351-4202
Facsimile:	(916) 375-4613	(916) 353-2078 / (916) 353-2078
Email:	timothy.smith@dgs.ca.gov	danr@folsomlakeford.com
Address:	DGS – Procurement Division Attn: Timothy Smith Enforcement Vehicle Contract Administrator 707 Third Street, 2 nd Floor, MS 201 West Sacramento, CA 95605	Folsom Lake Ford Attn: Dan Raimondi or Mark Paoli 12755 Folsom Blvd. Folsom, CA 95630

5. PROBLEM RESOLUTION/SUPPLIER PERFORMANCE:

Ordering agencies and/or Contractor shall inform the State Contract Administrator of any technical or contractual difficulties encountered during contract performance in a timely manner. This includes and is not limited to informal disputes, supplier performance, outstanding deliveries, etc.

For Contractor performance issues, ordering agencies must submit a completed Supplier Performance Report via email or facsimile to the State Contract Administrator identified in Article 4 (Contract Administration). The ordering agency should include all relevant information and/or documentation (i.e. Purchase documents).

6. CONTRACT ITEMS:

The following two (2) vehicles are available for purchase under this contract:

ENFORCEMENT SEDAN – Ford Police Interceptor Sedan

ENFORCEMENT UTILITY – Ford Police Interceptor Utility Vehicle

No other Ford vehicles are available for purchase under these contract terms.

7. COLOR CHART:

A color chart shall be made available to all ordering agencies, upon written request to the Contractor, for the make/model year(s) included in this contract.

8. DEALER'S CATALOG:

A copy of the Contractor's Dealer Catalog is available for ordering agencies to review and is a part of these user instructions as Attachment D. Only items listed in the Dealer Catalog are available for purchase under this contract. The discount percentage offered for all options in the Dealer Catalog is set at 5%.

The Contractor may submit an updated Dealer Catalog on a quarterly basis and will be available to ordering agencies once approved by the State Contract Administrator listed in Article 4.

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9. SPECIFICATIONS:

All items listed on Attachment A – Contract Pricing, shall conform to the following State of California Bid Specifications:

Specification #	Vehicle Type:
Attachment B1 - 2310-1951, dated 3/14/2012	Sedan
Attachment B2 - 2310-2108R1, dated 4/26/2012	Utility

10. PURCHASE EXECUTION:

A. State Departments

1) Purchase Documents:

State departments must use the Purchasing Authority Purchase Order (Std. 65) for purchase execution. An electronic version of the Std. 65 is available at the Office of State Publishing web site: <http://www.dgs.ca.gov/pd/Forms.aspx> (select Standard Forms).

All Purchasing Authority Purchase Orders (Std. 65) shall contain the following:

- Agency Order Number (Purchase Order Number)
- Ordering Agency Name
- Agency Billing Code
- Purchasing Authority Number
- Leveraged Procurement Number (Contract Number)
- Supplier Information (Contact Name, Address, Phone Number, Fax Number, E-mail)
- Line Item number
- Quantity
- Unit of Measure
- Commodity Code Number
- Product Description
- Unit Price
- Extension Price

2) Blanket Orders:

The use of blanket orders against this mandatory statewide contract is not allowed.

3) American Recovery and Reinvestment Act (ARRA) - Supplemental Terms and Conditions:

Ordering departments executing purchases using ARRA funding must attach the ARRA Supplemental Terms and Conditions document to their individual purchase documents. Departments are reminded that these terms and conditions supplement, but do not replace, standard State terms and conditions associated with this leveraged procurement agreement.

- ARRA Supplemental Terms and Conditions

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Note: Additional information regarding ARRA is available by clicking here to access the email broadcast dated 08/10/09, titled Supplemental Terms and Conditions for Contracts Funded by the American Recovery and Reinvestment Act.

B. Local Governmental Agencies

Local governmental agencies may use their own purchase document for purchase execution. The purchase documents must include the same data elements as listed above (Exception: Purchasing Authority Number is used by State departments only). The Contractor shall not accept purchase documents from local agencies that do not have a DGS issued billing code as described in Article 2B.

C. Documentation

All ordering agencies will submit a copy of executed purchase documents to:

DGS - Procurement Division (IMS# Z-1)
Attn: Data Entry Unit
707 Third Street, 2nd Floor, MS 2-212
West Sacramento, CA 95605-2811

11. ORDERING PROCEDURE:

A. Ordering Methods:

Ordering agencies are to submit appropriate purchase documents directly to the Contractor via one of the following ordering methods:

- U.S. Mail
- Facsimile
- E-mail

The Contractor's Order Placement Information is as follows:

ORDER PLACEMENT INFORMATION		
U.S. Mail	Facsimile	Email
Folsom Lake Ford <u>Attn:</u> Dan Raimondi or Mark Paoli 12755 Folsom Blvd. Folsom, CA 95630	(916) 353-2078	<u>danr@folsomlakeford.com</u>

Note: When using any of the ordering methods specified above, all State departments must conform to proper State procedures.

12. MINIMUM ORDER:

The minimum order shall be one (1) vehicle.

13. ORDER RECEIPT CONFIRMATION:

The Contractor will provide ordering agencies with an order receipt confirmation, via e-mail or facsimile, within 48 hours of receipt of purchase document. The Order Receipt Confirmation shall include the following information:

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- Ordering Agency Name
- Agency Order Number (Purchase Order Number)
- Purchase Order Total Cost
- Anticipated Delivery Date

14. CALIFORNIA HIGHWAY PATROL (CHP) PERFORMANCE AND RADIO TESTING:

The CHP shall conduct performance and radio testing on the enforcement vehicles for their business purposes. Upon successful testing a copy of the CHP's acceptance letter shall be posted and incorporated into these user instructions for ordering agencies' information.

15. PRE-DELIVERY CHECKLIST:

Prior to delivery, each vehicle shall be completely inspected, serviced and detailed by the delivering dealer and/or the manufacturer's pre-delivery service center. A copy of the pre-delivery checklist shall be completed for each vehicle, signed by a representative of the organization performing the inspection/service, and delivered with the vehicle.

16. DELIVERY:

Delivery made to any State department is to begin within 90 days after receipt of order (ARO). State departments may limit delivery to a maximum of ten (10) units per working day. Contractor is requested to make deliveries in Los Angeles County, Orange County, San Bernardino Metropolitan Area, and San Diego Metropolitan Area during off-peak hours. Off-peak hours are Monday through Friday, 10:00 AM to 4:00 PM.

Delivery to local governmental agencies is to be completed in full within 150 days ARO.

17. DOCUMENTS:

The following documents shall be delivered to the receiving agency with the vehicle:

1. Completed and signed pre-delivery checklist with the VIN # and purchase order number
2. "Line Set Tickets" or "Window Sticker" showing all options installed and/or deleted
3. One (1) copy of the new vehicle warranty
4. One (1) Ford owner's manual

18. EMERGENCY/EXPEDITED ORDERS:

Not applicable under this contract.

19. FREE ON BOARD (FOB):

The Contractor will be required to deliver vehicles to State agencies or local agencies FOB Destination, Sacramento County. Additionally, delivery shall be FOB Destination to the California Highway Patrol (CHP), Fleet Operations, 3300 Reed Ave., West Sacramento, California 95605.

Vehicles shall be delivered from the factory to the dealer's place of business. If the purchase order indicates delivery outside an FOB point, the dealer and agency will negotiate for delivery beyond the FOB point. This delivery may be subject to an additional delivery charge by the Contractor. This charge shall be shown as a separate item on the purchase order and invoice.

State agencies requesting delivery outside the FOB area must contact the Office of Transportation Management for freight rate comparisons if the dealer is delivering the vehicle.

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These delivery instructions will be provided on the purchase order. The Contractor receiving a purchase order without specific transportation instructions must contact the ordering agency.

The Contractor shall insure that each vehicle reaches its delivery point with no less than five (5) gallons of fuel in the fuel tank.

Drop ship deliveries shall not be made without prior State inspection.

Vehicles delivered from a dealer with more than 50 miles on the odometer will be charged 50 cents for each mile exceeding 50 miles. This charge shall be deducted from the order price for each vehicle delivered against each order. Vehicles delivered with more than 500 miles on the odometer will not be accepted.

20. SHIPPED ORDERS:

All shipments must comply with General Provisions (rev 06/08/2010), Paragraph 12 entitled "Packing and Shipment". The General Provisions are available at:
<http://www.documents.dgs.ca.gov/pd/modellang/GPnonIT060810.pdf>.

21. INVOICING:

Ordering agencies may require separate invoicing, as specified by each ordering organization. Invoices will contain the following information:

- Contractor's name, address and telephone number
- Leveraged Procurement Number (Contract Number)
- Agency Order Number (Purchase Order Number)
- Item and commodity code number
- United Nations Standard Products and Services Code (UNSPSC)
- Quantity purchased
- Contract price and extension
- State sales and/or use tax
- Prompt payment discounts/cash discounts, if applicable
- Totals for each order

22. WARRANTY:

The manufacturer's regular new vehicle warranty shall apply to all vehicles procured against this contract. The warranty shall be factory authorized and shall cover not less than three (3) years/36,000 miles, bumper to bumper, no charge parts and labor. Additionally, an extended powertrain care Ford warranty is available at no charge under this contract and shall be included with all vehicle purchases. This includes a five (5) year/100,000 mile powertrain, zero (\$0.00) deductible warranty.

23. WARRANTY REPAIR PARTS:

It shall be the responsibility of the Contractor to maintain an adequate stock of all regular and special parts to meet the continuing service and warranty repair parts needs without undue delay. Warranty replacement parts shall be available within three (3) working days after telephone notification.

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24. PAYMENT:

Terms

Payment terms for this contract are net forty-five (45) days. Payment will be made in accordance with the provisions of the California Prompt Payment Act, Government Code Section 927, et seq. Unless expressly exempted by statute, the Act requires State departments to pay properly submitted, undisputed invoices not more than forty-five (45) days after the date of acceptance of goods, performance of services, or receipt of an undisputed invoice, whichever is later.

Cash Discount

Payment terms for this contract include a \$500.00 per vehicle discount for payment made within twenty (20) days. For this contract, cash discount time will be defined by the State as beginning only after the vehicle has been inspected, delivered and accepted by the receiving agency or from the date a correct invoice is received in the office specified on the purchase document, whichever is later. Payment is deemed to be made for the purpose of earning the discount, on the date on the State warrant or check. Normally, acceptance will be accomplished within twenty (20) normal business hours after a vehicle is delivered. Payment will be made in accordance with the provisions of the California Prompt Payment Act. For payment on or after the 21st calendar day after the vehicle has been accepted, the \$500.00 discount does not apply.

CAL-Card Use

Use of the CAL-Card for payment of invoices or purchase orders is not allowed under this statewide contract.

Payee Data Record

Each State accounting office shall have a copy of the Payee Data Record (Std. 204) in order to process payments. State departments should forward a copy of the Std. 204 to their accounting office(s). Without the Std. 204, payment may be unnecessarily delayed. State departments and local governmental agencies should contact the Contractor for a copy of the Payee Data Record.

25. CALIFORNIA SELLER'S PERMIT:

The California seller permit number for the contractor is listed below. State departments can verify that permits are currently valid at the following website: www.boe.ca.gov. State departments must adhere to the file documentation required identified in the State Contracting Manual Volume 2 and Volume 3, as applicable.

Contractor Name	Seller Permit #
Folsom Lake Ford	26797640

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26. RECYCLED CONTENT:

State departments are required to report purchases in many product categories. The Post-Consumer Recycled Content Percentages Worksheet for the Contractor is identified as Attachment C.

27. SMALL BUSINESS/DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION:

There is no small business (SB) or disabled veteran business enterprise (DVBE) participation for this contract.

28. ATTACHMENTS:

Attachment A – Contract Pricing

Attachment B1 – State of California Bid Specification Number 2310-1951, dated 3/14/2012 SEDAN

Attachment B2 – State of California Bid Specification Number 2310-2108R1, dated 4/26/2012 UTILITY

Attachment C – Post-Consumer Recycled Content Percentages Worksheet

Attachment D – Folsom Lake Ford Dealer Catalog, dated 01/16/2012

CONTRACT PRICING

Contractor: **FOLSOM LAKE FORD**
Vehicle: **ENFORCEMENT SEDAN, POLICE INTERCEPTOR**

TERMS: \$500.00 discount per vehicle for payment within 20 days

FORD ENFORCEMENT SEDAN POLICE INTERCEPTOR								
Contract Line Item Number (CLIN)	Unit of Measure	Quantity in Unit of Measure	Item Description	Manufacturer (OEM)	UNSPSC Code	Manufacturer Part Number (OEM #)	SKU #	State Contract Price
101	EACH	1	Law Enforcement High Speed Police Interceptor in accordance with specification 2310-1951 dated 3/14/2012	FORD	2510702	P2M	P2M	\$23,242.00
102	EACH	1	Extended Powertrain Warranty	FORD	2510702	FOMOCO	FOMOCO	Included
103	PAIR	1	Ballistic Door Panel Option - Supply and install front driver and passenger door mounted ballistic panels rated National Institute of Justice (NIJ) Type III	BLS MFG.	2510702	65C	PAIR	Included
OPTION DELETE CREDIT								
Contract Line Item Number (CLIN)	Unit of Measure	Quantity in Unit of Measure	Item Description	Manufacturer (OEM)	UNSPSC Code	Manufacturer Part Number (OEM #)	SKU #	State Contract Price
103	PAIR	1	DELETE Ballistic Door Panel Option - Supply and install front driver and passenger door mounted ballistic panels rated National Institute of Justice (NIJ) Type III - Less 5%	BLS MFG.	2510702	65C	PAIR	(\$2,670.00)
FOLSOM LAKE FORD DEALER CATALOG								
Group Seq. ID	Item Description			Catalog Date	UNSPSC Code	Contract Discount % Above Dealer Cost		
A	Attachment D, Dealer Catalog - Sedan Police Interceptor Price List			1/16/2012	2510702	5%		

1.0 SCOPE:

This specification describes the State of California minimum requirements for an **all or rear wheel drive** automobile to be used in high-speed highway traffic and general law enforcement work. The vehicle will at times be operated at speeds in excess of 100 miles per hour for both short and long durations. It will be driven on all types of roads, and road surfaces and at altitudes ranging from approximately 200 feet below sea level to 10,000 feet above sea level. Ambient temperatures to which the vehicle will be exposed will range from approximately 0°F to 120°F.

The manufacturer shall use components, materials and design practices that are the best available in the industry for the type of operational conditions to which the vehicles will be subjected. Engine, transmission, driveline, differential, brake, suspension, wheel, tire and other component parts of the vehicle shall be selected to give maximum performance, service life, as well as safety and not merely meet the minimum requirements of this specification. Where necessary, the component parts shall exceed the usual quantity, quality, or capacity generally supplied with standard production vehicles in order to withstand the unusual strain, exposure, temperature, wear and use required for a police application.

2.0 RULES AND REGULATIONS:

Vehicles shall comply with all applicable California Vehicle Code (CVC), Code of Federal Regulations, Title 49, "Federal Motor Vehicle Safety Standard" (FMVSS) and California Code of Regulations, Title 13, "Motor Vehicles" rules and regulations (except emissions regulations). Vehicles shall also comply with Society of Automotive Engineers (SAE) J 1100, "Motor Vehicle Dimensions" in addition to all other applicable SAE standards. In addition, all vehicles shall comply with all other Federal and State rules, regulations and safety standards applicable to the vehicle type in effect on the date of the opening of the invitation for bid. Vehicles shall meet 50 State emissions requirements that allow the resale of these vehicles to the general public as originally equipped upon emergency vehicle "service life" completion.

3.0 VEHICLE CERTIFICATION:

All vehicles shall be **certified by the manufacturer as "Police Pursuit"** sedan and shall be suitable for high-speed pursuit or emergency driving. All vehicles shall meet the following minimum specifications:

4.0 REQUIREMENTS:

4.1 General: Each vehicle shall be new (unused), current model year production. Each vehicle shall be supplied with all equipment and accessories indicated as standard equipment in the manufacturer's published literature unless specifically deleted as stated in this specification. Optional equipment necessary to meet the requirements of this specification shall also be installed.

4.2 Engine: The engine shall be a **manufacturer's "Police Package"** configuration equipped with altitude compensating electronic fuel injection.

The engine shall have a displacement, to be determined by the manufacturer, sufficient so that all performance requirements described in Section 1.0, Scope and Section 4.26, Performance Requirements are achieved.

The engine shall be designed to operate knock free at all engine and vehicle speeds on unleaded fuel with a minimum octane rating of 87 (RM + MM ÷ 2).

4.3 Engine Oil Cooler: An auxiliary engine oil cooler shall be installed if required to maintain oil operating temperatures ≤ 300°F, under operating conditions described in the Section 1 of this specification.

- 4.4 **Fuel Supply System:** The fuel supply system shall be of such a design to eliminate vapor lock when the engine is operating in high ambient temperatures or during periods of extended idling.
- 4.5 **Fuel Tank:** The fuel tank furnished shall be the largest capacity available.
- 4.6 **Cooling System:** The cooling system shall be liquid pressurized, forced circulation type. The manufacturer shall provide the heaviest duty cooling system components and recovery system applicable to the model offered. The cooling system design and capacity shall maintain the engine at optimum temperature, under all operating conditions specified, without any loss of coolant or overheating of engine and components. The cooling system shall be free of contaminants that may affect cooling system component longevity and performance. Optimum engine temperature shall be maintained with the vehicle loaded to the vehicle manufacturer's published maximum gross vehicle weight rating (GVWR) and continually operated in all operating environments described within the scope of this specification.
- 4.7 **Electrical System:** The electrical system shall be 12 volt negative ground. All wiring shall include weather proof connectors.

The vehicle battery shall be the optional heaviest duty type available, compatible with the vehicle charging system and intended for police service. The vehicle battery shall have a minimum of 700 cold cranking amps, with a manufacturing date not exceeding six (6) months prior to vehicle delivery. Vehicles will not be accepted with batteries exhibiting less than 90 percent of full charge at time of delivery.

The generator/alternator shall be the highest capacity optional generator/alternator listed in the manufacturer's current police package brochure applicable to the vehicle bid. It shall have a minimum 160 amp output.

- 4.8 **Transmission:** The transmission shall be fully automatic transmission equipped with auxiliary transmission fluid coolers, if necessary, to maintain oil operating temperatures not to exceed 275°F, maximum. Console or floor mounted shifters are acceptable, but must be capable of allowing the installation of CHP radio and equipment.
- 4.9 **Steering:** The power steering system shall be equipped with a fluid cooler, if necessary, to maintain power steering fluid operating temperatures not to exceed 300°F, maximum.
- 4.10 **Brakes:** The brakes shall be power assisted and feature an anti-lock brake system (ABS). All four wheels shall be equipped with disc brakes. Friction material shall be designed for police applications.
- 4.11 **Wheels and Tires:** Each vehicle shall be supplied with five (5) matching wheels and tires. One (1) of the five (5) shall be a matching full size wheel and spare tire. A space saver type spare tire is not acceptable. The wheels shall have a safety ridge rolled into the rim or otherwise designed to prevent the tire from separating from the wheel in the event of a flat. Wheels shall be steel construction, designed for police applications. Lug nuts shall be covered with a center cap. Manufacturer's standard Tire Pressure Monitoring System shall be supplied. If a tire pressure activation tool is needed to reset the light on the tire pressure monitoring system, one tool shall be provided for each vehicle as part of this requirement.
- The vehicle manufacturer shall test and certify tires as acceptable for original equipment and replacement installation on the police package vehicle specified in this invitation for bid.
- Any wheel weights used shall be "non-lead" type.
- 4.12 **Suspension:** The front and rear suspension including shock absorbers shall be designed for police work. Front and rear stabilizer bars are required.

- 4.13 **Differential:** The differential shall be the conventional type, ring and pinion gears, with a ratio designed to give the best overall performance for the transmission and tire size installed on vehicle. The gear ratio shall be the same on all vehicles.
- 4.14 **Radio Suppression:** The system shall not cause or be affected by any electrical magnetic interference (EMI) or radio frequency interference (RFI) including but not limited to the following radio frequencies currently in use by CHP vehicles:
- Low Band: 39 - 46 MHz Transmit and Receive
 - Repeaters: 153 -155 MHz Transmit and Receive
 - Radio, UHF 440 - 490 MHz Transmit and Receive
 - Allied Radio 806 - 870 MHz Transmit and Receive
 - Allied Radio 581 - 866 MHz Transmit and Receive
 - Allied Radio 159 - 173 MHz Transmit and Receive
 - Allied Radio 150 - 174 MHz Transmit and Receive
 - Radio / Repeater 764 - 806 MHz Transmit and Receive
 - Canines 26 - 28 MHz Receive
 - Canines 303.9 MHz Receive
 - Computers: 896-901 MHz Transmit, 935-940 MHz Receive
 - Canines: 303.875 MHz Receive

The system shall not cause more than one (1) dB of radio degradation at the antenna whether it be radiated or conducted radio frequency interference (RFI), or electromagnetic interference (EMI). If the system causes any two or all three types of interference, the total combined allowable receiver degradation is 1 dB at all CHP frequencies.

See Exhibit 2 for radio degradation testing details.

- 4.15 **Body:** The body shall be a four door sedan with center post. Protective side molding shall not be installed on the vehicle. This is to permit installation of an Agency insignia (33" long by 20" high) without trim interference.

Rear deck lid emblems and trim, if applicable, shall be removed to permit the installation of Agency decals if requested by the agency at the time of the purchase order. All emblems and trim removed shall be furnished to the Agency in bulk pack.

The wheel wells shall be constructed so that OEM approved tire chains or cables may be installed in a conventional manner, without clearance problems and without causing body or structural damage to the vehicle.

- 4.16 **Exterior Color:** The body shall be painted manufacturer's gloss black. The roof panel and lower portion of both front doors below the window belt line shall be painted manufacturer's gloss bright white. After-factory applied paint to accomplish the white portion of the two-tone paint scheme is acceptable if factory applied black and white two-tone paint configuration is unavailable from the manufacturer.
- 4.17 **Interior/Seat Upholstery:** Front seats shall be bucket type accommodating a center console. The driver's seat shall be power adjustable and shall be designed for maximum comfort, support and durability. **The front and rear seat shall be the manufacturer's standard cloth upholstery.**
- 4.18 **Speedometer:** The vehicle described in this specification will be used in law enforcement and speedometer accuracy is essential. The speedometer shall be calibrated and be accurate within two (2) miles per hour at speeds from 15 to 100 miles per hour of the true vehicle speed, within the environmental operating conditions specified in Section 1.0 Scope. The dial face shall be marked up to a minimum of 140 miles per hour. The design of the speedometer shall be such to insure accuracy throughout the life of the vehicle. The face markings shall be in increments no greater than two (2) miles per hour. The face shall contain the wording "Certified Speedometer,"

or other wording to indicate that speedometer accuracy is certified, or a letter of certification of accuracy shall be provided with each unit. The bidder shall specify the size, brand and model of tires for which the speedometer is certified. The speed indicator pointer shall not cover more than a two mile per hour section of the scale.

- 4.19 Radio:** The vehicle shall be supplied with the factory radio.
- 4.20 Radio Speaker:** Vehicle shall be factory equipped with at least two (2) front mounted radio speakers mounted and two (2) rear mounted radio speakers.
- 4.21 Spotlights:** The vehicle shall be supplied with a factory installed spotlight accommodation package for each side of the vehicle including predrilled "A" pillar posts and any required door/door weather-strip modifications.
- 4.22 Hood-Latch Release:** The hood latch release shall be mounted inside the front passenger compartment so that the hood can not be readily opened from outside the vehicle. The release shall be readily accessible to the seated driver.
- 4.23 Floor Covering:** The floor covering of the front and rear floor may be standard rubber or carpet. The color shall be keyed to the upholstery color. OEM floor mats shall be included for carpeted vehicles.
- 4.24 Rear Deck Lid Release:** The rear deck lid release shall be mounted in a location readily accessible to the driver. Dealer modification to meet the requirement for a rear deck lid release in a location readily accessible to the driver is acceptable however no holes may be left as a result of the modification.
- 4.25 Miscellaneous Equipment:** The vehicle shall be equipped with the following miscellaneous equipment:
- Tilt steering wheel
 - Fresh air type heater and defroster. Refrigeration air conditioning of a size and type recommended and installed by the manufacturer of the vehicle. Vehicle air conditioning system shall include any components required to protect the compressor from excessively high head pressure.
 - Intermittent windshield wiper system.
 - Fuel level and water temperature indicator gauges.
 - 12-volt DC power outlet in front compartment.
 - **Ballistic Door Panels (front driver and passenger doors), threat level 3 or better.**
 - Cruise control
 - Dual electric horns or dual note horn.
 - Halogen headlamps, high and low beam.
 - Map/dome/courtesy light(s) which provide the following functions:
 - When vehicle front doors are opened, none of the interior map/dome/courtesy light(s) shall illuminate automatically.
 - At least one map/dome/courtesy light shall be manually operated by the driver to illuminate the lap of the seated driver.
 - Quick release style driver's side inside door handle to allow the driver's door to be unlocked by pulling on the inside handle.
 - Driver and front passenger front impact air bag.
 - Driver and front passenger side impact air bag.
 - All four (4) doors shall contain power locking and unlocking mechanisms controlled by switches located on the driver's side door control panel.
 - All four windows shall be power actuated and controlled from the driver's side door control panel with a lockout feature to prevent other windows from being operated when locked out by the driver.
 - Rear window defogger/defroster on a separate switch.

- The vehicle shall use the same single key for ignition, door, trunk and glove box (if vehicle includes). A set of four (4) total keys shall be supplied for each vehicle. Each vehicle shall be keyed individually.
- Arm rests on each of the four (4) doors (arm rests in rear passenger compartment may be mounted on other than the door if vehicle is so designed).
- Left and right remote control outside mirrors. Similar in appearance and mounted on left and right front doors. Both mirrors shall be controllable from the driver's seat.
- Windshield and all windows shall feature tinted glass.
- Light in trunk with trunk lid actuated switch.
- Standard tool kit including wheel changing tools and jack adequate to safely lift the vehicle.

4.26 Performance Requirements: See Exhibit 1 for testing methodology.

4.26.1 All vehicles shall have a top speed of not less than 120 MPH.

4.26.2 All vehicles delivered against this specification shall be capable of sustained high-speed operation at wide open throttle for a minimum of 25 miles without damage to the power train.

4.26.3 All vehicles shall meet the following acceleration requirements.

The following acceleration tests are to be performed on level ground at nominal sea level elevation:

- 0 to 60 miles per hour in 10.0 seconds or less.
- 0 to 100 miles per hour in 29.0 seconds or less.
- 50 to 100 miles per hour in 22.0 seconds or less.
- Attain a speed of 120 miles per hour within a distance of two (2) miles.

The following acceleration test will be performed on level ground at approximately 6,000 feet of elevation:

- 0 to 60 miles per hour in 13.0 seconds or less.

4.26.4 All vehicles shall meet the following braking requirements.

Test Methodology:

- All tests will be performed on a level, dry, paved surface.
- Four (4) maximum braking effort stops, with anti-lock brake system (ABS) activated (operating), will be made from a speed of 90 miles per hour.
- The stops shall be at two (2) minute intervals. Between stops, the vehicle will be driven in order to aid cooling of the brakes.
- Stopping distance and the ability to stop in a straight line (i.e. without noticeable brake pull to the right or left) and within its own lane will be evaluated.
- With the vehicle stopped for approximately five (5) minutes after the above test, the test will be repeated.
- Stopping distance and the ability to stop in a straight line (i.e. without noticeable brake pull to the right or left) and within its own lane will again be evaluated.
- Any vehicle that fails to remain within its own lane during the course of this test shall not be acceptable.
- The stopping distance of each of the eight (8) stops will be combined to calculate the average stopping distance of the vehicle.
- The average maximum acceptable stopping distance from 90 – 0 miles per hour shall be no more than 350 feet.

Fade Resistance:

The vehicle shall be subjected to a simulated pursuit course approximately four (4) miles in length and approximately seven (7) minutes in duration.

- The course is comprised of a highway and city pursuit scenario.
- The vehicle will be subjected to three (3) 70 mile per hour full ABS stops followed by not more than twenty (20) "slow and clear the intersection" brake applications while traversing the simulated city street. The "slow and clear the intersection" brake applications will be at speeds of less than 10 miles per hour.
- There will be no cool-down period between brake applications.
- Any vehicle that exhibits brake fade during the course of this test shall not be acceptable.

The State reserves the right to test the performance of any 2012 and later model year vehicle offered to confirm the vehicles ability to meet the acceleration, top speed and braking performance requirements as described herein.

1.0 SCOPE:

This specification describes the State of California minimum requirements for an **all or rear wheel drive** utility vehicle to be used in high-speed highway traffic and general law enforcement work. The vehicle will at times be operated at speeds in excess of 100 miles per hour for both short and long durations. It will be driven on all types of roads, and road surfaces and at altitudes ranging from approximately 200 feet below sea level to 10,000 feet above sea level. Ambient temperatures to which the vehicle will be exposed will range from approximately 0°F to 120°F.

The manufacturer shall use components, materials and design practices that are the best available in the industry for the type of operational conditions to which the vehicles will be subjected. Engine, transmission, driveline, differential, brake, suspension, wheel, tire and other component parts of the vehicle shall be selected to give maximum performance, service life, as well as safety and not merely meet the minimum requirements of this specification. Where necessary, the component parts shall exceed the usual quantity, quality, or capacity generally supplied with standard production vehicles in order to withstand the unusual strain, exposure, temperature, wear and use required for a police application.

2.0 RULES AND REGULATIONS:

Vehicles shall comply with all applicable California Vehicle Code (CVC), Code of Federal Regulations, Title 49, "Federal Motor Vehicle Safety Standard" (FMVSS) and California Code of Regulations, Title 13, "Motor Vehicles" rules and regulations (except emissions regulations). Vehicles shall also comply with Society of Automotive Engineers (SAE) J 1100, "Motor Vehicle Dimensions" in addition to all other applicable SAE standards. In addition, all vehicles shall comply with all other Federal and State rules, regulations and safety standards applicable to the vehicle type in effect on the date of the opening of the invitation for bid. Vehicles shall meet 50 State emissions requirements that allow the resale of these vehicles to the general public as originally equipped upon emergency vehicle "service life" completion.

3.0 VEHICLE CERTIFICATION:

All vehicles shall be **certified by the manufacturer as a "Police Pursuit Utility Vehicle"** and shall be suitable for high-speed pursuit or emergency driving. All vehicles shall meet the following minimum specifications:

4.0 REQUIREMENTS:

4.1 General: Each vehicle shall be new (unused), current model year production. Each vehicle shall be supplied with all equipment and accessories indicated as standard equipment in the manufacturer's published literature unless specifically deleted as stated in this specification. Optional equipment necessary to meet the requirements of this specification shall also be installed.

4.2 Engine: The engine shall be a manufacturer's "**Police Package**" configuration equipped with altitude compensating electronic fuel injection.

The engine shall have a displacement, to be determined by the manufacturer, sufficient so that all performance requirements described in Section 1.0, Scope and Section 4.26, Performance Requirements are achieved.

The engine shall be designed to operate knock free at all engine and vehicle speeds on unleaded fuel with a minimum octane rating of 87 (RM + MM ÷ 2).

4.3 Engine Oil Cooler: An auxiliary engine oil cooler shall be installed if required to maintain oil operating temperatures ≤ 300°F, under operating conditions described in the Section 1 of this specification.

- 4.4 **Fuel Supply System:** The fuel supply system shall be of such a design to eliminate vapor lock when the engine is operating in high ambient temperatures or during periods of extended idling.
- 4.5 **Fuel Tank:** The fuel tank furnished shall be the largest capacity available.
- 4.6 **Cooling System:** The cooling system shall be liquid pressurized, forced circulation type. The manufacturer shall provide the heaviest duty cooling system components and recovery system applicable to the model offered. The cooling system design and capacity shall maintain the engine at optimum temperature, under all operating conditions specified, without any loss of coolant or overheating of engine and components. The cooling system shall be free of contaminants that may affect cooling system component longevity and performance. Optimum engine temperature shall be maintained with the vehicle loaded to the vehicle manufacturer's published maximum gross vehicle weight rating (GVWR) and continually operated in all operating environments described within the scope of this specification.
- 4.7 **Electrical System:** The electrical system shall be 12 volt negative ground. All wiring shall include weather proof connectors.

The vehicle battery shall be the optional heaviest duty type available, compatible with the vehicle charging system and intended for police service. The vehicle battery shall have a minimum of 660 cold cranking amps, with a manufacturing date not exceeding six (6) months prior to vehicle delivery. Vehicles will not be accepted with batteries exhibiting less than 90 percent of full charge at time of delivery.

The generator/alternator shall be the highest capacity optional generator/alternator listed in the manufacturer's current police package brochure applicable to the vehicle bid. It shall have a minimum 160 amp output.

- 4.8 **Transmission:** The transmission shall be fully automatic transmission equipped with auxiliary transmission fluid coolers, if necessary, to maintain oil operating temperatures not to exceed 275°F, maximum. Console or floor mounted shifters are acceptable, but must be capable of allowing the installation of CHP radio and equipment.
- 4.9 **Steering:** The power steering system shall be equipped with a fluid cooler, if necessary, to maintain power steering fluid operating temperatures not to exceed 300°F, maximum.
- 4.10 **Brakes:** The brakes shall be power assisted and feature an anti-lock brake system (ABS). All four wheels shall be equipped with disc brakes. Friction material shall be designed for police applications.
- 4.11 **Wheels and Tires:** Each vehicle shall be supplied with five (5) matching wheels and tires. One (1) of the five (5) shall be a matching full size wheel and spare tire. A space saver type spare tire is not acceptable. The wheels shall have a safety ridge rolled into the rim or otherwise designed to prevent the tire from separating from the wheel in the event of a flat. Wheels shall be steel construction, designed for police applications. Lug nuts shall be covered with a center cap. Manufacturer's standard Tire Pressure Monitoring System shall be supplied. If a tire pressure activation tool is needed to reset the light on the tire pressure monitoring system, one tool shall be provided for each vehicle as part of this requirement.
- The vehicle manufacturer shall test and certify tires as acceptable for original equipment and replacement installation on the police package vehicle specified in this invitation for bid.
- Any wheel weights used shall be "non-lead" type.
- 4.12 **Suspension:** The front and rear suspension including shock absorbers shall be designed for police work. Front and rear stabilizer bars are required.

- 4.13 Differential:** The differential shall be the conventional type, ring and pinion gears, with a ratio designed to give the best overall performance for the transmission and tire size installed on vehicle. The gear ratio shall be the same on all vehicles.
- 4.14 Radio Suppression:** The system shall not cause or be affected by any electrical magnetic interference (EMI) or radio frequency interference (RFI) including but not limited to the following radio frequencies currently in use by CHP vehicles:

- Low Band: 39 - 46 MHz Transmit and Receive
- Repeaters: 153 -155 MHz Transmit and Receive
- Radio, UHF 440 - 490 MHz Transmit and Receive
- Allied Radio 806 - 870 MHz Transmit and Receive
- Allied Radio 581 - 866 MHz Transmit and Receive
- Allied Radio 159 - 173 MHz Transmit and Receive
- Allied Radio 150 - 174 MHz Transmit and Receive
- Radio / Repeater 764 - 806 MHz Transmit and Receive
- Canines 26 - 28 MHz Receive
- Canines 303.9 MHz Receive
- Computers: 896-901 MHz Transmit, 935-940 MHz Receive
- Canines: 303.875 MHz Receive

The system shall not cause more than one (1) dB of radio degradation at the antenna whether it be radiated or conducted radio frequency interference (RFI), or electromagnetic interference (EMI). If the system causes any two or all three types of interference, the total combined allowable receiver degradation is 1 dB at all CHP frequencies.

See Exhibit 2 for radio degradation testing details.

- 4.15 Body:** The body shall be a four door, sport utility with center post. Protective body side molding shall not be installed on the vehicle. This is to permit installation of an Agency insignia (33" long by 20" high) without trim interference.

The wheel wells shall be constructed so that OEM approved tire chains or cables may be installed in a conventional manner, without clearance problems and without causing body or structural damage to the vehicle.

- 4.16 Exterior Color:** The body shall be painted manufacturer's gloss black. The roof panel and lower portion of both front doors below the window belt line shall be painted manufacturer's gloss bright white. After-factory applied paint to accomplish the white portion of the two-tone paint scheme is acceptable if factory applied black and white two-tone paint configuration is unavailable from the manufacturer.

- 4.17 Interior/Seat Upholstery:** Front seats shall be bucket type accommodating the installation of a center console by the end user. A 60/40 split bench / bucket type seat is not acceptable. The driver's seat shall be power adjustable and shall be designed for maximum comfort, support and durability. **The front and rear seat shall be the manufacturer's standard cloth upholstery.**

- 4.18 Speedometer:** The vehicle described in this specification will be used in law enforcement and speedometer accuracy is essential. The speedometer shall be calibrated and be accurate within two (2) miles per hour at speeds from 15 to 100 miles per hour of the true vehicle speed, within the environmental operating conditions specified in Section 1.0 Scope. The dial face shall be marked up to a minimum of 140 miles per hour. The design of the speedometer shall be such to insure accuracy throughout the life of the vehicle. The face markings shall be in increments no greater than two (2) miles per hour. The face shall contain the wording "Certified Speedometer," or other wording to indicate that speedometer accuracy is certified, or a letter of certification of accuracy shall be provided with each unit. The bidder shall specify the size, brand and model of tires for which the speedometer is certified. The speed indicator pointer shall not cover more than a two mile per hour section of the scale.

- 4.19 **Payload:** The vehicle shall have a minimum payload of 1500 lbs when configured in the standard Police Pursuit rated version.
- 4.20 **Radio:** Vehicle shall be factory equipped with the factory radio and at least two (2) front mounted radio speakers and two (2) rear mounted radio speakers.
- 4.21 **Spotlights:** The vehicle shall be supplied with a factory installed spotlight accommodation package for each side of the vehicle including predrilled "A" pillar posts and any required door/door weather-strip modifications.
- 4.22 **Hood-Latch Release:** The hood latch release shall be mounted inside the front passenger compartment so that the hood can not be readily opened from outside the vehicle. The release shall be readily accessible to the seated driver.
- 4.23 **Floor Covering:** The floor covering of the front and rear floor may be standard rubber, vinyl or carpet. The color shall be keyed to the upholstery color. OEM floor mats shall be included for carpeted vehicles.
- 4.24 **Interior Area:** The Vehicle shall be equipped with 1st and 2nd row seats only, and shall have a seating capacity of minimum 5.
- 4.25 **Miscellaneous Equipment:** The vehicle shall be equipped with the following miscellaneous equipment:
- Tilt steering wheel
 - Fresh air type heater and defroster. Refrigeration air conditioning of a size and type recommended and installed by the manufacturer of the vehicle. Vehicle air conditioning system shall include any components required to protect the compressor from excessively high head pressure.
 - Intermittent windshield wiper system.
 - Fuel level and water temperature indicator gauges.
 - 12-volt DC power outlet in front compartment.
 - **Ballistic Door Panels (front driver and passenger doors), threat level 3 or better.**
 - Cruise control
 - Dual electric horns or dual note horn.
 - Halogen headlamps, high and low beam.
 - Map/dome/courtesy light(s) which provide the following functions:
 - When vehicle front doors are opened, none of the interior map/dome/courtesy light(s) shall illuminate automatically.
 - At least one map/dome/courtesy light shall be manually operated by the driver to illuminate the lap of the seated driver.
 - Quick release style driver's side inside door handle to allow the driver's door to be unlocked by pulling on the inside handle.
 - Driver and front passenger front impact air bag.
 - Driver and front passenger side impact air bag.
 - All four (4) doors shall contain power locking and unlocking mechanisms controlled by switches located on the driver's side door control panel.
 - All four windows shall be power actuated and controlled from the driver's side door control panel with a lockout feature to prevent other windows from being operated when locked out by the driver.
 - Rear window defogger/defroster on a separate switch.
 - The vehicle shall use the same single key for ignition, doors, rear, and glove box (if vehicle includes). A set of four (4) total keys shall be supplied for each vehicle. Each vehicle shall be keyed individually.
 - Arm rests on each of the four (4) doors (arm rests in rear passenger compartment may be mounted on other than the door if vehicle is so designed).

- Left and right remote control outside mirrors. Similar in appearance and mounted on left and right front doors. Both mirrors shall be controllable from the driver's seat.
- Windshield and all windows shall feature tinted glass.
- Light in rear cargo area with rear cargo door actuated switch.
- Standard tool kit including wheel changing tools and jack adequate to safely lift the vehicle.

4.26 Performance Requirements: See Exhibit 1 for testing methodology.

4.26.1 All vehicles shall have a top speed of not less than 120 MPH.

4.26.2 All vehicles delivered against this specification shall be capable of sustained high-speed operation at wide open throttle for a minimum of 25 miles without damage to the power train.

4.26.3 All vehicles shall meet the following acceleration requirements.

The following acceleration tests are to be performed on level ground at nominal sea level elevation:

- 0 to 60 miles per hour in 10.0 seconds or less.
- 0 to 100 miles per hour in 29.0 seconds or less.
- 50 to 100 miles per hour in 22.0 seconds or less.
- Attain a speed of 120 miles per hour within a distance of two (2) miles.

The following acceleration test will be performed on level ground at approximately 6,000 feet of elevation:

- 0 to 60 miles per hour in 13.0 seconds or less.

4.26.4 All vehicles shall meet the following braking requirements.

Test Methodology:

- All tests will be performed on a level, dry, paved surface.
- Four (4) maximum braking effort stops, with anti-lock brake system (ABS) activated (operating), will be made from a speed of 90 miles per hour.
- The stops shall be at two (2) minute intervals. Between stops, the vehicle will be driven in order to aid cooling of the brakes.
- Stopping distance and the ability to stop in a straight line (i.e. without noticeable brake pull to the right or left) and within its own lane will be evaluated.
- With the vehicle stopped for approximately five (5) minutes after the above test, the test will be repeated.
- Stopping distance and the ability to stop in a straight line (i.e. without noticeable brake pull to the right or left) and within its own lane will again be evaluated.
- Any vehicle that fails to remain within its own lane during the course of this test shall not be acceptable.
- The stopping distance of each of the eight (8) stops will be combined to calculate the average stopping distance of the vehicle.
- The average maximum acceptable stopping distance from 90 – 0 miles per hour shall be no more than 350 feet.

Fade Resistance:

The vehicle shall be subjected to a simulated pursuit course approximately four (4) miles in length and approximately seven (7) minutes in duration.

- The course is comprised of a highway and city pursuit scenario.
- The vehicle will be subjected to three (3) 70 mile per hour full ABS stops followed by not more than twenty (20) "slow and clear the intersection" brake applications while traversing simulated city street. The "slow and clear the intersection" brake applications will be at speeds of less than 10 miles per hour.
- There will be no cool-down period between brake applications.
- Any vehicle that exhibits brake fade during the course of this test shall not be acceptable.

The State reserves the right to test the performance of any 2012 and later model year vehicle offered to confirm the vehicles ability to meet the acceleration, top speed and braking performance requirements as described herein.

Contract 1-12-23-14

Department of General Services
PROCUREMENT DIVISION
Environmentally Preferable Purchasing Program

ATTACHMENT C
PC RC Certification Workbook
REV 12/17/2008

Letter of Certification

Instructions:

All Bidders shall print and sign this "Letter of Certification", certifying the minimum percentage, if not exact percentage, listed in the spreadsheet entitled "PC RC Percentages Worksheet" is the post consumer recycled content (PC RC) material in each product listed and offered in this contract. The certification shall be furnished under penalty of perjury.

Pursuant to Public Contract Code 12205(a)(1), I certify under penalty of perjury under the laws of the State of California that the information provided in the PC RC Table worksheet in the Post Consumer Recycled Content (PC RC) Percentages Workbook is true and correct.

Solicitation No.: IFB DGS 1009-014

Company Name: Ford Motor Company

Address: 20800 Oakwood Blvd.

Name (printed): Allen M. Magalan Title: Engineering Supervisor

Signature: Allen M. Magala Date: 5/8/12

Department of General Services
 PROCUREMENT DIVISION
 Environmentally Preferable Purchasing Program

ATTACHMENT C
 PC RC Certification Workbook
 REV 12/17/2008

Post Consumer Recycled Content (PC RC) Percentages Worksheet

Solicitation No.: DGS IFB 1009-014
 Bidder Name: Ford
 Revision Date: 5/8/12

Instructions:

- For all line items offered to the State, Bidder/Contractor shall list the minimum percentage, if not exact percentage, of postconsumer material within the State Agency Buy Recycled Campaign (SABRC) Reportable Product Categories.
- For packaging supplies used for shipping line items offered to the State, Bidder/Contractor shall list the minimum percentage, if not exact percentage, of postconsumer material within the State Agency Buy Recycled Campaign (SABRC) Reportable Product Categories.
- If the line item does not contain any content type matching the SABRC Product/material category, bidders shall enter "N/A" in the the percentage columns.
- If the line item does not contains content type that matches the SABRC Product/material category but does not contain any post consumer recycled content of this type, bidders shall enter "0" in the the percentage columns.
- Refer to SABRC Reportable Product Categories Table for more information regarding categories listed.

Contract Item Number (E.G. 1)	Description	SABRC Product Category	100% Recycled Content	75% Recycled Content	50% Recycled Content	25% Recycled Content	10% Recycled Content	5% Recycled Content	0% Recycled Content	Other	Other	Other	Other	Other	Other
1	White copy paper	SAB 12-248	0	NA	0	0	10	NA	NA	4	NA	NA	NA	NA	NA

Contract Line Item Number (CLIN)	Item Description	SKU #	Antifreeze	Compost	Glass	Lubricating Oils	Metal Products	Paint	Paper Products	Plastic Products	Printing Papers	Tire-Derived Pro	Tires
	Police Interceptor Sedan and Utility		0%	n/a	0%	0%	10%	n/a	n/a	4%	n/a	n/a	n/a

Item:	Notes:	Contact:
Antifreeze	0%. Team is working to implement some use of PCRC for 2014 model year.	Mary Ranger
Compost	not applicable	-
Glass	0% (no information from glass team)	Melanie Tamas
Lubricating Oils	0% motor oil, trans oil	Rob Doss
Metal Products	a minimum of 10% post-consumer content in body shell sheet metal.	Terry Lassitter
Paint	not applicable, vehicle paint is not water based, no recoverable material avail.	Rob Doss
Paper Products	not applicable - very small paper content	-
Plastic Products	4% overall plastic, 100% wheel liners and leaf screen, 100% p/t induction	Shana Silber
Printing Papers	not applicable - very small paper content	-
Tire-Derived Product	Not separated out - see Plastic Products	Bing Xu
Tires	not applicable - no retreads for pursuit-rated vehicles	-

Pro-Forma below:

Contract Line Item Number (CLIN)	Item Description	SKU #	Antifreeze	Compost	Glass	Lubricating Oils	Metal Products	Paint	Paper Products	Plastic Products	Printing and Writing Paper	Tire-Derived Product	Tires
	White copy paper	A-017340	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	100	n/a	n/a

Sample

1/16/2012

**2013 SEDAN POLICE INTERCEPTOR
PRICE LIST
(PRICE LEVEL CODE 315)**

MODEL	SERIES CODE	BASE VEHICLE PRICE	DEALER INVOICE W/HOLDBACK	SUGGESTED RETAIL
Police Interceptor	P2M	Sedan Police Interceptor AWD	\$ 26,183	\$ 28,360
	P2L	Sedan Police Interceptor FWD	25,101	27,210
ALL MODELS		Destination and Delivery	795	795

TRIM SERIES	PKG. CODE	EQUIPMENT GROUP	DEALER INVOICE W/HOLDBACK	SUGGESTED RETAIL
Police Interceptor	12P	Police Interior Upgrade Package	\$ 399	\$ 380
	661	Police Interceptor #1 - Front Headlamp Lighting Solution	798	895
	13P	Police Interceptor #1a - Front Headlamp / Police Interceptor Housing Only	108	120
	662	Police Interceptor #2 - Tail Lamp Lighting Solution	370	415
	663	Police Interceptor #3 - Rear Lighting Solution	424	475
	854	Police Interceptor #4 - Trunk Lift Package	638	715
	855	Police Interceptor #5 - Light Controller Package	1,432	1,606
	856	Police Interceptor #6 - Ready for the Road Package	3,187	3,670

	OPTION CODE	POWERTRAINS	DEALER INVOICE W/HOLDBACK	SUGGESTED RETAIL
ENGINE	898	3.5L V6 TiVCT (Twin Independent Variable Cam Timing)	Std	Std
	89T	3.5L V6 GTDI EcoBoost™ - AWD Only (148mph Top Speed)	\$ 2,911	\$ 3,155
	12T	EcoBoost Speed Limited Calibration	N/C	N/C
TRANSMISSION	44J	6-speed Automatic Transmission	Std	Std
	44C	6-Speed Automatic Transmission (EcoBoost only)	Std	Std

1/16/2012

**2013 SEDAN POLICE INTERCEPTOR
PRICE LIST
(PRICE LEVEL CODE 315)**

	OPTION CODE	OTHER OPTIONS	DEALER INVOICE W/HOLDBACK	SUGGESTED RETAIL
AVAILABLE ON ALL MODELS UNLESS OTHERWISE NOTED	41H	Engine Block Heater	\$ 30	\$ 35
	153	License Plate Bracket - Front	NC	NC
	13C	Dark Car Feature -- Courtesy lamp disable when any door is opened	18	20
	94Z	Daytime Running Lamps	46	50
	51G	Pre-Wiring for grille lamp, siren, and speaker	46	50
	21D	Spot Lamp - driver only (Incandescent Bulb)	187	210
	21L	Spot Lamp - driver only (LED Bulb)	303	340
	21P	Spot Lamp - Dual (driver and passenger) (Incandescent Bulb)	344	385
	21B	Spot Lamp - Dual (driver and passenger) (LED Bulb)	540	605
	19T	Trunk Storage Vault (Includes lockable door)	108	120
	19D	Badge Delete (Police Interceptor Badges Only)	NC	NC
	141	Two-Tone Vinyl Package #1	732	820
	142	Two-Tone Vinyl Package #2	732	820
	143	Two-Tone Vinyl Package #3	612	685
	144	Vinyl Word Wrap	692	775
	64L	Wheel Covers (18-Inch Full Face Wheel Cover)	54	60
	96P	100 Watt Siren/Speaker (Includes bracket and pigtail)	260	290
	77B	Rear View Camera	214	240
	53M	SYNC TM Basic - Voice Activated Communication System	264	295
	47J	Remappable (4) switches on steering wheel (less Voice, Not Avail. w/ SYNC)	135	150
	47K	Remappable (4) switches on steering wheel (with Voice, requires SYNC)	135	150
	63B	Hidden Door Lock Plunger	120	135
	63P	Hidden Door Lock Plunger and Rear Door Handle Inoperable	139	155
	18L	Rear Door Handles Inoperable / Locks Operable	30	35
	18G	Rear Door Handles Inoperable / Locks Inoperable	30	35
	67D	Windows - Rear window power delete, operable from front driver side switches	22	25
	171	1st and 2nd row carpet floor covering	112	125
	88C	2nd Row Cloth Seats	54	60
		2nd Row Cloth Seats (with 12P)	NC	NC
	97D	Rear Console Plate	30	35
	43E	Keyed Alike - 1435x	46	50
	43B	Keyed Alike - 1284x	46	50
	43D	Keyed Alike - 0135x	46	50
	43F	Keyed Alike - 0576x	46	50
	43J	Keyed Alike - 1111x	46	50
	65E	Ballistic Door Panels - Driver Front Door Only	1,384	1,550
	65C	Ballistic Door Panels - Driver & Pass Front Doors	2,783	3,095
	55B	BLIS - Blind Spot Monitoring with Cross Traffic Alert	424	475
	98K	Lockable Gas Cap for Easy Fuel Capless Fuel Filler	18	20
	59B	Perimeter Anti-Theft Alarm - Activated by Hood, Door, or Decklid	108	120
	60P	Remote Keyless Entry Key Fob (w/o Keypad, less PATS)	228	255
	76R	Reverse Sensing	264	295
	62D	Electronics Tray (w/o Fan)	214	240
	97T	Trunk circulation fan (mounted on package tray)	64	80
	20P	Noise Suppression Bonds	85	85
	521	ESP Limited Maintenance Plan - 75,000 Miles, 5,000 Mile Interval	670	750
	522	ESP Limited Maintenance Plan - 75,000 Miles, 3,000 Mile Interval	1,089	1,220
	523	ESP Limited Maintenance Plan - 100,000 Miles, 5,000 Mile Interval	803	900
	524	ESP Limited Maintenance Plan - 100,000 Miles, 3,000 Mile Interval	1,303	1,460
	525	ESP Limited Maintenance Plan - 125,000 Miles, 5,000 Mile Interval	1,089	1,220
	526	ESP Limited Maintenance Plan - 125,000 Miles, 3,000 Mile Interval	1,646	1,845
	527	ESP Limited Maintenance Plan - 150,000 Miles, 5,000 Mile Interval	1,196	1,340
	528	ESP Limited Maintenance Plan - 150,000 Miles, 3,000 Mile Interval	1,964	2,200

01/16/12

- B -

Ford Division

2013 SEDAN POLICE INTERCEPTOR POLICE INTERCEPTOR CONTENT

Unique Sedan Police Interceptor Features Include:

MECHANICAL

- AWD Drivetrain – Standard for enhanced handling precision and unsurpassed traction on wet or dry surfaces
- 3.5L Ti-VCT V6 FFV High efficient Police Calibrated (V6 displacement technology is optimal for long days spent idling or on the job)
- 3.5L V6 EcoBoost® – Police Calibrated (Available)
- Brakes – Police calibrated high performance system
- 4-Wheel heavy-duty disc w/heavy-duty front and rear calipers
- Rotors – large mass for high thermal capacity and calipers with large swept area
- Electric Power Assist Steering (EPAS)
- Transmission – 6-speed automatic, exclusively police calibrated for maximum acceleration and faster closing speeds
- Alternator – Heavy-Duty 220 Amp
- Battery – Heavy-Duty 750 CCA
- Cooling System – Heavy-Duty, large high volume radiator, engine oil cooler and transmission oil cooler
- Engine Hour Meter
- Powertrain mounts – Heavy-Duty

EXTERIOR FEATURES

- Deflector Plate – Undercarriage deflector plate protect the underbody, powertrain and chassis components
- Easy Fuel® Capless Fuel-Filler
- Wheels
 - Heavy-Duty steel, vented with center cap
 - Full size spare tire w/TPMS

INTERIOR FEATURES

- Column Shifter
- Flooring – Heavy-Duty vinyl, offers ease of cleaning; long term durability
- Pedals – Power adjustable
- 2nd Row doors open extra wide. Door-panels simplified with no cupholders or pockets for ease of cleaning
- Seats
 - Front – Police grade cloth – 6-way power-adjustable, manual lumbar, seatback foam designed to comfortably accommodate a utility belt
 - Built-in steel intrusion plates in both front-seatbacks
 - 2nd Row – Police grade vinyl, offer easy care for cleaning
- Simple Fleet Key (w/o microchip, easy to replace)
- Speedometer – Certified
- Universal equipment tray atop instrument panel (Ideal for radar and other police equipment)

POLICE UPFIT FRIENDLY

- Consistent 9-inch space between driver and passenger seats for aftermarket consoles
- Console mounting plate
- Pass-thru opening for aftermarket wiring
- Headliner – Easy to drop
- Headlamps – Integrated LED police flashers (Available)
- Tailamps – Integrated police flashers (Available)

TECHNOLOGY

- BLIS® – Blind Spot Monitoring with Cross Traffic Alert (Available)
- Ford SYNC® – Hands-free communications with programmable steering wheel-mounted controls (Available)
- Rear Video Camera (Available)
- Reverse Sensing (Available)
- Unique Steering Wheel (with up to 4-remappable configurations – Available)

COMMONALITY

- Commonality of parts between the Sedan and Utility Interceptors include: Front brake calipers, rear brake calipers, wheels, battery, 220 amp alternator, PTU, RDU and front-seats
- Maintenance Components – Oil filter, air filter, spark plugs, front and rear brake pads, front and rear brake rotors and tires

SAFETY / SECURITY HIGHLIGHTS

- AdvanceTrac® with Electronic Stability Control (ESC) police tuned gyroscopic sensors work seamlessly with the ABS
- Ballistic Door-Panels (National Institute of Justice (NIJ) certified to stop Type III and all lesser NIJ rounds)
- Exterior Key Locks – Driver, passenger side and decklid
- 75-mph Rear End Crash Tested

LATEST ORDER GUIDE UPDATES

- Updated Engine horsepower and torque ratings

Product Changes and Features Availability

Features, options and package content subject to change. Please check www.fmcdealer.com or Dealer eStore for the most current information.

* = New for this model year

2013 SEDAN POLICE INTERCEPTOR STANDARD EQUIPMENT

MECHANICAL

- Alternator – 220 Amp
- Auxiliary Transmission Oil Cooler
- Battery – H.D. maintenance-free 78A/750 CCA
- Brakes – 4-Wheel Heavy-Duty Disc w/H.D. Front and Rear Calipers
- Column Shifter – vinyl molded-black shift knob
- Drivetrain – All-Wheel-Drive
- Dual Exhaust – Quasi
- Electric Power Assist Steering (EPAS) – Heavy-Duty
- Engine – 3.5L V6 TI-VCT FFV¹ (Note: FFV is not available on the EcoBoost® engine)
- Engine Hour Meter
- Engine Oil Cooler
- Fuel Tank – 19.0 gallons
- Independent Front Suspension with Front and Rear Stabilizer Bar
- Transmission – 6-Speed Transmission

EXTERIOR

- Decklid – Cylinder Lock
- Door Handles – Painted Black
- Front Door-Lock Cylinders (Front Driver/Passenger)
- Glass – Solar-Tinted
- Grille – Black
- Headlights – Projector Halogen
- Mirrors – Black Caps (MIC), Power Electric Remote, Manual Folding with Integrated Blind Spot Mirrors (Integrated blind spot mirrors not included when equipped with BLIS®)
- Nameplate Badging – "Police Interceptor" and "Road Leaf" FFV Badging
- Roof Mount Antenna
- Tail Lamps – Halogen with Halogen Decklid Lamps
- Tires
 - 245/55R18 A/S BSW
 - Wheels – 18" x 8" painted black steel with Wheel Hub Cover
 - Full Size Spare Tire P245/55R18 A/S BSW
 - Full size 16" Spare w/TPMS
- Underbody Deflector

INTERIOR / COMFORT

- Climate Control – Single Zone Manual
- Console Mounting Plate – Black e-Coat
- Door-Locks
 - Power
 - Rear-Door Handles and Locks Operable
- Floor – Heavy-Duty Thermoplastic Elastomer
- Glove Box – Locking/non-illuminated
- Grab Handles – (1 – Front-passenger side)
- Lighting
 - Overhead Console with 1st row task lights (driver / passenger)
 - Dome Lamp – 1st row (red/white)
 - 2nd row overhead map light
- Pedals – Power adjustable
- Powerpoints – 2 located in I/P lower close-out
- Scuff Plates – Front & Rear

INTERIOR / COMFORT (continued)

- Seats
 - 1st Row Heavy-Duty Cloth Bucket
 - 6-way power driver (man rcln, man lumbar) with 2-way manual passenger (man rcln, no lumbar)
 - Built-in steel intrusion plates in both front-seatbacks
 - 2nd row Vinyl Bench
 - 2nd row door-panels – simplified, no pockets or door speakers, easy clean surface
- Speed (Cruise) Control
- Speedometer – Calibrated
- Steering wheel – Manual/Tilt/Telescoping, Urethane Wrapped with Speed Controls / Audio Controls
- Sun visors – Non-Illuminated Driver/Passenger
- Trunk – Flat Load Floor
- Trunk Release Button (center of I/P)
- Universal equipment tray atop instrument panel (ideal for radar and other police equipment)
- Windows
 - Power, 1-touch Up/Down Driver-Side
 - Window disable lock, 2nd Row
 - Power Rear Windows Driver Switch Only

SAFETY & SECURITY

- AdvanceTrac® w/ESC® (Electronic Stability Control™) w/Hydraulic Brake Assist
- Airbags
 - Front Airbags
 - Side-Impact Airbags
 - Safety Canopy® with rollover sensor
- Anti-Lock Brakes (ABS) with Traction Control
- Battery saver feature
- Belt-Minder® (Front Driver/Passenger)
- LATCH (Lower Anchors and Tethers for CHildren) system on rear outboard seat locations
- SOS Post-Crash Alert System™
- Tire Pressure Monitoring System (TPMS)

FUNCTIONAL

- Easy Fuel® Capless Fuel-Filler
- Front door tether straps (Driver/Passenger)□
- MyFord®
 - AM/FM / CD / MP3 Capable / Clock / 4 speakers
 - 4.2" Color LCD Screen Center Stack "Smart Display"
 - 5-way Steering Wheel Switches, Redundant Controls
- Power pigtail harness
- Simple Fleet Key (w/o microchip, easy to replace)
- Two-way radio pre-wire
- Wipers – Intermittent Fixed Interval

¹ FFV is not available in Green States, please refer to Emissions page

05/07/12

2013 SEDAN POLICE INTERCEPTOR EQUIPMENT GROUP

Series	Order Code	Police Interceptor 500A
Sedan Police Interceptor AWD (incl. D&D)	P2M	S
Sedan Police Interceptor FWD (incl. D&D)	P2L	O
3.5L V6 Ti-VCT (Twin Independent Variable Cam Timing)	898	S
3.5L V6 EcoBoost® AWD Only – (148mph Top Speed)	89T/44C	O
EcoBoost® Speed Limited – (131mph Top Speed) (Req. EcoBoost® w/AWD – 89T/44C)	12T	O
6-speed Automatic Transmission	44J	S
EQUIPMENT GROUP		
Police Interior Upgrade Package <ul style="list-style-type: none"> • Cloth rear-seats • Floor mats, front and rear • 1st and 2nd Row Carpet Floor Covering • Full floor console with unique police finish panels Note: Not available with the following Police Interceptor Packages: #4 (854), #5 (855), #6 (856)	12P	O
Police Interceptor #1a – Front Headlamp / Police Interceptor Housing Only <ul style="list-style-type: none"> • Pre-drilled hole for side marker police use, does not include LED installed bulb (eliminates need to drill housing assemblies) • Pre-molded side warning LED holes with standard twist lock sealed capability (does not include LED installed lights) Note: Not available with Police Interceptor Package #1 – 661 Note: Not available with Police Interceptor Package #5 – 856	13P	O
Police Interceptor #1 – Front Headlamp Lighting Solution <ul style="list-style-type: none"> • Base projector beam headlamp plus two (2) multi-function Park/Turn/Warn (PTW) bulbs for Wig-wag simulation, and two (2) white hemispheric lighthouse LED side warning lights. Note: Included in Police Interceptor Package #6 – 856	661	O
Police Interceptor #2 – Tail Lamp Lighting Solution <ul style="list-style-type: none"> • Includes base lamp, plus two (2) rear integrated hemispheric red lighthouse LED side warning lights in taillamps Note: Included in Police Interceptor Package #6 – 856	662	O
Police Interceptor #3 – Rear Lighting Solution <ul style="list-style-type: none"> • Includes two (2) backlit flashing linear high-intensity LED lights (driver side red / passenger side blue) mounted inside back window; surrounds brake stop light • Includes two (2) linear high-intensity LED lights (driver side red / passenger side blue) mounted on inside trunk decklid (lights activate when decklid is open) Note: Included in Police Interceptor Package #6 – 856	663	O
Police Interceptor #4 – Trunk Upfit Package <ul style="list-style-type: none"> • Rear console mounting plate – contours through 2nd row; channel for wiring • Wiring overlay harness with lighting and siren interface connections • Vehicle Engine Harness: <ul style="list-style-type: none"> – Two (2) light connectors – supports up to three (3) LED lights each (engine compartment) – One (1) grille LED light connector – supports two (2) LED lights – Two (2) 50 amp battery ground circuits in power distribution junction block (in trunk) – One (1) 10-amp siren/speaker circuit (engine to trunk) – Trunk circulation fan maintains airflow from cabin to trunk – Trunk electronics tray (4 sq. ft) with 18" of travel when fully extended locks – Pre-wiring for grille LEDs and siren/speaker Note: Not available with the following Police Interceptor Packages: #5 (855); #6 (856)	854	O
Police Interceptor #5 – Light Controller Package <ul style="list-style-type: none"> • Includes content from the following Police Interceptor Packages: #4 (854) plus: <ul style="list-style-type: none"> – Whelen Light Controller (PCC8R) – Whelen PCC8R Light Relay Center (electronics tray mounted) – Light Controller / Relay Center Wiring (jumper harness) – Whelen Specific Cable (console to trunk) connects PCC8R to Control Head Note: Not available with the following Police Interceptor Packages: #4 (854); #5 (855)	855	O
Police Interceptor #6 – Ready for the Road Package <ul style="list-style-type: none"> • Includes Police Interceptor Packages: #1 661; #2 662, #3, 663, #4 854 plus: <ul style="list-style-type: none"> – Whelen Cencom Sapphire Light Controller Head – Whelen Cencom Sapphire Relay Center / Siren / Amp (mounted on Electronics Tray) – Light Controller / Relay Cencom Wiring (wiring harness) – Whelen Specific WECAN Cable (console to trunk) connects Cencom to Control Head – Grille linear LED Lights (Red / Blue) – 100-Watt Siren / Speaker – Trunk Storage Vault – Hidden Door Lock Plunger / Rear Door Handles Inoperable Note: Not available with the following Police Interceptor Packages: #4 (854); #5 (855)	856	O

* See FCSD Service Manual for Terms and Conditions

P = Included in Equipment Group, S = Standard Equipment, O = Optional

05/07/12

2013 SEDAN POLICE INTERCEPTOR EQUIPMENT GROUP

KEY EXTERIOR OPTIONS		
Engine Block Heater	41H	O
License Plate Bracket – Front	153	O
Lamps		
Dark Car Feature – Courtesy lamp disable when any door is opened	13C	O
Daytime Running Lamps	942	O
Pre-Wiring for grille lamp, siren and speaker	51G	O / P-854 / P-855 / P-856
Spot Lamp – driver only (Incandescent Bulb) (Not available with 21L, 21P, 21B)	21D	O
Spot Lamp – driver only (LED Bulb) (Not available with 21D, 21P, 21B)	21L	O
Spot Lamp – Dual (driver and passenger) (Incandescent Bulb) (Not available with 21D, 21L, 21B)	21P	O
Spot Lamp – Dual (driver and passenger) (LED Bulb) (Not available with 21D, 21L, 21P)	21B	O
Trunk Storage Vault (Includes lockable door)	19T	O
Badging		
Badge Delete (Police Interceptor Badge Only)	19D	O
VINYL WRAP OPTIONS		
Two-Tone Vinyl Package #1 (Vinyl Wrap in Police White Only – YZ) • Roof Vinyl • RH/LH Front Doors Vinyl • RH/LH Rear-Doors Vinyl Note: Not available with the following Vinyl Packages: #2 (142); #3 (143); (144)	141	O
Two-Tone Vinyl Package #2 (Vinyl Wrap in Police White Only – YZ) • Roof Vinyl • Hood Vinyl • Decklid Vinyl Note: Not available with the following Vinyl Packages: #1 (141); #3 (143); (144)	142	O
Two-Tone Vinyl Package #3 (Vinyl Wrap in Police White Only – YZ) • Roof Vinyl • RH/LH Front Doors Only Vinyl Note: Not available with the following Vinyl Packages: #1 (141); #2 (142); (144)	143	O
Vinyl Word Wrap • "POLICE" located on LH/RH sides of vehicle (Vinyl Wrap in Police White Only – YZ) Note: Not available with the following Vinyl Packages: #1 (141); #2 (142); #3 (143)	144	O
Wheels		
Wheel Covers (18" Full Face Wheel Cover)	64L	O
Sirens		
100 Watt Siren/Speaker (Includes bracket and pigtail)	96P	O / P-856
INTERIORS		
Rear View Camera (Includes Electrochromic Rear View Mirror – Camera displayed in rear view mirror)	77B	O
SYNC® Basic – Voice-Activated Communication System (Requires Reverse Sensing 76R)	53M	O
Remappable (4) switches on steering wheel (less SYNC®) (Not available with 47K)	47J	O
Remappable (4) switches on steering wheel (requires SYNC®)	47K	O
Door Locks (Sold only on 1)		
Rear-Door Handles Inoperable / Locks Operable ¹	18L	O
Rear-Door Handles Inoperable / Locks Inoperable ¹	18G	O
Hidden Door-Lock Plunger w/Rear-door handles operable ¹	63B	O
Hidden Door-Lock Plunger w/Rear-door handles inoperable ¹	63P	O / P-856
Windows		
Windows – Rear window power delete, operable from front driver side switches	67D	O
Flooring/Seats		
1 st and 2 nd Row Carpet Floor Covering (includes floor mats, front and rear)	17I	O / P-12P
2 nd Row Cloth Seats	88C	O / P-12P
Rear Console Plate (Not available w/Interior Upgrade Pkg. – 12P)	97D	O / P-854 / P-855 / P-856
Keys (Note: Not available with Remote Keyless Entry – 60P)		
Keyed Alike – 1435x	43E	O
Keyed Alike – 1284x	43B	O

¹ Options 18L, 18G, 63B and 63P not available in any combination.

* = See FCSD Service Manual for Terms and Conditions

P = Included in Equipment Group, S = Standard Equipment, O = Optional

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2013 SEDAN POLICE INTERCEPTOR EQUIPMENT GROUP

Keyless-Entry (Not available with Remote Keyless-Entry) (Continued)		
Keyed Alike - 0135x	43D	O
Keyed Alike - 0576x	43F	O
Keyed Alike - 1111x	43J	O
Safety/Security		
Ballistic Door-Panels - Driver Front Door Only	65E	O
Ballistic Door-Panels - Driver & Pass Front Doors	65C	O
BLIS® - Blind Spot Monitoring with Cross Traffic Alert (Manual fold-away mirrors, w/heat, w/o memory, w/o puddle lamps)	65B	O
Lockable Gas Cap for Easy Fuel® Capless Fuel-Filler	98K	O
Perimeter Anti-Theft Alarm - Activated by Hood, Door, or Decklid (Requires Key Fob 60P) (Late Availability)	59B	O
Remote Keyless-Entry Key Fob (w/o Keypad, less PATS) (Not available with Keyed Alike feature)	60P	O
Reverse Sensing	76R	O
Electrical/AV/Info		
Electronics Tray (w/o Fan)	62D	O/P-854/P-855/P-856
Trunk Circulation Fan (mounted inside trunk)	97T	O/P-854/P-855/P-856
Noise Suppression Bonds	20P	O
Maintenance/Service Plans (ESP)		
Miles in Protection Interval (includes all O, S, and P options) (Not available with 100,000-mile interval)		
75,000-miles (assumes 5,000-mile intervals = 15 service events)	521	O
75,000-miles (assumes 3,000-mile intervals = 25 service events)	522	O
100,000-miles (assumes 5,000-mile intervals = 20 service events)	523	O
100,000-miles (assumes 3,000-mile intervals = 33 service events)	524	O
125,000-miles (assumes 5,000-mile intervals = 25 service events)	525	O
125,000-miles (assumes 3,000-mile intervals = 41 service events)	526	O
150,000-miles (assumes 5,000-mile intervals = 30 service events)	527	O
150,000-miles (assumes 3,000-mile intervals = 50 service events)	528	O

* - See FCSD Service Manual for Terms and Conditions

P = Included in Equipment Group, S = Standard Equipment, O = Optional

2013 SEDAN POLICE INTERCEPTOR FUNCTIONAL EQUIPMENT

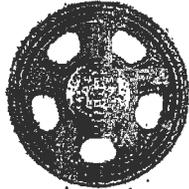
AXLE AVAILABILITY

*Final Drive Ratio = 3.16
FWD Police Interceptor*

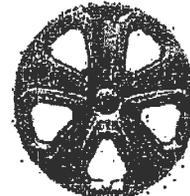
*Final Drive Ratio = 3.39
AWD Police Interceptor
(Non-EcoBoost®)*

*Final Drive Ratio = 3.16
AWD EcoBoost® Police
Interceptor*

WHEEL AVAILABILITY



18" 5-spoke painted black steel wheels with center caps (5th wheel is full-size spare) - Standard



18" 5-spoke full face wheel covers with metal clips
Optional (64L)

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2013 SEDAN POLICE INTERCEPTOR COLOR & TRIM AVAILABILITY

Sedan Police Interceptor	Sedan Police Interceptor	Interior Color Charcoal Black
Cloth Front Buckets / Vinyl Rear	Front – Unique Heavy-Duty Cloth, Front Bucket Seats Driver 8-way Power track (fore/aft, up/down, tilt with manual recline, 2-way manual lumbar). Passenger – 2-way manual track (fore/aft, with manual recline) Rear – Vinyl	RW

COLOR OFFERINGS

Paint Name	Order Code	Police Charcoal Black
		RWCW
Arizona Beige Metallic	AQ	■
Dark Blue Metallic	BG	■
Smokestone Metallic	HG	■
Kodak Brown Metallic	JH	■
★ Deep Impact Blue	J4	■
Dark Red Metallic	JL	■
Norsea Blue Metallic	KR	■
Dark Blue	LX	■
Royal Blue	LM	■
Light Blue Metallic	EN	■
Light Ice Blue™ Metallic	LS	■
Light Blue Metallic	MM	■
Light Gray	TM	■
Silver Gray Metallic	TI	■
Ebony	UA	■
Sedona Gray Metallic	UC	■
★ Ingot Silver Metallic	UX	■
Light Blue Metallic	YB	■
★ Oxford White	YZ	■

VINYL WRAP COLOR TREATMENT OFFERINGS

Vinyl Wrap Color* <p style="text-align: center;">Police White (Note: Not available with exterior paint "Oxford White" (YZ))</p>	Accent Color Code <p style="text-align: center;">YZ</p>
----------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------

* – Accent Color Wrap for Vinyl Packages 141, 142, 143, 144

DOOR HANDLE COLOR SCHEME

1. Oxford White (YZ) exterior painted vehicles will receive Oxford White (YZ) painted door handles
2. "All" other exterior painted vehicles will receive Ebony Black (UA) painted door handles

★ = New for this model year

■ = Available
Ford Division

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2013 SEDAN POLICE INTERCEPTOR EMISSIONS

EMISSIONS REQUIREMENT LOCATIONS

CALIFORNIA EMISSIONS STATES
 CA, CT, MA, MD, ME, NJ, NY, OR, PA, RI, VT, WA
CROSS BORDER STATES
 AZ, DC, DE, ID, NH, NV, OH, VA, WV
FEDERAL EMISSIONS STATES
 Remaining States / Regions

ENGINE BLOCK HEATER 41H

Standard and only available in AK, MN, ND, SD, MT, WI and WY states. Other states available via FCSD

NOTE: Fleet Only – Engine block heater optional in all states with valid FIN code.

EMISSIONS STANDARD/OPTIONAL EQUIPMENT

FEDERAL / NON-CALIFORNIA EMISSIONS SYSTEM

Standard equipment for vehicles destined for Federal Emissions State or Cross Border State dealer destinations Equipped on vehicles when Code 936 or 423 is applicable for California Emissions State dealer destinations.

Note: Flexible-fuel vehicle (FFV) system is standard equipment for vehicles with 3.5L Ti-VCT V6 engine destined for Federal Emissions State or Cross Border State dealers and is only available with a Federal emissions system (FFV system not available with Code 422, and requires Codes 936 or 423 if applicable for California Emissions State dealer destinations).

CALIFORNIA EMISSIONS SYSTEM..... 422

Available on 3.5L Ti-VCT V6 gasoline only engine (non-FFV) and 3.5L EcoBoost® engine

Required code for California Emissions States registration unless Codes 936 or 423 are applicable.

Optional code for Cross Border State dealer orders.

CALIFORNIA EMISSIONS SYSTEM NOT REQUIRED..... 423

Dealers ordering a vehicle without a California Emissions System and which is being sold/delivered to a California Emissions State dealer are also required to use Code 423 to attest either that the vehicle is not being registered in a California Emissions State or that Code 936 is applicable. Note: In Maine, Rhode Island and Vermont, dealers cannot use Code 423 for customers outside of California Emissions States locations (except Public Service/Emergency Vehicles – Code 936).

CALIFORNIA EMISSION EXEMPTION FOR PUBLIC SERVICE / EMERGENCY VEHICLES 936

This exemption may only apply in certain California Emissions States. Ordering dealer is responsible to contact the proper state authorities for clarification on qualifying exempted vehicles for registration. Only available on vehicles sold for authorized public service or emergency service use. Must also use Code 423 when ordering.

The State of Washington has unique rules (WAC 173-423-060) on exempting emergency vehicles without California emissions if another vehicle with California emissions that meets the customer's needs is available. Code 936 is not allowed and Code 422 is required for vehicles delivered to a Washington State dealer unless an exemption is obtained from the Department of Ecology.

FEDERAL EMISSIONS STATE DEALER ORDER FOR CALIFORNIA EMISSION STATES REGISTRATION..... 93N

Federal Emissions State dealers ordering a California Emissions System (Code 422) are also required to use Code 93N to attest that the vehicle is to be registered in a California Emissions State. Note: It is a violation of Federal law for a Federal Emissions State dealer to sell a vehicle with a California Emissions System for registration in a Federal Emissions State, unless the vehicle also meets EPA standards (i.e., 50-state emissions).

* = New for this model year

POWERTRAIN

FUEL ECONOMY

ENGINE DISPL.	TRANSMISSION	50-STATE			
		F.E. LABEL			ESTIMATED ANNUAL FUEL COSTS
		ADJUSTED		COMBINED	
CITY	HIGHWAY				
6-Cylinder - FWD					
3.5L V6 TI-VCT FFV	6-Speed Automatic	TBD	TBD	TBD	TBD
6-Cylinder - AWD					
3.5L V6 TI-VCT FFV	6-Speed Automatic	TBD	TBD	TBD	TBD
6-Cylinder - AWD					
3.5L V6 GTDI	6-Speed Automatic	TBD	TBD	TBD	TBD

ENGINE HORSEPOWER AND TORQUE RATINGS

ENGINE DISPL.	TRANSMISSION	NOMINAL COMPRESSION RATIO	50-STATE	
			HORSEPOWER	TORQUE
			H.P. @ RPM	FT. LBS. @ RPM
6-Cylinder - FWD				
3.5L V6 TI-VCT FFV	6-Speed Automatic	10.8:1	288 @ 6,500 ¹	254 @ 4,000 ¹
6-Cylinder - AWD				
3.5L V6 TI-VCT FFV	6-Speed Automatic	10.8:1	288 @ 6,500 ¹	254 @ 4,000 ¹
6-Cylinder - AWD				
3.5L V6 GTDI	6-Speed Automatic	10.0:1	385 @ 5,500 ¹	350 @ 1,500 - 5,000 ¹

¹ Ratings achieved using 93-octane fuel. The use of 87-octane may reduce performance

* = New for this model year

1/16/2012

**2013 UTILITY POLICE INTERCEPTOR
PRICE LIST
(PRICE LEVEL CODE 315)**

MODEL		SERIES CODE	BASE VEHICLE PRICE	DEALER INVOICE W/HOLDBACK	SUGGESTED RETAIL
Police Interceptor	AWD	K8A	Utility Police Interceptor AWD	\$ 27,886	\$ 28,705
	FWD	K7A	Utility Police Interceptor FWD	26,836	28,580
ALL MODELS			Destination and Delivery	825	825

TRIM SERIES	DRIVE	PKG. CODE	EQUIPMENT GROUPS	DEALER INVOICE W/HOLDBACK	SUGGESTED RETAIL
Police Interceptor		65U	Police Interior Upgrade Package	\$ 341	\$ 390
		86P	Police Interceptor #21a - Front Headlamp / Police Interceptor Housing Only	110	125
		66A	Police Interceptor #21 - Front Headlamp Lighting Solution	797	815
		66B	Police Interceptor #22 - Tail Lamp Lighting Solution	371	425
		66C	Police Interceptor #23 - Rear Lighting Solution	398	455
		67G	Police Interceptor #24 - Cargo Wiring Upfit Package	1,168	1,340
		67H	Police Interceptor #25 - Ready For the Road Package	2,978	3,415

	DRIVE	OPTION CODE	POWERTRAINS	DEALER INVOICE W/HOLDBACK	SUGGESTED RETAIL
ENGINE		99R	3.7L TIVCT V6 FFV Engine	Std	Std
TRANSMISSION		44C	6-Speed Automatic Transmission	Std	Std

1/16/2012

**2013 UTILITY POLICE INTERCEPTOR
PRICE LIST
(PRICE LEVEL CODE 315)**

	OPTION CODE	OTHER OPTIONS	DEALER INVOICE WHOLDBACK	SUGGESTED RETAIL
AVAILABLE ON ALL MODELS UNLESS OTHERWISE NOTED	41H	Engine Block Heater	\$ 30	\$ 35
	153	License Plate Bracket - Front	NC	NC
	43D	Dark Car Feature - Courtesy lamp disable when any door is opened	17	20
	94Z	Daytime Running Lamps	39	45
	17T	Dome Lamp - Red/White In Cargo Area	45	50
	60A	Pre-Wiring for grille lamp, siren, and speaker	46	50
	51Y	Spot Lamp - driver only (Incandescent Bulb)	187	215
	51R	Spot Lamp - driver only (LED Bulb)	345	395
	51Z	Spot Lamp - Dual (driver and passenger) (Incandescent Bulb)	306	350
	51S	Spot Lamp - Dual (driver and passenger) (LED Bulb)	541	620
	16D	Badge Delete (Police Interceptor Badge Only)	N/C	N/C
	92G	Glass - Solar Tint 2nd & 3rd Row	105	120
	92R	Glass - Solar Tint 2nd Row Only	75	85
	68Z	Roof Rack Side Rails - Black	87	100
	91A	Two-Tone Vinyl Package #1	733	840
	91B	Two-Tone Vinyl Package #2	733	840
	91C	Two-Tone Vinyl Package #3	611	700
	91D	Vinyl Word Wrap	694	795
	64B	Wheel Covers (18" Full Face Wheel Cover)	53	60
	18X	100 Watt Siren/Speaker (includes bracket and pigtail)	262	300
	21B	Rear View Camera	213	245
	53M	SYNC™ Basic - Voice Activated Communication System	258	295
	61R	Remappable (4) switches on steering wheel (less Voice, Not Avail. w/ SYNC)	136	155
	61S	Remappable (4) switches on steering wheel (with Voice, requires SYNC)	136	155
	52H	Hidden Door Lock Plunger	122	140
	52P	Hidden Door Lock Plunger and Rear Door Handle Inoperable	140	180
	68L	Rear Door Handles Inoperable / Locks Operable	30	35
	68G	Rear Door Handles Inoperable / Locks Inoperable	30	35
	18W	Windows - Rear window power delete, operable from front driver side switches	22	25
	18C	1st and 2nd row carpet floor covering	110	125
	88F	2nd Row Cloth Seats	83	60
		2nd Row Cloth Seats (Incl w/ 85U)	Incl	Incl
	85R	Rear Console Plate (Not avail w/ Interior Upgrade Pkg - 85U)	30	35
	59E	Keyed Ailke - 1495x	45	50
	59B	Keyed Ailke - 1284x	45	50
	59D	Keyed Ailke - 0195x	45	50
	59F	Keyed Ailke - 0576x	45	50
	59J	Keyed Ailke - 1111x	45	50
	90D	Ballistic Door Panels - Driver Front Door Only	1,384	1,585
	90E	Ballistic Door Panels - Driver & Pass Front Doors	2,766	3,170
	55B	BLIS - Blind Spot Monitoring with Cross Traffic Alert	428	480
	19L	Lockable Gas Cap for Easy Fuel Capless Fuel Filler	17	20
	593	Perimeter Anti-Theft Alarm - Activated by Hood, Door, or Decklid	105	120
	585	Remote Keyless Entry Key Fob (w/o Keypad, less PATS)	227	260
	76R	Reverse Sensing	240	275
	17A	Aux Air Conditioning	532	610
	60R	Noise Suppression Bonds	87	100
	50A	ESP Limited Maintenance Plan - 75,000 Miles, 5,000 Mile Interval	672	770
	50B	ESP Limited Maintenance Plan - 75,000 Miles, 3,000 Mile Interval	1,092	1,250
	50C	ESP Limited Maintenance Plan - 100,000 Miles, 5,000 Mile Interval	803	920
50D	ESP Limited Maintenance Plan - 100,000 Miles, 3,000 Mile Interval	1,305	1,495	
50E	ESP Limited Maintenance Plan - 125,000 Miles, 5,000 Mile Interval	1,092	1,250	
50F	ESP Limited Maintenance Plan - 125,000 Miles, 3,000 Mile Interval	1,650	1,890	
50G	ESP Limited Maintenance Plan - 150,000 Miles, 5,000 Mile Interval	1,200	1,375	
50H	ESP Limited Maintenance Plan - 150,000 Miles, 3,000 Mile Interval	1,968	2,255	

01/16/12

- B -

Ford Division

2013 UTILITY POLICE INTERCEPTOR POLICE INTERCEPTOR CONTENT

Unique Utility Police Interceptor Features Include:

MECHANICAL

- AWD Drivetrain – Standard for enhanced handling precision and unsurpassed traction on wet or dry surfaces
- 3.7L Ti-VCT V6 FFV High efficient Police Calibrated (V6 displacement technology is optimal for long days spent idling or on the job)
- Brakes – Police calibrated high performance system. 4-Wheel heavy-duty disc w/heavy-duty front and rear calipers
- Rotors – large mass for high thermal capacity and calipers with large swept area.
- Electric Power Assist Steering (EPAS)
- Transmission – 6-speed automatic, exclusively police calibrated for maximum acceleration and faster closing speeds
- Alternator – Heavy-Duty 220 Amp
- Battery – Heavy-Duty 750 CCA
- Cooling System – Heavy-duty, large high volume radiator, Engine oil cooler and transmission oil cooler
- Engine Hour Meter
- Powertrain mounts – Heavy-Duty.
- Wheels
 - Heavy-duty steel, vented with center cap
 - Full size spare tire w/TPMS

INTERIOR FEATURES

- Cargo Area – Spacious area for police equipment
- Column Shifter
- Flooring – Heavy-duty vinyl, offers ease of cleaning, long term durability
- Pedals – Power adjustable
- Seats
 - Front – Police grade cloth – 6-way power-adjustable Manual lumbar, seatback foam designed to comfortably accommodate a utility belt
 - Built-in steel intrusion plates in both front-seatbacks
 - 2nd Row – Police grade vinyl, offer easy care for cleaning
 - Liftgate access with manual lock cylinder
- Simple Fleet Key (w/o microchip, easy to replace)
- Speedometer – Certified
- Universal equipment tray atop instrument panel (ideal for radar and other police equipment)

POLICE UPFIT FRIENDLY

- Consistent 9-inch space between driver and passenger seats for aftermarket consoles
- Console mounting plate
- Dash pass-thru opening for aftermarket wiring
- Headliner – Easy to drop
- Headlamps – Integrated LED police flashers (Available)
- Taillamps – Integrated police flashers (Available)

TECHNOLOGY

- BLIS® – Blind Spot Monitoring with Cross Traffic Alert (Available)
- Ford SYNC® – Hands-free communications with programmable steering wheel-mounted controls (Available)
- Rear Video Camera (Available)
- Reverse Sensing (Available)
- Unique Steering Wheel (with up to 4-remappable configurations – Available)

COMMONALITY

- Commonality of parts between the Sedan and Utility Interceptors include: Front brake calipers, rear brake calipers, wheels, battery, 220 amp alternator, PTU, RDU and front-seats.
- Maintenance Components – Oil filter, air filter, spark plugs, front and rear brake pads, front and rear brake rotors and tires.

SAFETY / SECURITY HIGHLIGHTS

- AdvanceTrac® w/RSC® (Roll Stability Control™) police tuned gyroscopic sensors work seamlessly with the ABS
- Ballistic Door-Panels (National Institute of Justice (NIJ) certified to stop Type III and all lesser NIJ rounds) (Available)
- Exterior Key Locks – Driver, passenger side and liftgate
- 75-mph Rear End Crash Tested

LATEST ORDER GUIDE UPDATES

- Emissions Update

Product Changes and Features Availability

Features, options and package content subject to change. Please check www.fmcdealer.com or Dealer eStore for the most current information.

05/01/12

2013 UTILITY POLICE INTERCEPTOR STANDARD EQUIPMENT

The following items are std. 2013MY UTILITY POLICE INTERCEPTOR vehicle:

MECHANICAL

- Alternator – 220-Amp
- Axle Ratio – 3.65 (AWD), 3.39 (FWD)
- Battery – H.D. maintenance-free 78A/750-CCA
- Brakes – 4-Wheel Heavy-Duty Disc w/H.D. Front and Rear Callipers
- Column Shifter
- Drivetrain – All-Wheel Drive
- Electric Power Assist Steering (EPAS) – Heavy-Duty
- Engine – 3.7L V6 TI-VCT
- Engine Hour Meter □
- Engine Oil Cooler
- Fuel Tank – 18.6 gallons
- Suspension – independent front & rear
- Transmission – 6-speed automatic

EXTERIOR

- Antenna, Roof-mounted
- Cladding – Lower bodyside cladding (Black)
- Door Handles – Black (MIC)
- Exhaust True Dual
- Front Door-Lock Cylinders (Front Driver / Passenger / Liftgate)
- Glass – 2nd and 3rd Row Privacy Glass
- Grille – Black
- Headlamps – Halogen Projector (Bi-Functional)
- Liftgate – Manual 1-Piece – Fixed Glass w/Door-Lock Cylinder
- Mirrors – Black Caps (MIC), Power Electric Remote, Manual Folding with Integrated Spotter (integrated blind spot mirrors not included when equipped with BLIS®)
- Spare – Full size 18" Tire w/TPMS
- Spoiler – Painted Black
- Tail lamps – LED
- Tailgate Handle – Painted Black
- Tires – 245/55R18 A/S BSW
- Wheel-Lip Molding – Black (MIC)
- Wheels – 18" x 8.0 painted black steel with wheel hub cover
- Windshield – Acoustic Laminated

INTERIOR / COMFORT

- Cargo Hooks
- Climate Control – Single-Zone Manual
- Door-Locks
 - Power
 - Rear-Door Handles and Locks Operable
- Floor – Flooring – Heavy-Duty Thermoplastic Elastomer
- Glove Box – Locking/non-Illuminated
- Grab Handles – (1 – Front-passenger side)
- Lighting
 - Overhead Console with sunglass holder
 - 1st row task lights (driver and passenger)
 - Dome Lamp – 1st row (red/white)
 - 2nd row overhead map light
- Mirror – Day/night Rear View
- Particulate Air Filter
- Power Adjustable Pedals (Driver Dead Pedal)
- Powerpoints – (2) First Row
- Scuff Plates – Front & Rear
- Seats
 - 1st Row Police Grade Cloth Trim, Dual Front Buckets
 - 1st Row – Driver 6-way Power track (fore/aft. Up/down, tilt with manual recline, 2-way manual lumbar)
 - 1st Row – Passenger 2-way manual track (fore/aft. with manual recline)
 - Built-in steel intrusion plates in both driver/passenger seatbacks
 - 2nd Row Vinyl, 60/40 Split Bench Seat (manual fold-flat, no tumble) – fixed seat track
- Speed (Cruise) Control

- Speedometer – Calibrated
- Steering Wheel – Manual / Tilt, Urethane wheel finish w/Silver Painted Bezels) with Speed Controls and Redundant Audio Controls
- Sun visors, color-keyed, non illuminated
- Universal Top Tray – Center of VP for mounting aftermarket equipment
- Windows, Power, 1-touch Down Driver-Side with disable feature

SAFETY/SECURITY

- AdvanceTrac® w/RSC® (Roll Stability Control™) w/Hydraulic Brake Assist
- Airbags, 2nd generation driver & front-passenger, side seat, Roll Curtain Airbags and Safety Canopy®
- Anti-Lock Brakes (ABS) with Traction Control
- Battery saver feature
- Belt-Minder® (Front Driver / Passenger)
- Child Safety Locks (capped)
- LATCH (Lower Anchors and Tethers for Children) system on rear outboard seat locations
- Seat Belts, Pretensioner/Energy-Management System w/adjustable height in 1st Row
- SOS Post-Crash Alert System™
- Tire Pressure Monitoring System (TPMS)

FUNCTIONAL

- Easy Fuel® Capless Fuel-Filler
- Front door tether straps (driver/passenger)
- MyFord®
 - AM/FM / CD / MP3 Capable / Clock / 6 speakers
 - 4.2" Color LCD Screen Center-Stack "Smart Display"
 - 5-way Steering Wheel Switches, Redundant Controls
- Power pigtail harness
- Simple Fleet Key (w/o microchip, easy to replace)
- Two-way radio pre-wire
- Windows – Rear Defroster
- Wipers – Front Speed-Sensitive Intermittent; Rear Dual Speed Wiper

AWD ONLY MODELS INCLUDE

- Recovery Hooks, Rear Only

05/01/12

2013 UTILITY POLICE INTERCEPTOR EQUIPMENT GROUP

Series/Rate	Option Code	Police Interceptor 500A
Utility Police Interceptor AWD (incl. D&D)	K8A	S
Utility Police Interceptor FWD (incl. D&D)	K7A	O
3.7L V6 TI-VCT FFV with 6-Speed Automatic Transmission	99R / 44C	S
EQUIPMENT GROUP		
Interior Upgrade Package - 1 st and 2 nd Row Carpet Floor Covering. - Cloth Seats - Rear - Center Floor Console less shifter w/unique Police console finish plate - Includes Console Top Plate - Finish 3 (incl. 2 cup holders) - Floor Mats, front and rear (carpeted) Note: Not available with Police Interceptor Package #24 - 67G Note: Not available with Police Interceptor Package #25 - 67H	65U	O
Police Interceptor #21a - Front Headlamp / Police Interceptor Housing Only - Pre-drilled hole for side marker police use, does not include LED installed bulb (eliminates need to drill housing assemblies) - Pre-molded side warning LED holes with standard twist lock sealed capability (does not include LED installed lights) Note: Not available with Police Interceptor Package #21 - 66A Note: Not available with Police Interceptor Package #25 - 67H	66P	O
Police Interceptor 21 - Front Headlamp Lighting Solution - Includes base projector beam headlamp plus two (2) multi-function Park/Turn/Warn (PTW) bulbs for Wig-wag simulation and two (2) white hemispheric lighthead LED side warning lights. Note: Not available with Police Interceptor Package #25 - 67H	66A	O
Police Interceptor 22 - Tail Lamp Lighting Solution - Includes base lamp plus two (2) rear integrated hemispheric lighthead white LED side warning lights in taillamps Note: Not available with Police Interceptor Package #25 - 67H	66B	O
Police Interceptor 23 - Rear Lighting Solution - Includes two (2) backlit flashing linear high-intensity LED lights (driver's side red / passenger side blue) mounted to inside liftgate glass) - Includes two (2) backlit flashing linear high-intensity LED lights (driver's side red / Passenger side blue) installed on inside lip of liftgate (lights activate when liftgate is open) Note: Not available with Police Interceptor Package #25 - 67H	66C	O
Police Interceptor 24 - Cargo Wiring Upfit Package - Rear console plate - contours through 2 nd row; channel for wiring - Wiring overlay harness with lighting and siren interface connections - Vehicle Engine Harness: o Two (2) light connectors - supports up to three (3) LED lights each (engine compartment) o Two (2) light connectors - supports up to three (3) LED lights each (engine compartment) - Two (2) 50 amp battery ground circuits in right hand rear-quarter power distribution junction block - One (1) 10-amp siren/speaker circuit (engine to cargo area) - Whelen Lighting PCC8R Control Head - Whelen PCC8R Light Relay Center (mounted behind 2 nd row seat) - Light Controller / Relay Center Wiring (jumper harness) - Whelen Specific Cable (console to cargo area) Connects PCC8R to Control Head - Pre-wiring for grille LEDs and siren/speaker Note: Not available with Police Interceptor Package #25 - 67H	67G	O
Police Interceptor 25 - Ready for the Road Package: All-In Complete Package - Includes Police Interceptor Packages #21 66A, #22 66B, #23 66C, #24 64G* plus - Whelen Cencom Sapphire Light Controller Head - Whelen Cencom Sapphire Relay Center / Siren / Amp (mounted behind 2 nd row seat) - Light Controller / Relay Cencom Wiring (wiring harness) - Whelen Specific WECAN Cable (console to cargo area) connects Cencom to Control Head - Grille linear LED Lights (Red / Blue) - 100-Watt Siren / Speaker - Hidden Door-Lock Plunger / Rear-Door Handles Inoperable (*) - LESS the following items from Package #67G (Higher level components included): o Whelen Lighting PCC8R Control Head o Whelen PCC8R Light Relay Center (mounted behind 2 nd row seat) o Light Controller / Relay Center Wiring (jumper harness) Note: Not available with the following Police Interceptor Packages: #21 (66A); #22 (66B); #23 (66C); #24 (67G)	67H	O
EXTERIOR OPTIONS		
Engine Block Heater	41H	O

* = See FCSD Service Manual for Terms and Conditions

P = Included in Equipment Group, S = Standard Equipment, O = Optional

05/01/12

2013 UTILITY POLICE INTERCEPTOR EQUIPMENT GROUP

EQUIPMENT GROUP		
KEY EXTERIOR OPTIONS (Continued)		
License Plate Bracket - Front	153	O
Lamps		
Dark Car Feature - Courtesy lamp disable when any door is opened	43D	O
Daytime Running Lamps	942	O
Dome Lamp - Red/White in Cargo Area	17T	O
Pre-wiring for grille lamp, siren, and speaker	60A	O / P-67G / P-67H
Spot Lamp - Driver Only (Incandescent Bulb)	51Y	O
Spot Lamp - Driver Only (LED Bulb)	51R	O
Spot Lamp - Dual (driver and passenger) (Incandescent Bulb)	51Z	O
Spot Lamp - Dual (driver and passenger) (LED Bulb)	51S	O
Glass		
Glass - Solar Tint 2 nd and 3 rd Row (Deletes Privacy Glass)	92G	O
Glass - Solar Tint 2 nd Row Only (Deletes Privacy Glass)	92R	O
Roof Rack Side Rails - Black	68Z	O
VINYL WRAP OPTIONS		
Two-Tone Vinyl Package #1 (Vinyl Wrap in Police White Only - YZ) • Roof Vinyl • RH/LH Front Doors Vinyl • RH/LH Rear-Doors Vinyl Note: Not available with the following Vinyl Packages: #2 (91B); #3 (91C); (91D)	91A	O
Two-Tone Vinyl Package #2 (Vinyl Wrap in Police White Only - YZ) • Roof Vinyl • Hood Vinyl Note: Not available with the following Vinyl Packages: #1 (91A); #3 (91C); (91D)	91B	O
Two-Tone Vinyl Package #3 (Vinyl Wrap in Police White Only - YZ) • Roof Vinyl • RH/LH Front Doors Only Vinyl Note: Not available with the following Vinyl Packages: #1 (91A); #2 (91B); (91D)	91C	O
Vinyl Word Wrap • "POLICE" located on LH/RH sides of vehicle (Vinyl Wrap in Police White Only - YZ) Note: Not available with the following Vinyl Packages: #1 (91A); #2 (91B); #3 (91C)	91D	O
Wheel Covers (18" Full Face Wheel Cover)	64B	O
Badge Delete (Police Interceptor Badge Only)	16D	O
100 Watt Siren/Speaker (includes bracket and pigtails)	18X	O / P-67H
Audio Video		
Rear View Camera (includes Electrochromic Rear View Mirror - Video is displayed in rear view mirror. Requires 53M)	21B	O
SYNC® Basic (Voice-Activated Communication System)	53M	O
Remappable (4) switches on steering wheel (less SYNC®)	61R	O
Remappable (4) switches on steering wheel (with SYNC®)	61S	O
Door Locks (Electronically)		
Rear-Door Handles Inoperable / Locks Operable ¹	68L	O
Rear-Door Handles Inoperable / Locks Inoperable ¹	68G	O
Hidden Door-Lock Plunger w/Rear-door handles operable ¹	52H	O
Hidden Door-Lock Plunger w/Rear-door handles inoperable ¹	52P	O / P-67H
Windows		
Windows - Rear window power delete, operable from front driver side switches	18W	O
Flooring/Seating		
1 st and 2 nd row carpet floor covering (includes floor mats, front and rear)	16C	O / P-65U
2 nd Row Cloth Seats	88F	O / P-65U
Rear Console Plate (Not available with Interior Upgrade Pkg. - 65U)	85R	O / P-67G / P-67H

¹ Options 68L, 68G, 52H and 52P not available in any combination

* - See FCSD Service Manual for Terms and Conditions

P = Included in Equipment Group, S = Standard Equipment, O = Optional

05/01/12

2013 UTILITY POLICE INTERCEPTOR EQUIPMENT GROUP

EQUIPMENT GROUP

KEYS (Note: Not compatible with Remote Keyless Entry - 595)

Keyed Alike - 1435x	59E	O
Keyed Alike - 1284x	59B	O
Keyed Alike - 0135x	59D	O
Keyed Alike - 0576x	59F	O
Keyed Alike - 1111x	59J	O

OTHER OPTIONS

Ballistic Door-Panels - Driver Front Door Only	90D	O
Ballistic Door-Panels - Driver & Pass Front Doors	90E	O
BLIS® - Blind Spot Monitoring with Cross Traffic Alert (Requires 21B)	58B	O
Lockable Gas Cap for Easy Fuel® Capless Fuel Filler	19L	O
Perimeter Anti-Theft Alarm - Activated by Hood, Door, or Decklid (Requires Key Fob) (Late Availability)	593	O
Remote Keyless-Entry Key Fob (w/o Keypad, less PATS) (Not available with Keyed Alike)	595	O
Reverse Sensing	76R	O

Aux Air Conditioning	17A	O
Noise Suppression Bonds (Ground Straps)	60R	O

EXTENDED SERVICE CONTRACTS

Utility Interceptor Limited Maintenance Package (includes Oil Change, Tire Rotation and 100,000-mile sealant)

75,000-miles (assumes 5,000-mile intervals = 15 service events)	50A	O
75,000-miles (assumes 3,000-mile intervals = 25 service events)	50B	O
100,000-miles (assumes 5,000-mile intervals = 20 service events)	50C	O
100,000-miles (assumes 3,000-mile intervals = 33 service events)	50D	O
125,000-miles (assumes 5,000-mile intervals = 25 service events)	50E	O
125,000-miles (assumes 3,000-mile intervals = 41 service events)	50F	O
150,000-miles (assumes 5,000-mile intervals = 30 service events)	50G	O
150,000-miles (assumes 3,000-mile intervals = 50 service events)	50H	O

* = See FCSD Service Manual for Terms and Conditions

P = Included in Equipment Group, S = Standard Equipment, O = Optional

2013 UTILITY POLICE INTERCEPTOR FUNCTIONAL EQUIPMENT

AXLE AVAILABILITY

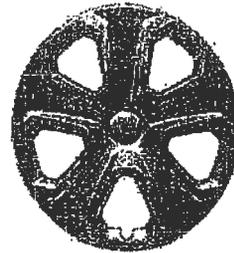
*Final Drive Ratio = 3.39
FWD Police Interceptor*

*Final Drive Ratio = 3.65
AWD Police Interceptor*

WHEEL AVAILABILITY



18" 5-spoke painted black steel wheels with center caps (5th wheel is full-size spare) – Standard



18" 5-spoke full face wheel covers with metal clips – Optional (64B)

02/01/12

2013 UTILITY POLICE INTERCEPTOR COLOR & TRIM AVAILABILITY

Utility Police Interceptor	Utility Police Interceptor	Interior Color Charcoal Black
Cloth Front Buckets / Vinyl Rear	Front – Unique Heavy-Duty Cloth, Front Bucket Seats Driver 6-way Power track (fore/aft.up/down, tilt with manual recline, 2-way manual lumbar). Passenger – 2-way manual track (fore/aft. with manual recline) Rear – 60/40 Split Vinyl.	9W

COLOR OFFERINGS

EXTERIOR COLOR POLICE	Order Code	Charcoal Black Availability
Arizona Beige Metallic	AQ	■
Medium Brown Metallic	BU	■
Smokestone Metallic	HG	■
Kodiak Brown Metallic	JL	■
★ Deep Impact Blue	J4	■
Dark Bordeaux Red Metallic	JL	■
Norsea Blue Metallic	KR	■
Dark Blue	EL	■
Royal Blue	LM	■
Blue Side Metallic	LN	■
Light Ice Blue™ Metallic	LS	■
Ultra Blue Metallic	MM	■
Light Gray	TM	■
Silver Grey Metallic	TN	■
Ebony	UA	■
★ Sterling Grey Metallic	UT	■
★ Ingot Silver Metallic	UX	■
Midnight Metallic	YC	■
★ Oxford White	YZ	■

VINYL WRAP COLOR TREATMENT OFFERINGS

Vinyl Wrap Color* Police White NOTE: Not available with exterior paint Oxford White (YZ)	Accent Order Code YZ
------------------------------------------------------------------------------------------------	-------------------------

* Accent Color Wrap for Vinyl Packages 91A, 91B, 91C, 91D

03/20/12

2013 UTILITY POLICE INTERCEPTOR EMISSIONS

EMISSIONS REQUIREMENT LOCATIONS

CALIFORNIA EMISSIONS STATES
 CA, CT, MA, MD, ME, NJ, NY, OR, PA, RI, VT, WA
CROSS BORDER STATES
 AZ, DC, DE, ID, NH, NV, OH, VA, WV
FEDERAL EMISSIONS STATES
 Remaining States/Regions

ENGINE BLOCK HEATER 41H

Standard and only available in AK, MN, ND, SD, MT, WI and WY states. Other states available via FCSD

NOTE: Fleet Only – Engine block heater optional in all states with valid FIN code.

EMISSIONS STANDARD/OPTIONAL EQUIPMENT

FEDERAL/NON-CALIFORNIA EMISSIONS SYSTEM.....

Standard equipment for vehicles destined for Federal Emissions State or Cross Border State dealer destinations. Equipped on vehicles when Code 936 or 423 is applicable for California Emissions State dealer destinations.

Note: Flexible-fuel vehicle (FFV) system is standard equipment for vehicles with 3.7L Ti-VCT V6 engine destined for Federal Emissions State or Cross Border State dealers and is only available with a Federal emissions system (FFV system not available with Code 422, and requires Codes 936 or 423 if applicable for California Emissions State dealer destinations).

CALIFORNIA EMISSIONS SYSTEM..... 422

Available on 3.7L Ti-VCT V6 gasoline only engine (non-FFV)

Required code for California Emissions States registration unless Codes 936 or 423 are applicable.

Optional code for Cross Border State dealers.

CALIFORNIA EMISSIONS SYSTEM NOT REQUIRED..... 423

Dealers ordering a vehicle without a California Emissions System and which is being sold/delivered to a California Emissions State dealer are also required to use Code 423 to attest either that the vehicle is not being registered in a California Emissions State or that Code 936 is applicable.

Note: in Maine, Rhode Island and Vermont, dealers cannot use Code 423 for customers outside of California Emissions States locations (except Public Service/Emergency Vehicles – Code 936).

CALIFORNIA EMISSIONS EXEMPTION FOR PUBLIC SERVICE/EMERGENCY VEHICLES 936

This exemption may only apply in certain California Emissions States. Ordering dealer is responsible to contact the proper state authorities for clarification on qualifying exempted vehicles for registration. Only available on vehicles sold for authorized public service or emergency service use. Must also use Code 423 when ordering.

The State of Washington has unique rules (WAC 173-423-060) on exempting emergency vehicles without California emissions if another vehicle with California emissions that meets the customer's needs is available. Code 936 is not allowed and Code 422 is required for vehicles delivered to a Washington State dealer unless an exemption is obtained from the Department of Ecology.

FEDERAL EMISSIONS STATE DEALER ORDER FOR CALIFORNIA EMISSIONS STATES REGISTRATION..... 93N

Federal Emissions State dealers ordering a California Emissions System (Code 422) are also required to use Code 93N to attest that the vehicle is to be registered in a California Emissions State. Note: It is a violation of Federal law for a Federal Emissions State dealer to sell a vehicle with a California Emissions System for registration in a Federal Emissions State, unless the vehicle also meets EPA standards (i.e., 50-state emissions).

MISCELLANEOUS

COV Required 78V

Priced DORA C08

SNOW PLOW USAGE

Not recommended for snow plowing.

05/01/12

**2013 UTILITY POLICE INTERCEPTOR
POWERTRAIN**

FUEL ECONOMY

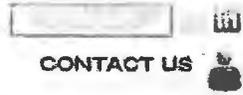
ENGINE DISPL.	TRANSMISSION	50-STATE			
		F.E. LABEL ADJUSTED		ESTIMATED ANNUAL FUEL COST	MEMO: UNADJUSTED COMBINED
		CITY	HIGHWAY		
AWD					
3.7L TI-VCT V6 FFV	6-Speed Automatic	TBD	TBD	TBD	TBD
FWD					
3.7L TI-VCT V6 FFV	6-Speed Automatic	TBD	TBD	TBD	TBD

ENGINE HORSEPOWER AND TORQUE RATINGS

ENGINE DISPL.	TRANSMISSION	NOMINAL COMPRESSION RATIO	50-STATE	
			HORSEPOWER*	TORQUE*
			H.P. @ RPM	FT. LBS. @ RPM
A.I.				
3.7L TI-VCT V6 FFV	6-Speed Automatic	10.8:1	304 @ 5500	279 Ft. Lbs. @ 4000rpm
*Preliminary ratings				



WHERE BUYERS AND SELLERS MEET



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View Contract

CONTRACT	
Title	Enforcement Vehicles
Contract Number	1-12-23-14
Department	State Wide
Description	This contract covers the estimated two (2) year requirements of the State of California for 2013 or current model year Enforcement Vehicles. This contract is MANDATORY for all State of California departments and available for use by participating local governmental agencies.
Start Date	May 25, 2012
Visibility	Agency Only
Expiration Date	May 24, 2014
Total Contract Amount	\$0.00
Mandatory	Mandatory
Contacts	Timothy P Smith PHONE: 916-375-4451 EMAIL: Timothy.Smith@dcs.ca.gov
Supplier	# - Folsom Lake Ford
Solicitation	#1009-014 - Enforcement Vehicles
Classifications	[251017] Safety and rescue vehicles [921015] Police services

Contract Documents

TITLE	EXPIRES
1-12-23-14 Contract Notification User Instructions.pdf [download]	
1-12-23-14 Attachment A - Contract Pricing.xls [download] [PDF]	
1-12-23-14 Attachment B1.pdf [download]	
1-12-23-14 Attachment B2.pdf [download]	
1-12-23-14 Attachment C.pdf [download]	
1-12-23-14 Attachment D.pdf [download]	
Vehicle Acceptance Letter.pdf [download]	

Contract Items

LOT NAME	PRODUCT CODE	TITLE	SUPPLIER	PRICE	UNIT
	P2M	Police Interceptor Sedan	Folsom Lake Ford	\$23,242.00	each
	KBA	Police Interceptor Utility Vehicle	Folsom Lake Ford	\$26,578.00	each

[Close](#)

B # 1009-014

RESOLUTION NO. 2013 – 183

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY,
PURSUANT TO SECTION 2.60.260 OF THE MUNICIPAL CODE, AND
AWARDING THE PURCHASE OF THREE FULLY-EQUIPPED BUILT-OUT
2014 FORD MARKED POLICE VEHICLES TO FOLSOM LAKE FORD
THROUGH CALIFORNIA DEPARTMENT OF GENERAL SERVICES
CONTRACT NO. 1-12-23-14 FOR THE NOT TO EXCEED AMOUNT OF \$150,000

WHEREAS, Assembly Bill 3229, Chapter 134, Statutes of 1996, established the Citizen's Option for Public Safety ("COPS") Program to provide Supplemental Law Enforcement Services Funds ("SLESF") for public safety purposes; and

WHEREAS, as of July 2013, the National City Police Department has received FY 2013 SLESF/COPS Program funding in the amount of \$100,000; and

WHEREAS, the Police Department desires to purchase one fully-equipped turn-key police vehicle using the SLESF/COPS Program funding; and

WHEREAS, the Operation Stonegarden Program (OPSPG) is designed to enhance law enforcement preparedness and operational readiness along the land and water borders of the United States and to address cross-border crime in the region; and

WHEREAS, the National City Police Department has been awarded additional grant funding in the amount of \$85,163 from the Fiscal Year 2011 OPSPG Program for the purchase of two fully-equipped turn-key police vehicles; and

WHEREAS, the State of California awarded GSA Contract No. 1-12-23-14 to Folsom Lake Ford who subcontracts with Lehr Auto Electric & Emergency Equipment for the build-out and up-fitting of the emergency police vehicles; and

WHEREAS, the City of National City can cooperatively purchase (i.e., "piggyback") the State's contract, thereby getting the best price and shortening the delivery time to meet the OPSPG grant deadline; and

WHEREAS, Section 2.60.260 of the National City Municipal Code allows for cooperative purchasing and provides that the City may buy directly from a vendor at a price established through competitive bidding by another public agency whose procedures have been determined to be in substantial compliance with the City's procurement procedures, and such a determination has been made in this case.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby affirms the determination that the State of California's procurement procedures are in substantial compliance with the City's, and pursuant to Section 2.60.260 of the Municipal Code, authorizes the waiver of the bidding process for the purchase of three 2014 Ford marked police vehicles from Folsom Lake Ford in the amount of \$150,000.

[SIGNATURE PAGE TO FOLLOW]

Resolution No. 2013 – 183
Page Two

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

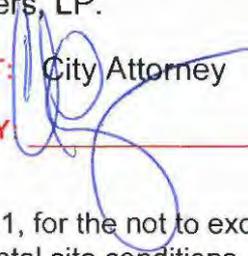
AGENDA ITEM NO. |

ITEM TITLE: Resolution of the City Council of the City of National City authorizing the Mayor to execute a Second Amendment to the Agreement with Opper and Varco, LLP, to increase the not-to-exceed amount of the Agreement by \$30,000, for a total not to exceed amount of \$80,000 to provide legal services regarding environmental site conditions, remediation, regulatory issues, and closure pursuant to the Disposition and Disposition Agreement by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP.

PREPARED BY: Claudia Gacitua Silva

DEPARTMENT: City Attorney

PHONE: Ext. 4222

APPROVED BY: 

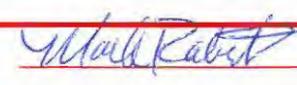
EXPLANATION:

The City and Opper & Varco entered into an Agreement on October 3, 2011, for the not to exceed amount of \$19,500 wherein the Opper and Varco agreed to assist the City with environmental site conditions, remediation, regulatory issues, and closure pursuant to the City's obligation to the former redevelopment agency to carry out the Disposition and Disposition Agreement ("DDA") by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP.

On February 26, 2013, the City entered into the First Amendment to the Agreement increasing the not-to-exceed amount by \$30,500, for a total not to exceed amount of \$50,000 for continuing legal services related to the DDA matters in order to meet the obligations under the DDA regarding the project.

There is a continuing need for assistance to address the environmental site conditions, thus, the parties desire a Second Amendment to the Agreement to increase the not-to-exceed amount by \$30,000 for a total Agreement amount of \$80,000.

FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

APPROVED: _____ MIS

Funds are budgeted in Account No. 001-499-500-598-3934

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt proposed resolution.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

2011 Agreement for Legal Services
First Amendment to the Agreement
Proposed Second Amendment to the Agreement
Proposed resolution

**AGREEMENT FOR LEGAL SERVICES
BY AND BETWEEN
THE CITY OF NATIONAL CITY
AND
OPPER AND VARCO LLP**

THIS AGREEMENT FOR LEGAL SERVICES (the "Agreement") is made between THE CITY OF NATIONAL CITY, a municipal corporation, (the "CITY") and OPFER AND VARCO, (the "FIRM"). This Agreement sets forth the parties' mutual understanding concerning legal services to be provided by the FIRM and the fee arrangement for said services.

Article 1. Retainer. The CITY hereby retains the FIRM to assist in representing the CITY in connection with environmental site conditions, remediation, regulatory issues and closure pursuant to the Disposition and Disposition Agreement ("DDA") by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP, dated June 21, 2011, subject to this Agreement.

Article 2. Pursuant to and consistent with the Cooperation Agreement by and between the City of National City and the Community Development Commission of the City of National City adopted on February 15, 2011, the City is undertaking development of the Westside Infill Transit Oriented Development ("WI-TOD") on behalf of the Community Development Commission; and

Article 3. Said Cooperation Agreement does not constitute a pledge of the use of General Funds for the Aquatic Center but rather obligates the use of non-General Funding such as 2011 Tax Allocation bonds, Tax Increment funding and/or Low-Mod Funds.

Article 4. Scope of Services. The CITY shall have the right in its sole discretion to determine the particular services to be performed by the FIRM under this Agreement. These services may include the following: represent and advise the City and its Redevelopment Division on matters identified in the DDA including, but not limited to, review and drafting of necessary documents required by the regulatory authorities, meetings and conferences with the redevelopment team, regulatory authorities, the developer's team and such other stakeholders as are required by the City's obligations in the DDA. It is expected that the FIRM will work with the City Attorney and City staff.

Article 3. Compensation. Compensation paid under this Agreement shall be as follows:

Partner:	\$325.00 per hour
Senior Associate:	\$275 per hour
Associate:	\$195 per hour
Paralegal/Legal Assistant:	\$95 per hour

A. The FIRM shall not use more than one attorney for the same specific task without the CITY's approval. The FIRM may use the minimum number of attorneys for this engagement consistent with good professional practice after consulting with and obtaining approval by the CITY.

B. The FIRM agrees to document a plan and budget consistent with the scope of services described above in Article 2 to be agreed to by the City Attorney and the FIRM. The CITY shall not be obligated to pay the FIRM amounts not discussed, budgeted, and agreed to before being incurred by the FIRM. Please see attachment A.

C. The CITY has appropriated or otherwise duly authorized the payment of an amount not to exceed \$19,500 for legal services and out-of-pocket disbursements pursuant to this Agreement. In no event shall the total fees plus out-of-pocket disbursements exceed this amount without written authorization of the CITY.

D. The FIRM shall keep the CITY advised monthly as to the level of attorney hours and client services performed under Article 1. The FIRM will not charge the CITY for travel time; however, the FIRM may charge for work performed for the CITY during any travel time.

E. The CITY further agrees to reimburse the FIRM, in accordance with the procedures set forth in this Article, for telephone, fax, mail, messengers, federal express deliveries, document reproduction, client-requested clerical overtime, lodging, and similar out-of-pocket expenses charged by the FIRM as a standard practice to its clients generally, with the exception of travel and meals. In any billing for disbursements, the FIRM shall provide the CITY with a statement breaking down the amounts by category of expense. The following items shall not be reimbursed, unless the CITY has specifically agreed otherwise:

(1) Word Processing, clerical or secretarial charges, whether expressed as a dollar disbursement or time charge.

(2) Storage of open or closed files, rent, electricity, local telephone, postage, receipts or transmission of telecopier documents, or any other items traditionally associated with overhead.

(3) Photocopy charges in excess of \$.15 (fifteen cents) per page.

(4) Auto mileage rates in excess of the rate approved by the Internal Revenue Service for income tax purposes.

(5) Secretarial overtime. Where case requirements demand overtime, the CITY will consider reimbursement on a case-by-case basis. The CITY will not reimburse overtime incurred for the convenience of the FIRM's failure to meet deadlines known in advance.

(6) Equipment, books, periodicals, research materials, Westlaw/Lexis or like items.

(7) Express charges, overnight mail charges, messenger services or the like, without the CITY's prior consent. The CITY expects these expenses to be incurred in emergency situations only. Where case necessity requires the use of these services, the CITY will consider reimbursement on a case-by-case basis.

(8) Travel and meals.

(9) Late payment charge and/or interest. Due to the nature of the CITY's payment process, the CITY will not pay any late charges or interest charges to bills. Every effort will be made to pay bills promptly.

F. Bills from the FIRM should be submitted to Claudia G. Silva, City Attorney, 1243 National City Boulevard, National City, CA 91950-4301. The individual time and disbursement records customarily maintained by the FIRM for billing evaluation and review purposes shall be made available to the CITY in support of bills rendered by the FIRM.

G. The FIRM agrees to forward to the CITY a statement of account for each one-month period of services under this Agreement, and the CITY agrees to compensate the FIRM on this basis. The FIRM will consult monthly with the CITY as to the number of attorney hours and client disbursements which have been incurred to date under this Agreement, and as to future expected levels of hours and disbursements.

H. Billing Format. Each billing entry must be complete, discrete and appropriate.

(1) Complete.

(a) Each entry must name the person or persons involved. For instance, telephone calls must include the names of all participants.

(b) The date the work was performed must be included.

(c) The hours should be billed in .10 hour increments.

(d) The specific task performed should be described, and the related work product should be reference ("telephone call re: trial brief," "interview in preparation for deposition").

(e) The biller's professional capacity (partner, associate, paralegal, etc.) should be included

(2) Discrete: Each task must be set out as a discrete billing entry; neither narrative nor block billing is acceptable.

(3) Appropriate

(a) The CITY does not pay for clerical support, administrative costs, overhead costs, outside expenses or excessive expenses. For example, the CITY will not pay for secretarial time, word processing time, air conditioning, rental of equipment, including computers, meals served at meetings, postage, online research, or the overhead costs of sending or receiving faxes. Neither will the CITY pay for outside expenses such as messenger delivery fees, outside photocopying, videotaping of depositions, investigative services, outside computer litigation support services, or overnight mail.

(b) Due to the nature of the CITY's payment process, the CITY will not pay any late charges. Every effort will be made to pay bills promptly.

I. Staffing. Every legal matter should have a primarily responsible attorney and a paralegal assigned. Ultimately, staffing is a CITY decision, and the CITY's representative may review staffing to insure that it is optimal to achieve the goals of the engagement at the least cost.

(1) Paralegals are to be used to the maximum extent possible to enhance efficiency and cost-effectiveness. All tasks typically considered associate work should be considered for assignment to a paralegal. Written authorization from the CITY must be had before associate hours billed exceed paralegal hours billed.

(2) Once an attorney is given primary responsibility for an engagement, that person should continue on the legal matter until the matter is concluded or the attorney leaves the FIRM. The CITY will not pay the costs of bringing a new attorney up to speed.

(3) If more than one attorney is going to perform the same task, prior approval from the CITY must be had. This includes document review.

Article 4. Independent Contractor. The FIRM shall perform services as an independent contractor. It is understood that this contract is for unique professional services. Accordingly, the duties specified in this Agreement may not be assigned or delegated by the FIRM without prior written consent of the CITY. Retention of the FIRM is based on the particular professional expertise of the individuals rendering the services required in the Scope of Services.

Article 5. Confidentiality of Work. All work performed by the FIRM including but not limited to all drafts, data, correspondence, proposals, reports, and estimates compiled or composed by the FIRM pursuant to this Agreement is for the sole use of the CITY. All such work product shall be confidential and not released to any third party without the prior written consent of the CITY.

Article 6. Compliance with Controlling Law. The FIRM shall comply with all applicable laws, ordinances, regulations, and policies of the federal, state, and local governments as they pertain to this Agreement. In addition, the FIRM shall comply immediately with any and all directives issued by the CITY or its authorized representatives under authority of any laws statutes, ordinances, rules, or regulations. The laws of the State of California shall govern and control the terms and conditions of this Agreement.

Article 7. Acceptability of Work. The CITY shall decide any and all questions which may arise as to the quality or acceptability of the services performed and the manner of performance, the acceptable completion of this Agreement and the amount of compensation due. In the event the FIRM and the CITY cannot agree to the quality or acceptability of the work, the manner of performance and/or the compensation payable to the FIRM in this Agreement, the CITY or the FIRM shall give to the other written notice. Within ten (10) business days, the FIRM and the CITY shall each prepare a report which supports their position and file the same with the other party. The CITY shall, with reasonable diligence, determine the quality or acceptability of the work, the manner of performance and/or the compensation payable to the FIRM.

Article 8. Indemnification. The FIRM agrees to indemnify and hold the CITY and its agents, officers, and employees harmless from and against all claims asserted or liability established for damages or injuries to any person or property, including injury to the FIRM's employees, agents, or officers, which arise from or are connected with or caused or claimed to be caused by the acts or omissions of the FIRM and its agents, officers, or employees in performing the work or other obligations under this Agreement, and all expenses of investigating and defending against same; provided, however, that this indemnification and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the CITY, its agents, officers, or employees.

Article 9. Insurance. The FIRM shall not commence work under this Agreement until it has obtained all insurance required in this Article with a company or companies acceptable to the CITY. At its sole cost and expense, the FIRM shall take and maintain in full

force and effect at all times during the term of this Agreement the following policies of insurance:

A. Commercial general liability insurance with a combined single limit of not less than one million dollars (\$1,000,000).

B. For all of the FIRM's employees which are subject to this Agreement, to the extent required by the State of California, Workers' Compensation Insurance in the amount required by law.

C. Errors and omissions insurance in an amount not less than two million dollars (\$2,000,000) per claim.

D. All insurance required by express provision of this Agreement shall be carried only in responsible insurance companies licensed to do business in the State of California. The policies carried pursuant to paragraph 9.A above shall name as additional insureds the CITY and its elected officials, officers, employees, agents, and representatives. All policies shall contain language, to the extent obtainable, to the effect that: (1) the insurer waives the right of subrogation against the CITY and its elected officials, officers, employees, agents, and representatives; (2) the policies are primary and not contributing with any insurance that may be carried by the CITY; and (3) the policies cannot be cancelled or materially changed except after thirty (30) days' notice by the insurer to the CITY by certified mail. Before this Agreement shall take effect, the FIRM shall furnish the CITY with copies of all such policies upon receipt of them, or a certificate evidencing such insurance. The FIRM may effect for its own account insurance not required under this Agreement.

Article 10. Drug Free Work Place. The FIRM agrees to comply with the CITY's Drug-Free Workplace requirements. Every person awarded a contract by the CITY for the provision of services shall certify to the CITY that it will provide a drug-free workplace. Any subcontract entered into by the FIRM pursuant to this Agreement shall contain this provision.

Article 11. Non-Discrimination Provisions. The FIRM shall not discriminate against any subcontractor, vendor, employee or applicant for employment because of age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. The FIRM will take positive action to insure that applicants are employed without regard to their age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The FIRM agrees to post in conspicuous places available to employees and applicants for employment any notices provided by the CITY setting forth the provisions of this non-discrimination clause.

Article 12. Effective Date and Term. This Agreement shall be effective upon execution by the FIRM and CITY and continue until written notice of cancellation. This Agreement may be terminated at any time by either party with sixty (60) days' written notice to the other. Notice of termination by the FIRM shall be given to the City Attorney.

Article 13. Notification of Change in Form. The FIRM has the right to effect changes in form including but not limited to: the change in form from a partnership to a professional law corporation; the change in form of any partner or partners from an individual or

individuals to a professional law corporation; the change in form of any corporate partner or partners to any individual partners. The CITY shall be promptly notified in writing of any change in form.

Article 14. Notices. In all cases where written notice is to be given under this Agreement, service shall be deemed sufficient if said notice is deposited in the United States mail, postage paid. When so given, such notice shall be effective from the date of mailing of the notice. Unless otherwise provided by notice in writing from the respective parties, notice to the Agency shall be addressed to:

Claudia G. Silva
City Attorney
City of National City
1243 National City Boulevard
National City, CA 91950-4301

cc: Chris Zapata, City Manager
City of National City
1243 National City Boulevard
National City, CA 91950-4301

Notice to the FIRM shall be addressed to:

Richard Opper, Esq.
Opper and Varco LLP
225 Broadway, Suite 1900
San Diego CA 92101

Nothing contained in this agreement shall preclude or render inoperative service or such notice in the manner provided by law.

Article 15. Headings. All article headings are for convenience only and shall not affect the construction or interpretation of this Agreement.

Article 16. Miscellaneous Provisions.

- A. **Time of Essence:** Time is of the essence for each provision of this Agreement.
- B. **California Law:** This Agreement shall be construed and interpreted in accordance with the laws of the State of California. The FIRM covenants and agrees to submit to the personal jurisdiction of any state court in the State of California for any dispute, claim, or matter arising out of or related to this Agreement.
- C. **Integrated Agreement:** This Agreement including attachments and/or exhibits contains all of the agreements of the parties and all prior negotiations and agreements are merged in this Agreement. This Agreement cannot be amended or modified except by written agreement, and mutually agreed upon by the CITY and the FIRM.

D. **Severability:** The unenforceability, invalidity, or illegality of any provision of this Agreement shall not render the other provisions unenforceable, invalid, or illegal.

E. **Waiver:** The failure of the CITY to enforce a particular condition or provision of this Agreement shall not constitute a waiver of that condition or provision or its enforceability.

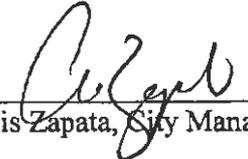
F. **Conflict of Interest:** During the term of this Agreement, the FIRM shall not perform services of any kind for any person or entity whose interests conflict in any way with those of the CITY. This prohibition shall not preclude the CITY from expressly agreeing to a waiver of a potential conflict of interest under certain circumstances.

G. **No Obligations to Third Parties.** Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, or obligate any of the parties hereto, to any person or entity other than the parties hereto.

H. **Construction.** The parties acknowledge and agree that (i) each party is of equal bargaining strength, (ii) each party has actively participated in the drafting, preparation and negotiation of this Agreement, and (iii) any rule or construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement, or any portions hereof, or any amendments hereto.

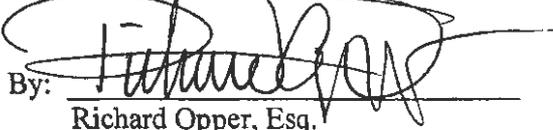
IN WITNESS WHEREOF, the parties have executed this Agreement on the 3rd day of October, 2011.

CITY OF NATIONAL CITY

By: 
Chris Zapata, City Manager

Opper & Varco LP

*(Corporation – signatures of two corporate officers)
(Partnership – one signature)
(Sole proprietorship – one signature)*

By: 
Richard Opper, Esq.

APPROVED AS TO FORM:

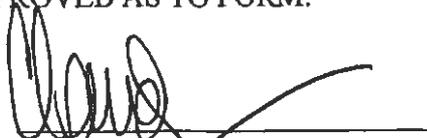
By: 
Claudia G. Silva
City Attorney

Exhibit A

Term: October 2011 through October 2012

Scope: Represent and advise the City of National City and its redevelopment department on matters identified in the extant Disposition and Development Agreement including, but not limited to, review and drafting of necessary documents required by regulatory authorities, meetings and conferences with the redevelopment team, regulatory authorities, the developer's team and such other stakeholders as are required by the City's obligations in the DDA.

Estimated level of effort: I estimate an average of five hours per month to accomplish these tasks. Some months the level of effort will be lower, but on some months a trip to DTSC may increase costs. (5 x \$325/ hr. = \$1,625/ month x 12 months = \$19,500)

Total cost: \$19,500.

**FIRST AMENDMENT TO AGREEMENT
BY AND BETWEEN
THE CITY OF NATIONAL CITY
AND
OPPER AND VARCO, LLP**

This First Amendment to Agreement is entered into this 26th day of February, 2013, by and between the CITY OF NATIONAL CITY, a municipal corporation, ("CITY"), and OPFER AND VARCO, LLP, ("FIRM").

RECITALS

- A. CITY and FIRM (the "Parties") entered into an Agreement on October 3, 2011, ("the Agreement") wherein the FIRM agreed to assist in representing the CITY with environmental site conditions, remediation, regulatory issues and closure pursuant to the Disposition and Disposition Agreement ("DDA") by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP.
- B. The CITY requires continuing legal services related to the DDA matters described in Recital "A". In order to meet the obligations under the DDA regarding the project, which have and continue to exceed the original amount of the Agreement. The Parties desire to amend the Agreement to increase the not-to-exceed amount of the Agreement by \$30,500, for a total not-to-exceed amount of \$50,000.

AGREEMENT

NOW, THEREFORE, the CITY OF NATIONAL CITY and OPFER AND VARCO, LLP, hereto agree that the Agreement entered into on October 3, 2011, shall be amended by amending Article 3 (Compensation), Section C of the Agreement by increasing the not-to-exceed amount by \$30,500, for a total not-to-exceed amount of \$50,000.

The parties further agree that with the foregoing exception, each and every term and provision of the Agreement dated October 3, 2011, shall remain in full force and effect.

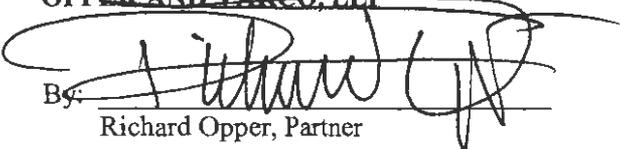
IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the Agreement on the date and year first above written.

CITY OF NATIONAL CITY

By: 

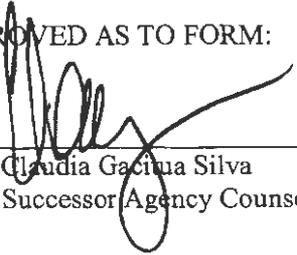
Leslie Deese
Executive Director

OPFER AND VARCO, LLP

By: 

Richard Opper, Partner

APPROVED AS TO FORM:

By: 

Claudia Gacina Silva
Successor Agency Counsel

**SECOND AMENDMENT TO AGREEMENT
BY AND BETWEEN
THE CITY OF NATIONAL CITY
AND
OPPER AND VARCO, LLP**

This Second Amendment to the Agreement is entered into this 3rd day of December, 2013, by and between the City of National City, a municipal corporation (the "City"), and Opper and Varco, LLP, a Limited Liability Partnership.

RECITALS

A. WHEREAS, the City and Opper and Varco entered into an Agreement on October 3, 2011, (the "Agreement") for the not to exceed amount of \$19,500 wherein the Opper and Varco agreed to assist the City with environmental site conditions, remediation, regulatory issues, and closure pursuant to the Disposition and Disposition Agreement ("DDA") by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP.

B. WHEREAS, the City requires continuing legal services related to the DDA matters in order to meet the obligations under the DDA regarding the project.

C. WHEREAS, on February 26, 2013, the City entered into the First Amendment to the Agreement increasing the not-to-exceed amount by \$30,500, for a total not to exceed amount of \$50,000.

D. WHEREAS, to meet the obligations under the DDA for the project, the parties desire to increase the not-to-exceed amount by \$30,000, for a total Agreement amount of \$80,000.

AGREEMENT

NOW, THEREFORE, the parties hereby agree to amend the Agreement entered into on October 3, 2011, as follows:

1. Increase the not-to-exceed amount by \$30,000, for a total Agreement amount of \$80,000.
2. The parties further agree that with the foregoing exceptions, each and every term and provision of the Agreement dated October 3, 2011, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first above written.

CITY OF NATIONAL CITY

OPPER AND VARCO, LLP

By: _____
Ron Morrison, Mayor

By: _____
Richard Oppen, Partner

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

RESOLUTION NO. 2013 – 184

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO
THE AGREEMENT FOR LEGAL SERVICES WITH OPPER & VARCO, LLP,
TO INCREASE THE NOT TO EXCEED AMOUNT BY \$30,000, FOR A TOTAL
NOT TO EXCEED AMOUNT OF \$80,000, TO PROVIDE LEGAL SERVICES
REGARDING ENVIRONMENTAL SITE CONDITIONS, REMEDIATION,
REGULATORY ISSUES, AND CLOSURE OF THE WI-TOD SITE

WHEREAS, on October 3, 2011, the City entered into an agreement with the law firm of Opper & Varco, LLP, to assist the City with environmental site conditions, remediation, regulatory issues, and closure pursuant to the City's obligation to the former redevelopment agency to carry out the Disposition and Disposition Agreement ("DDA") by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP; and

WHEREAS, on February 26, 2013, the City entered into the First Amendment to the Agreement increasing the not-to-exceed amount by \$30,500, for a total not to exceed amount of \$50,000 for continuing legal services related to the DDA matters in order to meet the obligations under the DDA regarding the project; and

WHEREAS, there is a continuing need for assistance to address the environmental site conditions, thus, the parties desire a Second Amendment to the Agreement to increase the not-to-exceed amount by \$30,000 for a total Agreement amount of \$80,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the Mayor to execute the Second Amendment to the Agreement between the City of National City and Opper & Varco, LLP, to increase the not to exceed amount by \$30,000, for a total not to exceed amount of \$80,000, to continue to assist the City with environmental site conditions, remediation, regulatory issues, and closure pursuant to the City's obligation to the former redevelopment agency to carry out the Disposition and Disposition Agreement ("DDA") by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP. Said Second Amendment to the Agreement is on file in the office of the City Clerk.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael R. Dalla, City Clerk

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the Mayor to execute an agreement with E2 ManageTech, Inc. in the amount of \$120,000 to assist staff with obtaining regulatory approvals and implementation of the Property Mitigation Plan for environmental remediation of the Westside Infill Transit Oriented Development (WI-TOD) Project site located at 2100 and 2020 Hoover Avenue, pursuant to the City's obligation to the former redevelopment agency to carry out the Disposition and Development Agreement by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners. LP

PREPARED BY: Stephen Manganiello

DEPARTMENT: Engineering

PHONE: 336-4382

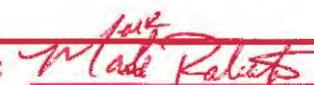
APPROVED BY: _____

EXPLANATION:

See attached



FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

APPROVED: _____ MIS

Funds available in account #001-499-500-598-3934 (WI-TOD)

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt resolution

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation
2. Agreement
3. Resolution

Explanation:

The Community Development Commission (CDC) of the City of National City selected E2 ManageTech through a competitive Request for Qualifications process to provide environmental engineering services and program management for remediation of the WI-TOD site (located at 2100 and 2020 Hoover Avenue). Through their agreement with the CDC, which was executed on September 6, 2011, E2 ManageTech prepared a comprehensive Property Mitigation Plan (PMP) for environmental remediation of the project site.

Based on E2 ManageTech's intimate knowledge of the project and involvement in preparing the PMP, and to meet the City's obligation to the former redevelopment agency to carry out the Disposition and Development Agreement by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP, staff recommends executing an agreement with E2 ManageTech in the amount of \$120,000 to assist staff with obtaining regulatory approvals and implementation of the PMP for the WI-TOD Project.

**AGREEMENT
BY AND BETWEEN
THE CITY OF NATIONAL CITY
AND
E2 MANAGETECH, INC.**

THIS AGREEMENT is entered into this 3rd day of December, 2013, by and between the CITY OF NATIONAL CITY, a municipal corporation (the "CITY"), and E2 Managetech, Inc., a corporation (the "CONSULTANT").

R E C I T A L S

WHEREAS, the CITY desires to employ a CONSULTANT to provide environmental engineering services to implement a Property Mitigation Plan for development of the Westside Infill Transit-Oriented Development, pursuant to the Disposition and Development Agreement by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP.

WHEREAS, the CITY has determined that the CONSULTANT is an environmental engineering firm and is qualified by experience and ability to perform the services desired by the CITY, and the CONSULTANT is willing to perform such services.

NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY AGREE AS FOLLOWS:

1. **ENGAGEMENT OF CONSULTANT.** The CITY agrees to engage the CONSULTANT, and the CONSULTANT agrees to perform the services set forth here in accordance with all terms and conditions contained herein.

The CONSULTANT represents that all services shall be performed directly by the CONSULTANT or under direct supervision of the CONSULTANT.

2. **SCOPE OF SERVICES.** The CONSULTANT will perform services as set forth in the attached Exhibit "A".

The CONSULTANT shall be responsible for all research and reviews related to the work and shall not rely on personnel of the CITY for such services, except as authorized in "A" to keep staff and City Council advised of the progress on the Project.

The CITY may unilaterally, or upon request from the CONSULTANT, from time to time reduce or increase the Scope of Services to be performed by the CONSULTANT under this Agreement. Upon doing so, the CITY and the CONSULTANT agree to meet in good faith and confer for the purpose of negotiating a corresponding reduction or increase in the compensation associated with said change in services, not to exceed a factor of 25% from the base amount.

3. **PROJECT COORDINATION AND SUPERVISION.** Stephen Manganiello, City Engineer, hereby is designated as the Project Coordinator for the CITY and will monitor the progress and execution of this Agreement. The CONSULTANT shall assign a single Project Director to provide supervision and have overall responsibility for the progress and execution of this Agreement for the CONSULTANT. Daryl Hernandez, P.E. thereby is designated as the Project Director for the CONSULTANT.

4. **COMPENSATION AND PAYMENT.** The compensation for the CONSULTANT shall be based on monthly billings covering actual work performed. Billings shall include labor classifications, respective rates, hours worked and also materials, if any. The total cost for all work described in Exhibit "A" shall not exceed \$120,000 (the Base amount) without prior written authorization from the Project Coordinator. Monthly invoices will be processed for payment and remitted within thirty (30) days from receipt of invoice, provided that work is accomplished consistent with Exhibit "A", as determined by the CITY.

The CONSULTANT shall maintain all books, documents, papers, employee time sheets, accounting records, and other evidence pertaining to costs incurred, and shall make such materials available at its office at all reasonable times during the term of this Agreement and for three (3) years from the date of final payment under this Agreement, for inspection by the CITY, and for furnishing of copies to the CITY, if requested.

5. **ACCEPTABILITY OF WORK.** The City shall decide any and all questions which may arise as to the quality or acceptability of the services performed and the manner of performance, the acceptable completion of this Agreement, and the amount of compensation due. In the event the CONSULTANT and the City cannot agree to the quality or acceptability of the work, the manner of performance and/or the compensation payable to the CONSULTANT in this Agreement, the City or the CONSULTANT shall give to the other written notice. Within ten (10) business days, the CONSULTANT and the City shall each prepare a report which supports their position and file the same with the other party. The City shall, with reasonable diligence, determine the quality or acceptability of the work, the manner of performance and/or the compensation payable to the CONSULTANT.

6. **EFFECTIVE DATE AND LENGTH OF AGREEMENT.** This Agreement will become effective on December 3, 2013. The duration of this Agreement is for the period of December 3, 2013 through December 2, 2014.

7. **DISPOSITION AND OWNERSHIP OF DOCUMENTS.** The Memoranda, Reports, Maps, Drawings, Plans, Specifications, and other documents prepared by the CONSULTANT for this Project, whether paper or electronic, shall become the property of the CITY for use with respect to this Project, and shall be turned over to the CITY upon completion of the Project, or any phase thereof, as contemplated by this Agreement.

Contemporaneously with the transfer of documents, the CONSULTANT hereby assigns to the CITY, and CONSULTANT thereby expressly waives and disclaims any copyright in, and the right to reproduce, all written material, drawings, plans, specifications, or other work prepared under this Agreement, except upon the CITY'S prior authorization regarding

reproduction, which authorization shall not be unreasonably withheld. The CONSULTANT shall, upon request of the CITY, execute any further document(s) necessary to further effectuate this waiver and disclaimer.

The CONSULTANT agrees that the CITY may use, reuse, alter, reproduce, modify, assign, transfer, or in any other way, medium, or method utilize the CONSULTANT'S written work product for the CITY'S purposes, and the CONSULTANT expressly waives and disclaims any residual rights granted to it by Civil Code Sections 980 through 989 relating to intellectual property and artistic works.

Any modification or reuse by the CITY of documents, drawings, or specifications prepared by the CONSULTANT shall relieve the CONSULTANT from liability under Section 14, but only with respect to the effect of the modification or reuse by the CITY, or for any liability to the CITY should the documents be used by the CITY for some project other than what was expressly agreed upon within the Scope of this project, unless otherwise mutually agreed.

8. **INDEPENDENT CONTRACTOR.** Both parties hereto in the performance of this Agreement will be acting in an independent capacity and not as agents, employees, partners, or joint venturers with one another. Neither the CONSULTANT nor the CONSULTANT'S employees are employees of the CITY, and are not entitled to any of the rights, benefits, or privileges of the CITY'S employees, including but not limited to retirement, medical, unemployment, or workers' compensation insurance.

This Agreement contemplates the personal services of the CONSULTANT and the CONSULTANT'S employees, and it is recognized by the parties that a substantial inducement to the CITY for entering into this Agreement was, and is, the professional reputation and competence of the CONSULTANT and its employees. Neither this Agreement nor any interest herein may be assigned by the CONSULTANT without the prior written consent of the CITY. Nothing herein contained is intended to prevent the CONSULTANT from employing or hiring as many employees, or SUBCONSULTANTS, as the CONSULTANT may deem necessary for the proper and efficient performance of this Agreement. All agreements by CONSULTANT with its SUBCONSULTANT(S) shall require the SUBCONSULTANT(S) to adhere to the applicable terms of this Agreement.

9. **CONTROL.** Neither the CITY nor its officers, agents, or employees shall have any control over the conduct of the CONSULTANT or any of the CONSULTANT'S employees, except as herein set forth, and the CONSULTANT or the CONSULTANT'S agents, servants, or employees are not in any manner agents, servants, or employees of the CITY, it being understood that the CONSULTANT its agents, servants, and employees are as to the CITY wholly independent CONSULTANT, and that the CONSULTANT'S obligations to the CITY are solely such as are prescribed by this Agreement.

10. **COMPLIANCE WITH APPLICABLE LAW.** The CONSULTANT, in the performance of the services to be provided herein, shall comply with all applicable state and federal statutes and regulations, and all applicable ordinances, rules, and regulations of the City of National City, whether now in force or subsequently enacted. The CONSULTANT and each

of its SUBCONSULTANT(S), shall obtain and maintain a current City of National City business license prior to and during performance of any work pursuant to this Agreement.

11. **LICENSES, PERMITS, ETC.** The CONSULTANT represents and covenants that it has all licenses, permits, qualifications, and approvals of whatever nature that are legally required to practice its profession. The CONSULTANT represents and covenants that the CONSULTANT shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any license, permit, or approval which is legally required for the CONSULTANT to practice its profession.

12. **STANDARD OF CARE.**

A. The CONSULTANT, in performing any services under this Agreement, shall perform in a manner consistent with that level of care and skill ordinarily exercised by members of the CONSULTANT'S trade or profession currently practicing under similar conditions and in similar locations. The CONSULTANT shall take all special precautions necessary to protect the CONSULTANT'S employees and members of the public from risk of harm arising out of the nature of the work and/or the conditions of the work site.

B. Unless disclosed in writing prior to the date of this Agreement, the CONSULTANT warrants to the CITY that it is not now, nor has it for the five (5) years preceding, been debarred by a governmental agency or involved in debarment, arbitration or litigation proceedings concerning the CONSULTANT'S professional performance or the furnishing of materials or services relating thereto.

C. The CONSULTANT is responsible for identifying any unique products, treatments, processes or materials whose availability is critical to the success of the project the CONSULTANT has been retained to perform, within the time requirements of the CITY, or, when no time is specified, then within a commercially reasonable time. Accordingly, unless the CONSULTANT has notified the CITY otherwise, the CONSULTANT warrants that all products, materials, processes or treatments identified in the project documents prepared for the CITY are reasonably commercially available. Any failure by the CONSULTANT to use due diligence under this sub-paragraph will render the CONSULTANT liable to the CITY for any increased costs that result from the CITY'S later inability to obtain the specified items or any reasonable substitute within a price range that allows for project completion in the time frame specified or, when not specified, then within a commercially reasonable time.

13. **NON-DISCRIMINATION PROVISIONS.** The CONSULTANT shall not discriminate against any employee or applicant for employment because of age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. The CONSULTANT will take positive action to insure that applicants are employed without regard to their age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The CONSULTANT agrees to post in conspicuous places available to employees and applicants for employment any notices provided by the CITY setting forth the provisions of this non-discrimination clause.

14. **CONFIDENTIAL INFORMATION.** The CITY may from time to time communicate to the CONSULTANT certain confidential information to enable the CONSULTANT to effectively perform the services to be provided herein. The CONSULTANT shall treat all such information as confidential and shall not disclose any part thereof without the prior written consent of the CITY. The CONSULTANT shall limit the use and circulation of such information, even within its own organization, to the extent necessary to perform the services to be provided herein. The foregoing obligation of this Section 14, however, shall not apply to any part of the information that (i) has been disclosed in publicly available sources of information; (ii) is, through no fault of the CONSULTANT, hereafter disclosed in publicly available sources of information; (iii) is already in the possession of the CONSULTANT without any obligation of confidentiality; or (iv) has been or is hereafter rightfully disclosed to the CONSULTANT by a third party, but only to the extent that the use or disclosure thereof has been or is rightfully authorized by that third party.

The CONSULTANT shall not disclose any reports, recommendations, conclusions or other results of the services or the existence of the subject matter of this Agreement without the prior written consent of the CITY. In its performance hereunder, the CONSULTANT shall comply with all legal obligations it may now or hereafter have respecting the information or other property of any other person, firm or corporation.

CONSULTANT shall be liable to CITY for any damages caused by breach of this condition, pursuant to the provisions of Section 14.

15. **INDEMNIFICATION AND HOLD HARMLESS.** The CONSULTANT agrees to defend, indemnify, and hold harmless the City of National City, its officers and employees, against and from any and all liability, loss, damages to property, injuries to, or death of any person or persons, and all claims, demands, suits, actions, proceedings, reasonable attorneys' fees, and defense costs, of any kind or nature, including workers' compensation claims, of or by anyone whomsoever, resulting from or arising out of the CONSULTANT'S negligent performance of this Agreement.

The indemnity, defense and hold harmless obligations contained herein shall survive the termination of this Agreement for any alleged or actual omission, act, or negligence under this Agreement that occurred during the term of this Agreement.

16. **WORKERS' COMPENSATION.** The CONSULTANT shall comply with all of the provisions of the Workers' Compensation Insurance and Safety Acts of the State of California, the applicable provisions of Division 4 and 5 of the California Government Code and all amendments thereto; and all similar State or federal acts or laws applicable; and shall indemnify, and hold harmless the CITY and its officers, and employees from and against all claims, demands, payments, suits, actions, proceedings, and judgments of every nature and description, including reasonable attorney's fees and defense costs presented, brought or recovered against the CITY or its officers, employees, or volunteers, for or on account of any liability under any of said acts which may be incurred by reason of any work to be performed by the CONSULTANT under this Agreement.

17. **INSURANCE.** The CONSULTANT, at its sole cost and expense, shall purchase and maintain, and shall require its SUBCONSULTANT(S), when applicable, to purchase and maintain throughout the term of this Agreement, the following checked insurance policies:

A. If checked, **Professional Liability Insurance** (errors and omissions) with minimum limits of \$1,000,000 per occurrence.

B. **Automobile Insurance** covering all bodily injury and property damage incurred during the performance of this Agreement, with a minimum coverage of \$1,000,000 combined single limit per accident. Such automobile insurance shall include owned, non-owned, and hired vehicles ("any auto"). The policy shall name the CITY and its officers, agents and employees as additional insureds, and a separate additional insured endorsement shall be provided.

C. **Commercial General Liability Insurance**, with minimum limits of \$2,000,000 per occurrence and \$4,000,000 aggregate, covering all bodily injury and property damage arising out of its operations under this Agreement. The policy shall name the CITY and its officers, agents and employees as additional insureds, and a separate additional insured endorsement shall be provided. The general aggregate limit must apply solely to this "project" or "location".

D. **Workers' Compensation Insurance** in an amount sufficient to meet statutory requirements covering all of CONSULTANT'S employees and employers' liability insurance with limits of at least \$1,000,000 per accident. In addition, the policy shall be endorsed with a waiver of subrogation in favor of the City. Said endorsement shall be provided prior to commencement of work under this Agreement.

If CONSULTANT has no employees subject to the California Workers' Compensation and Labor laws, CONSULTANT shall execute a Declaration to that effect. Said Declaration shall be provided to CONSULTANT by CITY.

E. The aforesaid policies shall constitute primary insurance as to the CITY, its officers, employees, and volunteers, so that any other policies held by the CITY shall not contribute to any loss under said insurance. Said policies shall provide for thirty (30) days prior written notice to the CITY of cancellation or material change.

F. If required insurance coverage is provided on a "claims made" rather than "occurrence" form, the CONSULTANT shall maintain such insurance coverage for three years after expiration of the term (and any extensions) of this Agreement. In addition, the "retro" date must be on or before the date of this Agreement.

G. Insurance shall be written with only California admitted companies that hold a current policy holder's alphabetic and financial size category rating of not less than A VIII according to the current Best's Key Rating Guide, or a company equal financial stability that is approved by the CITY'S Risk Manager. In the event coverage is provided by non-admitted "surplus lines" carriers, they must be included on the most recent California List of Eligible Surplus Lines Insurers (LESLI list) and otherwise meet rating requirements.

H. This Agreement shall not take effect until certificate(s) or other sufficient proof that these insurance provisions have been complied with, are filed with and approved by the CITY'S Risk Manager. If the CONSULTANT does not keep all of such insurance policies in full force and effect at all times during the terms of this Agreement, the CITY may elect to treat the failure to maintain the requisite insurance as a breach of this Agreement and terminate the Agreement as provided herein.

I. All deductibles and self-insured retentions in excess of \$10,000 must be disclosed to and approved by the CITY.

18. **LEGAL FEES.** If any party brings a suit or action against the other party arising from any breach of any of the covenants or agreements or any inaccuracies in any of the representations and warranties on the part of the other party arising out of this Agreement, then in that event, the prevailing party in such action or dispute, whether by final judgment or out-of-court settlement, shall be entitled to have and recover of and from the other party all costs and expenses of suit, including attorneys' fees.

For purposes of determining who is to be considered the prevailing party, it is stipulated that attorney's fees incurred in the prosecution or defense of the action or suit shall not be considered in determining the amount of the judgment or award. Attorney's fees to the prevailing party if other than the CITY shall, in addition, be limited to the amount of attorney's fees incurred by the CITY in its prosecution or defense of the action, irrespective of the actual amount of attorney's fees incurred by the prevailing party.

19. **MEDIATION/ARBITRATION.** If a dispute arises out of or relates to this Agreement, or the breach thereof, the parties agree first to try, in good faith, to settle the dispute by mediation in San Diego, California, in accordance with the Commercial Mediation Rules of the American Arbitration Association (the "AAA") before resorting to arbitration. The costs of mediation shall be borne equally by the parties. Any controversy or claim arising out of, or relating to, this Agreement, or breach thereof, which is not resolved by mediation shall be settled by arbitration in San Diego, California, in accordance with the Commercial Arbitration Rules of the AAA then existing. Any award rendered shall be final and conclusive upon the parties, and a judgment thereon may be entered in any court having jurisdiction over the subject matter of the controversy. The expenses of the arbitration shall be borne equally by the parties to the arbitration, provided that each party shall pay for and bear the costs of its own experts, evidence and attorneys' fees, except that the arbitrator may assess such expenses or any part thereof against a specified party as part of the arbitration award.

20. **TERMINATION.**

A. This Agreement may be terminated with or without cause by the CITY. Termination without cause shall be effective only upon 60-day's written notice to the CONSULTANT. During said 60-day period the CONSULTANT shall perform all services in accordance with this Agreement.

B. This Agreement may also be terminated immediately by the CITY for cause in the event of a material breach of this Agreement, misrepresentation by the CONSULTANT in connection with the formation of this Agreement or the performance of services, or the failure to perform services as directed by the CITY.

C. Termination with or without cause shall be effected by delivery of written Notice of Termination to the CONSULTANT as provided for herein.

D. In the event of termination, all finished or unfinished Memoranda Reports, Maps, Drawings, Plans, Specifications and other documents prepared by the CONSULTANT, whether paper or electronic, shall immediately become the property of and be delivered to the CITY, and the CONSULTANT shall be entitled to receive just and equitable compensation for

any work satisfactorily completed on such documents and other materials up to the effective date of the Notice of Termination, not to exceed the amounts payable hereunder, and less any damages caused the CITY by the CONSULTANT'S breach, if any. Thereafter, ownership of said written material shall vest in the CITY all rights set forth in Section 7.

E. The CITY further reserves the right to immediately terminate this Agreement upon: (1) the filing of a petition in bankruptcy affecting the CONSULTANT; (2) a reorganization of the CONSULTANT for the benefit of creditors; or (3) a business reorganization, change in business name or change in business status of the CONSULTANT.

21. **NOTICES.** All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered; or sent by overnight mail (Federal Express or the like); or sent by registered or certified mail, postage prepaid, return receipt requested; or sent by ordinary mail, postage prepaid; or telegraphed or cabled; or delivered or sent by telex, telecopy, facsimile or fax; and shall be deemed received upon the earlier of (i) if personally delivered, the date of delivery to the address of the person to receive such notice, (ii) if sent by overnight mail, the business day following its deposit in such overnight mail facility, (iii) if mailed by registered, certified or ordinary mail, five (5) days (ten (10) days if the address is outside the State of California) after the date of deposit in a post office, mailbox, mail chute, or other like facility regularly maintained by the United States Postal Service, (iv) if given by telegraph or cable, when delivered to the telegraph company with charges prepaid, or (v) if given by telex, telecopy, facsimile or fax, when sent. Any notice, request, demand, direction or other communication delivered or sent as specified above shall be directed to the following persons:

To CITY: Stephen Manganiello
 City Engineer
 Engineering Department
 City of National City
 1243 National City Boulevard
 National City, CA 91950-4301

To CONSULTANT:
 Daryl Hernandez, P.E.
 Principal
 12396 World Trade Dr., Suite 314
 San Diego, California 92128

Notice of change of address shall be given by written notice in the manner specified in this Section. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to constitute receipt of the notice, demand, request or communication sent. Any notice, request, demand, direction or other communication sent by cable, telex, telecopy, facsimile or fax must be confirmed within forty-eight (48) hours by letter mailed or delivered as specified in this Section.

22. **CONFLICT OF INTEREST AND POLITICAL REFORM ACT**

OBLIGATIONS. During the term of this Agreement, the CONSULTANT shall not perform services of any kind for any person or entity whose interests conflict in any way with those of the City of National City. The CONSULTANT also agrees not to specify any product, treatment, process or material for the project in which the CONSULTANT has a material financial interest, either direct or indirect, without first notifying the CITY of that fact. The CONSULTANT shall at all times comply with the terms of the Political Reform Act and the National City Conflict of Interest Code. The CONSULTANT shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the CITY in which the CONSULTANT has a financial interest as defined in Government Code Section 87103. The CONSULTANT represents that it has no knowledge of any financial interests that would require it to disqualify itself from any matter on which it might perform services for the CITY.

If checked, the CONSULTANT shall comply with all of the reporting requirements of the Political Reform Act and the National City Conflict of Interest Code. Specifically, the CONSULTANT shall file a Statement of Economic Interests with the City Clerk of the City of National City in a timely manner on forms which the CONSULTANT shall obtain from the City Clerk.

The CONSULTANT shall be strictly liable to the CITY for all damages, costs or expenses the CITY may suffer by virtue of any violation of this Paragraph 22 by the CONSULTANT.

23. **PREVAILING WAGES.** State prevailing wage rates may apply to work performed under this Agreement. State prevailing wages rates apply to all public works contracts as set forth in California Labor Code, including but not limited to, Sections 1720, 1720.2, 1720.3, 1720.4, and 1771. Consultant is solely responsible to determine if State prevailing wage rates apply and, if applicable, pay such rates in accordance with all laws, ordinances, rules, and regulations.

24. **MISCELLANEOUS PROVISIONS.**

A. *Computation of Time Periods.* If any date or time period provided for in this Agreement is or ends on a Saturday, Sunday or federal, state or legal holiday, then such date shall automatically be extended until 5:00 p.m. Pacific Time of the next day which is not a Saturday, Sunday or federal, state, or legal holiday.

B. *Counterparts.* This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute but one and the same instrument.

C. *Captions.* Any captions to, or headings of, the sections or subsections of this Agreement are solely for the convenience of the parties hereto, are not a part of this Agreement, and shall not be used for the interpretation or determination of the validity of this Agreement or any provision hereof.

D. *No Obligations to Third Parties.* Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, or obligate any of the parties hereto, to any person or entity other than the parties hereto.

E. *Exhibits and Schedules.* The Exhibits and Schedules attached hereto are hereby incorporated herein by this reference for all purposes.

F. *Amendment to this Agreement.* The terms of this Agreement may not be modified or amended except by an instrument in writing executed by each of the parties hereto.

G. *Waiver.* The waiver or failure to enforce any provision of this Agreement shall not operate as a waiver of any future breach of any such provision or any other provision hereof.

H. *Applicable Law.* This Agreement shall be governed by and construed in accordance with the laws of the State of California.

I. *Audit.* If this Agreement exceeds ten-thousand dollars (\$10,000), the parties shall be subject to the examination and audit of the State Auditor for a period of three (3) years after final payment under the Agreement, per Government Code Section 8546.7.

J. *Entire Agreement.* This Agreement supersedes any prior agreements, negotiations and communications, oral or written, and contains the entire agreement between the parties as to the subject matter hereof. No subsequent agreement, representation, or promise made by either party hereto, or by or to an employee, officer, agent or representative of any party hereto shall be of any effect unless it is in writing and executed by the party to be bound thereby.

K. *Successors and Assigns.* This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

L. *Construction.* The parties acknowledge and agree that (i) each party is of equal bargaining strength, (ii) each party has actively participated in the drafting, preparation and negotiation of this Agreement, (iii) each such party has consulted with or has had the opportunity to consult with its own, independent counsel and such other professional advisors as such party has deemed appropriate, relative to any and all matters contemplated under this Agreement, (iv) each party and such party's counsel and advisors have reviewed this Agreement, (v) each party has agreed to enter into this Agreement following such review and the rendering of such advice, and (vi) any rule or construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement, or any portions hereof, or any amendments hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first above written.

CITY OF NATIONAL CITY

By: _____
Ron Morrison, Mayor

E2 MANAGETECH, INC.

(Corporation – signatures of two corporate officers)

By: _____
Julie Moe-Reynolds
CFO and Principal

APPROVED AS TO FORM:

Claudia G. Silva
City Attorney

By: _____
Daryl Hernandez, P.E.
Vice President and Principal

EXHIBIT "A"

Scope of Work Outline

Property Mitigation Plan Approval & Implementation Westside Infill Transit Oriented Development (WI-TOD) Project 2100 Hoover Avenue and 2020 Hoover Avenue

National City, CA

The following Tasks pertain to work associated with Areas of Concern (AOCs) located within Parcels 1 and 2 as defined by the developer (i.e., 2100 and 2020 Hoover Avenue). The goal of this outlined approach is to prioritize completion of Task 1 – Case Closures for Underground Storage Tanks (UST) such that the property mitigation plan (PMP) can be approved as soon as possible to allow for the removal actions to be completed during March 2014 demolition/site preparation activities.

Task 1 – Case Closures for USTs

- **2100 Hoover Avenue (AOC-02)**
 - Prepare Low Threat Closure Policy (LTCP) Checklist (includes Conceptual Site Model [CSM])
 - Regional Water Quality Control Board (RWQCB) to review and approve checklist
 - RWQCB issue case closure letter
- **2020 Hoover Avenue (AOC-04)**
 - Prepare a Technical Memorandum Work Plan for AOC-04 describing the proposed field procedures. Field procedures will be based on conference call with DTSC and RWQCB held on October 30, 2013.
 - Address five data gaps identified in LTCP letter.
 - Install three temporary monitoring wells in the vicinity of the former UST
 - Collect three groundwater samples and analyze each for the presence of total petroleum hydrocarbons (TPH) as gasoline and diesel, benzene, toluene, ethylbenzene and xylene (BTEX), and oxygenates.
 - Collect three soil samples from the Bioattenuation Zone and analyze these samples for the presence of TPH-g, TPH-d, BTEX, and polycyclic aromatic hydrocarbon PAH compounds.
 - Develop a CSM for AOC-04 based on the results of the field investigation
 - Prepare a Summary Report Memorandum for AOC-04 to describe the field activities and observations and summarize the analytical results. The Summary Report Memorandum will also include a revised LTCP checklist.
- **Task 1 - Assumptions**
 - **2100 Hoover Ave**
 - Sufficient data exists for closing the case via LTCP (i.e., no additional field data is needed or required by RWQCB).
 - Results from the draft Supplemental Soil Vapor Survey (dated March 23, 2013) will be incorporated into the LTCP checklist.

- 2020 Hoover Ave
 - RWQCB is currently reviewing the 29 August 2013 LTCP letter.
 - RWQCB has not closed the case file as was previously reported.
 - Scope of work assumes that the recommended sampling strategy described in the 29 August 2013 letter will be approved by RWQCB and as discussed during a conference call held on October 30, 2013.
 - RWQCB will accept a limited Work Plan Technical Memorandum rather than a more traditional detailed Work Plan Document.
 - If RWQCB requests for additional well and/or soil samples, a revised cost estimate will be provided.
 - Cost estimate includes one round of review comments from RWQCB.
 - Field effort is based on the scope of work described in the 29 August 2013 letter. If RWQCB requests for additional data, the costs may change.

Task 2 – Supplemental Investigations

- AOC-08
 - Revise Draft Supplemental Soil Vapor Survey report for submittal to the Department of Toxic Substances Control (DTSC).
 - Revised report will not include investigation efforts associated with AOC-02.
 - The draft report will be submitted to DTSC for review.
 - Cost includes addressing one round of comments from DTSC.
 - Final report will incorporate DTSC's comments.
- AOC-03 Former 1,000-Gallon UST at 2020 Hoover Avenue
 - Prepare Work Plan Technical Memorandum for AOC-03 per PMP agreement
 - Soil Vapor Sampling Approach Described in PMP (i.e., 7 Probe Locations)
 - Prepare and submit a Summary Memorandum to report findings of vapor survey
- AOC-04 Former Oil Water Separator
 - Incorporate with AOC-03 field investigation activities.
 - Collect two soil samples at a depth below the invert of the former oil/water separator (OWS)
 - Incorporate findings in Summary Memorandum Report for AOC-03
- Task 2 Assumptions
 - Field work associated with AOC-03 and -04 will be completed concurrently (i.e., separate mobilizations will not be required).
 - Soil samples associated with AOC-04 will be analyzed under standard turnaround time.

Task 3 – Groundwater Well Abandonment

- AOC-02 and -03 (i.e., 5 wells at AOC-02 and 4 wells at AOC-03)
 - Prepare and obtain well abandonment permit from Department of Environmental Health (DEH)

- City will waive any encroachment permits for wells located in sidewalk or Hoover Avenue.
- Three field days will be needed to abandon all 9 wells.
- Total well footage totals 180 feet.
- Hot-patch asphalt repair is not included. If necessary, fees will be incurred at \$750 per location.

Task 4 – Develop Removal Action Plan/Specification for AOC-08

- At AOC-08 two Hot Spot Areas Resulting from Supplemental Soil Vapor Survey
 - Prepare Removal Action Technical Memorandum or Addendum to the PMP for DTSC to review and approve.
 - Two hot spot areas exist for AOC-08.
 - Assist Project Professionals Corporation PPC with preparing bid specification to implement Removal Action Technical Memorandum
 - Removal Action Plan (RAP) will be completed by City's demolition or grading contractor
- Task 4 Assumptions
 - DTSC will not require additional delineation sampling at the two Hot Spot areas associated with AOC-08.

Task 5 – Coordinate Final Approval of PMP

- Finalize Categorical Exemption (for California Environmental Quality Act [CEQA] compliance). If a public notice is warranted, cost estimate does not include expenses associated with advertising the Categorical Exemption in local newspapers.
- Coordinate Public Review of PMP
 - Assume limited public noticing (i.e., 2 newspapers).
 - Mailers will not be required.
- Limited modification to the PMP per Public Comments (if warranted) is included.

Task 6 – Provide Technical Support During Remediation Bid Process

- Incorporate summary of PMP in bid specifications per PPC direction.
- Develop bid schedule of values for removal action-related activities to be included in bid package
- Review relevant sections (i.e., sections related to PMP or removal actions) of the Bid Package Prepared by PPC.
- Review and respond to requests for information submitted by potential bidders.
- Allow one E2 representative (Daryl Hernandez) to attend 4-hour pre-bid meeting.
- For the purpose of this cost estimate, we have assumed a 40-hour level of effort for Daryl Hernandez (Project Principal) to support PPC as required. As the required support services are further defined by PPC, the level of effort may be adjusted accordingly.

Task 7 – Removal Action Field Oversight

- AOC-01 Former Hydraulic Fluid Release Area
 - Provide field monitor to oversee removal action by City Contractor (this includes collecting and analyzing confirmation soil samples)
 - Prepare AOC Closure Technical Memorandum.
- AOC-08 Hot Spot Areas
 - Provide field monitor to oversee removal action by City Contractor (this includes collecting and analyzing confirmation soil samples)
 - Prepare AOC Closure Technical Memorandum.
- Task 7 Assumptions
 - E2 will provide a qualified representative to monitor the removal action activities conducted by the City's contractor.
 - The E2 field monitor will only be on site while removal actions are being conducted
 - The E2 field monitor will be responsible for collecting confirmation soil samples and documenting the removal action activities.
 - The E2 field monitor will be responsible for ensuring the removal action activities are completed in accordance with the PMP or appropriate Removal Action Technical Memoranda.
 - For budgetary purposes it is assumed that the removal action activities would be completed within 10 working days for 10 work hours each day.
 - Based on the PMP and prior environmental studies, it is estimated that up to 14 confirmation soil samples will be collected during the removal action activities. Each confirmation soil sample will be analyzed for TPH-carbon chain and volatile organic compounds (VOC).
 - Waste characterization samples will be collected in accordance with the receiving facility Waste Discharge Requirements. For the purpose of this estimate, it is assumed that four waste characterization soil samples will be collected. Each sample will be analyzed for Total Metals (TTLC Test), TPH, VOCs, and polychlorinated biphenyls (PCB). If additional analysis is required it will be billed at cost plus 8 percent markup.

Task 8 – Reporting and AOC Closure

- Prepare Closure Report for AOCs-01, -02, -03, and -04
- Closure report will incorporate all data associated with the above listed AOCs.
- The cost estimate does not include costs for E2's toxicologist (Dr. Heriberto Robles) to conduct a site specific risk assessment. If the DTSC requires a site specific risk assessment rather than comparing confirmation sample results with published risk threshold values, approximately 32 labor hours at \$150 per hour will be required for Dr. Robles to complete site specific risk assessment (total cost: \$4,800).
- One electronic draft version of the Closure Report will be provided to DTSC and PPC for review and comment.

Proposed Scope of Work
Westside Infill Transit Oriented Development
November 8, 2013

- Costs allow for one round of comments from each DTSC and PPC to be incorporated into the final document.
- One electronic and two hard copies of the final Closure Report will be provided to each DTSC and PPC.



**TABLE 1
DETAILED COST ESTIMATE
WESTSIDE INFILL TRANSIT ORIENTED DEVELOPMENT AREA
NATIONAL CITY, CALIFORNIA**

STAFF CATEGORY	RATE	Task 1		Task 2		Task 3		Task 4		Task 5		Task 6		Task 7		Task 8		TASKS TOTAL	TOTAL				
		210C Hoover Ave. AOC-02	205B Hoover Ave. AOC-04 20K UST	AOC-03	AOC-04 OWS	AOC-06	GW Well Abandonment	AOC-08 RAP Development	Coordinate Final Approval of PWP	Technical Support During Bid Process	RA Field Oversight	Reporting & AOC Closure											
	Schedule:185	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	UNITS/HR	COST				
Principal/Sr. Principal (Daryl Hernandez)	\$165	0.0	\$1,320	4.0	\$660	16.0	\$2,640	4.0	\$660	4.0	\$660	8.0	\$1,320	20.0	\$3,300	40.0	\$6,600	12.0	\$1,980	126.0	\$21,120.00		
Sr. Consulting Professional (Dr. Harbato Robles, Toxicologist)	\$155		\$0	2.0	\$310		\$0	2.0	\$310		\$0		\$0		\$0		\$0	8.0	\$0	8.0	\$630.00		
Consulting Professional	\$145		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	8.0	\$0	8.0	\$600.00		
Sr. Project Professional	\$135		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	8.0	\$0	8.0	\$600.00		
Project Professional (Jeff Miller, Professional Geologist)	\$125		\$0	12.0	\$1,500	24.0	\$3,000	8.0	\$1,000	12.0	\$1,500	44.0	\$5,500	24.0	\$3,000	20.0	\$2,500	18.0	\$2,250	180.0	\$20,000.00		
Assistant Project Professional	\$115		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	8.0	\$0	8.0	\$600.00		
Sr. Staff Professional	\$105		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	8.0	\$0	8.0	\$600.00		
Staff Professional (Cristina Valenzuela, Geologist)	\$95		\$0	24.0	\$2,280	80.0	\$5,760	20.0	\$1,900		\$0	8.0	\$760		\$0	100.0	\$9,500	40.0	\$3,800	202.0	\$23,040.00		
Assistant Staff Professional	\$85		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	8.0	\$0	8.0	\$600.00		
Lab Field/Supervisor	\$95		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	8.0	\$0	8.0	\$600.00		
Sr. Technician	\$95		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	8.0	\$0	8.0	\$600.00		
Sr. Drafter/Illustrator	\$85		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	8.0	\$0	8.0	\$600.00		
Technical Editor	\$85	2.0	\$170	2.0	\$170	2.0	\$170	2.0	\$170	2.0	\$170	2.0	\$170	4.0	\$340		\$0	4.0	\$340	20.0	\$1,700.00		
Drafter / Illustrator	\$85		\$0		\$0	2.0	\$170		\$0	2.0	\$170		\$0		\$0		\$0	8.0	\$0	8.0	\$600.00		
Technician	\$95		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	8.0	\$0	8.0	\$600.00		
Technical Assistant/Word Processor	\$75		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	4.0	\$300	4.0	\$300.00		
Clerk	\$55		\$0		\$0	2.0	\$110		\$0	2.0	\$110		\$0	4.0	\$220		\$0	8.0	\$0	8.0	\$600.00		
Labor Cost Subtotals		10.0	\$1,480.00	46.0	\$4,920.00	106.0	\$11,790.00	36.0	\$4,040.00	20.0	\$2,840.00	62.0	\$7,370.00	40.0	\$4,800.00	40.0	\$8,000.00	112.0	\$11,480.00	72.0	\$7,750.00	962.0	\$99,778.00
ITEM	RATE	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	UNITS/HR	COST				
Vehicles and Mileage																							
Personal (per mile)	\$0.55	30	\$0	80	\$0		\$0		\$0		\$0		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Field Truck	\$195.00	30	\$0	2	\$390	2.0	\$390		\$0	3.0	\$585		\$0	10.0	\$1,950		\$0	30	17.0	30	17.0	\$3,315.00	
Per Diem Fee	\$200.00	30	\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Hazardous Waste Kit	\$55.00	30	\$0		\$0	2.0	\$110		\$0	3.0	\$165		\$0		\$0		\$0	30	5.0	30	5.0	\$275.00	
In House Document Reproduction																							
Black & White	\$1.15	30	\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Overhead Black & White	\$0.20	30	\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Newspaper Posting	\$60.00	30	\$0		\$0		\$0		\$0		\$0		\$0	2.0	\$1,200		\$0	30	0.0	30	0.0	\$0.00	
Expenses																							
Permit fees - vapor probes	\$484.00	30	\$0		\$0	1.0	\$484		\$0		\$0		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Permit fees - abandonments	\$1,184.00	30	\$0		\$0		\$0		\$0	1.0	\$1,184		\$0		\$0		\$0	30	1.0	30	1.0	\$1,184.00	
Misc Expenses - field supplies	\$250.00	30	\$0		\$0	0.5	\$125		\$0	1.0	\$250		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Groundwater Well Permitting Fees																							
Permitting Fees #1 (Final Well)	\$200.00	30	\$0	1.0	\$200		\$0		\$0		\$0		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Permitting Fees #2 (Each Additional Well)	\$49.00	30	\$0	2.0	\$98		\$0		\$0		\$0		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Reimbursable Expenses Cost Subtotal		0.0	\$0	6.0	\$698	6.5	\$1,118	0.0	\$0	0.0	\$0	0.0	\$0	2.0	\$1,200	0.0	\$0	40.0	\$1,850	0.0	\$0	\$7,141.00	
SUBCONTRACTOR COSTS																							
SUBCONTRACTOR	RATE	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	UNITS/HR	COST				
VAP Program Fees																							
Initiation	\$1,420.00	30	\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Utility Clearance (Southwest Geophysical)																							
Geophysical Utility Clearance and Mapping	\$1,900.00	30	\$0	0.5	\$950	1.0	\$1,900		\$0		\$0		\$0		\$0		\$0	30	1.5	30	1.5	\$2,400.00	
Field Equipment Rental																							
Mini Rate PID (8weeks)	\$350.00	30	\$0	1.0	\$350	1.0	\$350		\$0		\$0		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Geographic Services																							
Mobilization and drilling services	\$2,350.00	30	\$0	1.0	\$2,350	1.0	\$2,350		\$0		\$0		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Concrete Core	\$750.00	30	\$0	1.0	\$750	1.0	\$750		\$0		\$0		\$0		\$0		\$0	30	2.0	30	2.0	\$1,500.00	
Hollow Stem Services																							
Well Abandonments	\$8,500.00	30	\$0		\$0		\$0		\$0	1.0	\$8,500		\$0		\$0		\$0	30	1.0	30	1.0	\$6,500.00	
Drums	\$68.00	30	\$0	2.0	\$136		\$0		\$0	8.0	\$544		\$0		\$0		\$0	30	11.0	30	11.0	\$715.00	
Drum Disposal																							
Well Debris	\$200.00	30	\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Soil	\$200.00	30	\$0	1.0	\$200	2.0	\$400		\$0	9.0	\$1,800		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Water	\$200.00	30	\$0	1.0	\$200		\$0		\$0	1.0	\$200		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Mobile Lab Analytical Testing (H&P Mobile Geochemistry)																							
Soil Vapor Analysis																							
Onsite Processing (Daily) - VOCs and TPH-g	\$2,350.00	30	\$0		\$0	1.0	\$2,350		\$0		\$0		\$0		\$0		\$0	30	0.0	30	0.0	\$0.00	
Fixed Lab Analytical Testing																							
Soil/water analysis																							
Volatile Organic Compounds (250B)	\$80.00	30	\$0	8.0	\$640	1.0	\$80	2.0	\$160	30	\$2,400	2.0	\$160		\$0	18.0	\$1,440	30	31.0	30	31.0	\$2,480.00	
Total Petroleum Hydrocarbons - carbon chain (8015)	\$75.00	30	\$0	8.0	\$600	1.0	\$75	2.0	\$150	30	\$2,250	2.0	\$150		\$0	18.0	\$1,350	30	31.0	30	31.0	\$2,325.00	
Metals (5000/7000)	\$110.00	30	\$0	8.0	\$880	1.0	\$110	2.0	\$220	30	\$3,300	2.0	\$220		\$0	4.0	\$440	30	17.0	30	17.0	\$1,870.00	
Polycyclic Aromatic Hydrocarbons (8270)	\$130.00	30	\$0	8.0	\$1,040		\$0		\$0		\$0		\$0		\$0		\$0	30	8.0	30	8.0	\$1,040.00	
TPH-Gas (8015 Modified)	\$50.00	30	\$0	8.0	\$400		\$0		\$0		\$0		\$0		\$0		\$0	30	8.0	30	8.0	\$400.00	
TPH-Gas (8015 Modified)	\$50.00	30	\$0	8.0	\$400		\$0		\$0		\$0		\$0		\$0		\$0	30	8.0	30	8.0	\$400.00	
PCB (8082)	\$80.00	30	\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	30	4.0	30	4.0	\$320	



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/06/13

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Wateridge Insurance Services 10717 Sorrento Valley Rd. San Diego, CA 92121 NJE Insurance Services, Inc.	858-452-2200 858-452-8004	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE		NAIC #
INSURED E2 ManageTech, Inc 5000 E Spring St. #720 Long Beach, CA 90815	INSURER A: Hudson insurance Company		
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR (WVD)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X	ESB 1776-13-13-05	06/07/13	06/07/14	EACH OCCURRENCE \$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person) \$ 5,000
						PERSONAL & ADV INJURY \$ 2,000,000
						GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS - COMP/OP AGG \$ 2,000,000
						GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC
A	AUTOMOBILE LIABILITY		ESB 1776-13-13-05	06/07/13	06/07/14	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS					BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS					PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> NON-OWNED AUTOS					\$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR		ESB 1776-20-13-05	06/07/13	06/07/14	EACH OCCURRENCE \$ 4,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$ 4,000,000
	DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N <input type="checkbox"/> N/A				WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NJ)					E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - CA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$
A	Professional		ESB 1776-13-12-05	06/07/13	06/07/14	Per Claim 2,000,000
A	Pollution		ESB 1776-13-12-05	06/07/13	06/07/14	Per Cond 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
PROFESSIONAL LIAB RETRO ACTIVE DATE: 6/7/02. THE ADDITIONAL INSURED ARE LISTED PER THE ATTACHED "NOTE PAGE" WITH RESPECTS TO GENERAL LIABILITY, BUT ONLY WITH RESPECTS TO LIABILITY ARISING OUT OF OPERATIONS OF THE NAMED INSURED PERFORMED ON BEHALF OF THE CERTIFICATE HOLDER.

CERTIFICATE HOLDER CITYATT CITY OF NATIONAL CITY C/O CITY ATTORNEYS OFFICE 1243 NATIONAL CITY BLVD NATIONAL CITY, CA 91950	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

NOTEPAD:

HOLDER CODE CITYATT
INSURED'S NAME E2 ManageTech, Inc

E2MANA1
OP ID: AG

PAGE 2
DATE 06/06/13

CITY OF NATIONAL CITY, ITS ELECTED OFFICIALS, OFFICER, AGENTS AND
EMPLOYEES ARE ADDITIONAL INSURED WITH RESPECTS TO GENERAL LIABILITY, BUT
ONLY WITH RESPECTS TO LIABILITY ARISING OUT OF OPERATIONS OF THE NAMED
INSURED PERFORMED ON BEHALF OF THE CERTIFICATE HOLDER.

HUDSON SPECIALTY INSURANCE COMPANY
(A New York Domesticated Corporation)

ECO-PAK

**Additional Insured Owners, Lessees or Contractors
Automatic Assignment Endorsement**

In consideration of the premium paid, it is hereby understood and agreed that the following shall apply to:

Policy Number: ESB 1776-13-13-05
Effective Date: 06/07/13

This endorsement modifies insurance provided under the applicable Policy coverage part(s)

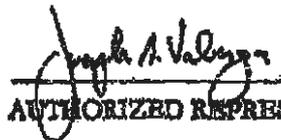
SCHEDULE

Names of Person or Organization:

Any person(s) or organization(s) whom the NAMED INSURED agrees, in a written contract, to name as an additional insured, shall be deemed an INSURED. However, this status exists only for the project specified in that contract but only with respect to that person's or organization's vicarious liability arising out of ongoing operations performed for that additional insured.

This endorsement does not apply to the Environmental Professional Liability coverage part.

All other policy terms and conditions shall remain the same.



AUTHORIZED REPRESENTATIVE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 09-12-2013

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IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement.

PRODUCER: Lockton Companies, LLC
INSURED: INSPERITY, INC. L/C/F
CONTACT NAME, PHONE, FAX, E-MAIL ADDRESS, INSURER(S) AFFORDING COVERAGE, NAIC

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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Table with columns: INSR, TYPE OF INSURANCE, ADDL INSR, SUBR, POLICY EFF, POLICY EXP, LIMITS. Includes sections for GENERAL LIABILITY, AUTOMOBILE LIABILITY, UMBRELLA LIAB, and WORKERS COMPENSATION AND EMPLOYERS' LIABILITY.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (Attach Acord 101, Additional remarks Schedule, if more space is required)
RE: Consulting Services

CERTIFICATE HOLDER CANCELLATION

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions. AUTHORIZED REPRESENTATIVE: Kelly



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 09-12-2013

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IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: Lockton Companies, LLC, 5847 San Felipe, Suite 320, Houston, TX 77057. CONTACT NAME, PHONE (A/C No. Ext): 888-828-8365, FAX (A/C, No):, E-MAIL ADDRESS, INSURER(S) AFFORDING COVERAGE, NAIC, INSURER-A: Ace American Insurance Co., 22667, INSURER-B:, INSURER-C:, INSURER-D:, INSURER-E:, INSURER-F:

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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Table with columns: INSR, TYPE OF INSURANCE, ADDL INSR, SUBR, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Includes rows for GENERAL LIABILITY, AUTOMOBILE LIABILITY, UMBRELLA LIAB, and WORKERS COMPENSATION AND EMPLOYERS' LIABILITY.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (Attach Acord 101, Additional remarks Schedule, if more space is required) Waiver of Subrogation in Favor of City of National City Environmental Consulting in San Diego

CERTIFICATE HOLDER CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE: [Signature]

RESOLUTION NO. 2013 – 185

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH
E2 MANAGETECH, INC., IN THE AMOUNT OF \$120,000 TO ASSIST STAFF
WITH OBTAINING REGULATORY APPROVALS AND IMPLEMENTATION OF
THE PROPERTY MITIGATION PLAN FOR ENVIRONMENTAL REMEDIATION
OF THE WESTSIDE INFILL TRANSIT ORIENTED DEVELOPMENT (WI-TOD)
PROJECT SITE LOCATED AT 2100 AND 2020 HOOVER AVENUE, PURSUANT TO
THE CITY'S OBLIGATION TO THE FORMER REDEVELOPMENT AGENCY TO
CARRY OUT THE DISPOSITION AND DEVELOPMENT AGREEMENT BY
AND BETWEEN THE COMMUNITY DEVELOPMENT COMMISSION OF
THE CITY OF NATIONAL CITY AND PARADISE CREEK HOUSING PARTNERS, LP

WHEREAS on June 21, 2011, a Disposition and Development Agreement was approved for the development of the Westside Infill Transit-Oriented Development that required the Community Development Commission ("CDC") to complete environmental remediation so that affordable housing and public spaces can be developed within the project site; and

WHEREAS, through a competitive Request for Qualifications process the City of National City selected E2 ManageTech, Inc., to provide environmental engineering services and program management for remediation of the WI-TOD site located at 2100 and 2020 Hoover Avenue; and

WHEREAS, through E2 ManageTech's Agreement with the CDC, which was executed on September 6, 2011, E2 ManageTech prepared a comprehensive Property Mitigation Plan (PMP) for environmental remediation of the project site; and

WHEREAS, based on E2 ManageTech's intimate knowledge of the project and involvement in preparing the PMP, and to meet the City's obligation to the former redevelopment agency to carry out the Disposition and Development Agreement by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP, staff recommends executing an Agreement with E2 ManageTech, Inc., in the amount of \$120,000 to assist staff with obtaining regulatory approvals and implementation of the PMP for the WI-TOD Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the Mayor to execute an Agreement with E2 ManageTech, Inc., in the not to exceed amount of \$120,000 to provide environmental engineering services and program management for remediation of the WI-TOD site located at 2100 and 2020 Hoover Avenue, to meet the City's obligation to the former redevelopment agency to carry out the Disposition and Disposition Agreement by and between the Community Development Commission and Paradise Creek Housing Partners, LP.

[SIGNATURE PAGE TO FOLLOW]

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing: 1) appropriation of \$922,853.50 to be applied to costs associated with the relocation of National City Public Works operations pursuant to the City's obligation to the former redevelopment agency to carry out the Disposition and Development Agreement (DDA) by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP; 2) establishment of a revenue budget of \$422,853.50 in net proceeds from the sale of Parcel 1 for the Westside Infill Transit Oriented Development (WI-TOD) Project and purchase of 1726 Wilson Avenue for the relocation of City Public Works; and 3) establishment of a revenue budget of \$500,000 in General Fund, to be reimbursed in full through a State Catalyst Grant. |

PREPARED BY: Stephen Manganiello

DEPARTMENT: Engineering

PHONE: 619-336-4382

APPROVED BY:

EXPLANATION:

See attached.



FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

APPROVED: _____ MIS

001-409-500-598-1592 (WI-TOD): \$922,853.50

001-00000-3601 (Sales of Real Property): \$422,853.50

001-00000-3463 (Other State Grants): \$500,000.00

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt Resolution.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation
2. Resolution

Explanation:

Pursuant to the City's obligation to the former redevelopment agency to carry out the Disposition and Development Agreement (DDA) by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP, National City Public Works operations at 2100 Hoover Avenue needs to be relocated in order to complete environmental remediation and development of the Westside Infill Transit Oriented Development (WI-TOD) Project.

On August 20, 2013, per City Council Resolution 2013-130, City Council authorized the purchase of property at 1726 Wilson Avenue, for a negotiated price of \$1,650,000, to be used for City Public Works operations. The City closed escrow on the property on August 30, 2013. A State Catalyst Grant for the WI-TOD project will reimburse the City up to \$500,000 of the purchase cost, since the relocation of City Public Works will allow redevelopment to occur at the current public works site, which is located within the boundaries of the Catalyst project area.

Also on August 30, 2013, the City sold approximately 4.14 acres of land commonly referred to as "Parcel I" to the Community Development Commission-Housing Authority (CDC-HA) for \$2,094,000, to be developed as part of the WI-TOD project.

Net proceeds from the sale of Parcel I and purchase of 1726 Wilson Avenue (after closing costs) is \$422,853.50. After reimbursement is received from the State Department of Housing and Community Development through the Catalyst Grant, \$500,000 in discretionary funds will be available.

Pursuant to the City's obligation to the former redevelopment agency to carry out the Disposition and Development Agreement (DDA) by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP, staff requests the appropriation of \$922,853.50 to be applied to costs associated with the relocation of City Public Works.

RESOLUTION NO. 2013 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING: 1) APPROPRIATION OF \$922,853.50 TO BE APPLIED TO COSTS ASSOCIATED WITH THE RELOCATION OF NATIONAL CITY PUBLIC WORKS OPERATIONS PURSUANT TO THE CITY'S OBLIGATION TO THE FORMER REDEVELOPMENT AGENCY TO CARRY OUT THE DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BY AND BETWEEN THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY AND PARADISE CREEK HOUSING PARTNERS, LP; 2) ESTABLISHMENT OF A REVENUE BUDGET OF \$422,853.50 IN NET PROCEEDS FROM THE SALE OF PARCEL 1 FOR THE WESTSIDE INFILL TRANSIT ORIENTED DEVELOPMENT (WI-TOD) PROJECT AND PURCHASE OF 1726 WILSON AVENUE FOR THE RELOCATION OF CITY PUBLIC WORKS; AND 3) ESTABLISHMENT OF A REVENUE BUDGET OF \$500,000 THE IN GENERAL FUND, TO BE REIMBURSED IN FULL THROUGH A STATE CATALYST GRANT

WHEREAS, Pursuant to the City's obligation to the former redevelopment agency to carry out the Disposition and Development Agreement (DDA) by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP, National City Public Works operations at 2100 Hoover Avenue needs to be relocated in order to complete environmental remediation and development of the Westside Infill Transit Oriented Development (WI-TOD) Project; and

WHEREAS, on August 20, 2013, per City Council Resolution 2013-130, City Council authorized the purchase of property at 1726 Wilson Avenue, for a negotiated price of \$1,650,000, to be used for City Public Works operations, and closed escrow on the property on August 30, 2013; and

WHEREAS, a State Catalyst Grant for the WI-TOD project will reimburse the City up to \$500,000 of the purchase cost, since the relocation of City Public Works will allow redevelopment to occur at the current public works site, which is located within the boundaries of the Catalyst project area; and

WHEREAS, on August 30, 2013, the City sold approximately 4.14 acres of land commonly referred to as "Parcel I" to the Community Development Commission-Housing Authority (CDC-HA) for \$2,094,000, to be developed as part of the WI-TOD project; and

WHEREAS, net proceeds from the sale of Parcel I and purchase of 1726 Wilson Avenue (after closing costs) is \$422,853.50; and

WHEREAS, after reimbursement is received from the State Department of Housing and Community Development through the Catalyst Grant, \$500,000 in discretionary funds will be available; and

WHEREAS, pursuant to the City's obligation to the former redevelopment agency to carry out the Disposition and Development Agreement (DDA) by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP, staff requests the appropriation of \$922,853.50 to be applied to costs associated with the relocation of City Public Works.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the appropriation of \$922,853.50 to be applied to costs associated with the relocation of National City Public Works operations pursuant to the City's

obligation to the former redevelopment agency to carry out the Disposition and Development Agreement (DDA) by and between the Community Development Commission of the City of National City and Paradise Creek Housing Partners, LP.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the establishment of a revenue budget of \$422,853.50 in net proceeds from the sale of Parcel 1 for the Westside Infill Transit Oriented Development (WI-TOD) Project and purchase of 1726 Wilson Avenue for the relocation of City Public Works.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the establishment of a revenue budget of \$500,000 in General Fund, to be reimbursed in full through a State Catalyst Grant.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Warrant Register #18 for the period of 10/23/13 through 10/29/13 in the amount of \$940,370.78.
(Finance)

PREPARED BY: K. Apalategui

DEPARTMENT: Finance

PHONE: 619-336-4331

APPROVED BY: 

EXPLANATION:

Per Government Section Code 37208, attached are the warrants issued for the period of 10/23/13 through 10/29/13.

In accordance with Finance Department policy, below is an explanation of all warrants above \$50,000.00.

<u>Vendor</u>	<u>Check</u>	<u>Amount</u>	<u>Explanation</u>
Project Professionals	309634	54,075.73	CDBG Administration

FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

APPROVED: _____ MIS

Reimbursement total \$940,370.78.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Ratification of warrants in the amount of \$940,370.78.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Warrant Register #18



**WARRANT REGISTER #18
10/29/2013**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
UNITED STATES TREASURY	3 QTR 2013-941/95-6000749	309588	10/29/13	20.25
4 IMPRINT INC	GIVEAWAYS - 2013 STATE OF THE CITY ADDRESS	309589	10/29/13	2,129.80
ALDEMCO	CONSUMABLES / NUTRITION	309590	10/29/13	1,123.34
ALL FRESH PRODUCTS	FOOD / NUTRITION CENTER	309591	10/29/13	495.09
AMERI MEX PLUMBING	REFUND - PERMIT #71589, 2924 ALTA DR	309592	10/29/13	177.00
AQCS ENVIRONMENTAL	SVC MONTH OF SEPTEMBER 2013	309593	10/29/13	110.00
BEST BEST & KRIEGER ATTN LAW	LEGAL / SVCS THROUGH SEPT 2013	309594	10/29/13	1,434.15
BJ'S RENTALS	LIGHT TOWERS-2013 STATE OF THE CITY ADDRESS	309595	10/29/13	362.75
BLACKIE'S TROPHIES AND AWARDS	MOP 67727 NAME TAG - PD	309596	10/29/13	38.88
BOOT WORLD	MOP 64096 WEARING APPAREL	309597	10/29/13	106.90
BROADWAY AUTO GLASS	LABOR, REMOVE WINDOW TINT	309598	10/29/13	135.00
CALPELRA	TRAINING / HR	309599	10/29/13	63.00
CASA DE MEXICO	PROMOTIONAL ACTIVITIES	309600	10/29/13	101.51
CEB	CONDEMNATION PRACTICE 2013 UPDATE	309601	10/29/13	327.86
CHILDREN'S HOSPITAL	CHILD ABUSE EXAMS	309802	10/29/13	2,205.00
CINTAS DOCUMENT MANAGEMENT	MONTHLY SHREDDING / POLICE	309603	10/29/13	72.95
CLYDE ARMORY	COLT SELECT FIRE MONOLITHIC QUAD	309604	10/29/13	9,445.00
COUNTY OF SAN DIEGO	RENEWAL FEE - GEN HAZ MAT	309605	10/29/13	1,835.00
CWEA SDS LEEANN WARCHOL	WORKSHOP REGISTRATION FEE	309606	10/29/13	90.00
DANIELS TIRE SERVICE	TIRES / POLICE	309807	10/29/13	3,949.62
DEPARTMENT OF TRANSPORTATION	HIGHWAY LIGHTING	309608	10/29/13	6,244.31
DREW FORD	MOP 49078 AUTO PARTS	309609	10/29/13	262.42
EQUIFAX INFORMATION SVCS	FOR S8 FEES FOR EQUIFAX SVC	309610	10/29/13	51.75
FLEET DRIVELINE SERVICE	LOCKWASHER/U-JOINT/FLANGE YOKE	309611	10/29/13	745.88
FLEET SERVICES INC	MOP 67804 AUTO PARTS	309612	10/29/13	107.89
GARDNER & ASSOCIATES	HALLOWEEN METALLIC	309613	10/29/13	627.70
HERNANDEZ, ALEJANDRO	REIMB -EDUCATIONAL	309614	10/29/13	495.50
KANE BALLMER & BERKMAN	AB 1484 LITIGATION	309615	10/29/13	2,002.91
KASEYA NORTH AMERICA	ANNUAL MAINTENANCE SUBSCRIPTION	309616	10/29/13	3,700.00
KONICA MINOLTA	COPIER EQUIPMENT LEASE	309617	10/29/13	9,077.64
LAMAS, CATALINA	REFUND-PROJECT #2013-3398, 1626 E 8TH ST	309618	10/29/13	179.10
LIEBERT CASSIDY WHITMORE	INVESTIGATION SVC	309619	10/29/13	954.00
LIEBERT CASSIDY WHITMORE	TRAINING	309620	10/29/13	55.00
MATERIAL SALES INC.	SHEARING / PW	309621	10/29/13	108.50
MCDUGAL LOVE ECKIS	SVCS RENDERED THROUGH 09/30/13	309622	10/29/13	688.00
METRO AUTO PARTS DISTRIBUTOR	MOP 75943 AUTO PARTS	309623	10/29/13	93.88
MEYERS NAVE	PROFESSIONAL SVCS - SEPT 30,2013	309624	10/29/13	120.00
MOBILE SATELLITE TECHNOLOGIES	SATELLITE SERVICE FOR THE COMMAND	309625	10/29/13	1,079.88
NAPA AUTO PARTS	MOP 45735 AUTO PARTS	309626	10/29/13	8.07
NATIONAL CITY AUTO TRIM	MOP 72441 R&M AUTO EQUIPMENT	309627	10/29/13	85.00
NATIONAL CITY CHAMBER OF	MEMBERSHIP - NC CHAMBER OF COMMERCE	309628	10/29/13	150.00
NATIONAL CONFLICT RESOLUTION	INFORMAL HEARINGS	309829	10/29/13	400.00
NOWDOCS INTERNATIONAL INC	GREEN VOID BOTTOM CHECKS	309630	10/29/13	668.39
PORT OF SAN DIEGO	AQUATIC CENTER	309631	10/29/13	1,357.65
POWERSTRIDE BATTERY CO INC	PS27-775 BATTERIES	309632	10/29/13	1,215.41
PROGRESSIVE SOLUTIONS INC	THERMAL PAPER & RIBBON	309633	10/29/13	198.73
PROJECT PROFESSIONALS CORP	CDBG ADMINISTRATION	309634	10/29/13	54,075.73
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICE	309635	10/29/13	191.69
RED WING SHOES	WATERPROOF SAFETY FOOTWEAR	309636	10/29/13	125.00
RODRIGUEZ, MANUEL	SUBSISTENCE-LEADERSHIP & MENTORING COURSE	309637	10/29/13	384.00



**WARRANT REGISTER #18
10/29/2013**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
SAINZ, LIUS	REIMB - TRAVEL EXP	309638	10/29/13	148.97
SAN DIEGO AREA CHAPTER ICC	TRAINING REGISTRATION	309639	10/29/13	200.00
SAN DIEGO AREA CHAPTER ICC	TRAINING REGISTRATION	309640	10/29/13	200.00
SAN DIEGO AREA CHAPTER ICC	TRAINING REGISTRATION	309641	10/29/13	100.00
SAN DIEGO AREA CHAPTER OF ICC	CLASS/TRAINING~	309642	10/29/13	100.00
SAN DIEGO AREA CHAPTER OF ICC	CLASS/TRAINING	309643	10/29/13	100.00
SAN DIEGO HABITAT FOR HUMANITY	REFUND - PERMIT #71194; 2112 E 10TH ST	309644	10/29/13	413.00
SAN DIEGO REGIONAL	REGISTRATION - RECORDS SUPERVISOR COURSE	309645	10/29/13	489.00
STAPLES ADVANTAGE	MOP 45704 OFFICE SUPPLIES - PD	309646	10/29/13	771.24
SWEETWATER AUTHORITY	PARKS WATER	309647	10/29/13	4,711.43
SYSCO SAN DIEGO	FOOD & CONSUMABLES	309648	10/29/13	2,829.40
THE CENTRE FOR ORGANIZATION	TRAINING	309649	10/29/13	175.00
TURF STAR	V-BELT	309650	10/29/13	138.71
UNITED PARCEL SERVICE	UPS CHARGES	309651	10/29/13	78.23
UNITED ROTARY BRUSH	MOP 62683 AUTO PARTS	309652	10/29/13	813.60
V & V MANUFACTURING	NEW BADGES, BADGE REPAIRS, BADGE	309653	10/29/13	452.00
W W GRAINGER	MOP 65179 BUILDING MATERIAL	309654	10/29/13	376.15
WAXIE SANITARY SUPPLY	MISCELLANEOUS JANITORIAL SUPPLIES FY	309655	10/29/13	2,693.29
WEST PAYMENT CENTER	CLEAR INVESTIGATIVE DATABASES	309656	10/29/13	455.11
WESTFLEX INDUSTRIAL	MOP 63850 AUTO PARTS	309657	10/29/13	220.89
WILLY'S ELECTRONIC SUPPLY	MOP 45763 MISC SUPPLIES - PD	309658	10/29/13	66.76

A/P Total 125,209.91

PAYROLL				
Pay period	Start Date	End Date	Check Date	
22	10/1/2013	10/14/2013	10/23/2013	812,706.42
Special Payroll			10/14/2013	2,454.45

GRAND TOTAL \$ 940,370.78

Certification

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.



MARK ROBERTS, FINANCE

JESLIE DEESE, CITY MANAGER

FINANCE COMMITTEE

RONALD J. MORRISON, MAYOR-CHAIRMAN

LUIS NATIVIDAD, VICE-MAYOR

ALEJANDRA SOTELO-SOLIS, MEMBER

MONA RIOS, MEMBER

JERRY CANO, MEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 3rd OF DECEMBER, 2013.

AYES _____

NAYS _____

ABSENT _____

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Warrant Register #19 for the period of 10/30/13 through 11/05/13 in the amount of \$1,429,347.20.
(Finance)

PREPARED BY: K. Apalategui

DEPARTMENT: Finance

PHONE: 619-336-4331

APPROVED BY: *Mark Roberts*

EXPLANATION:

Per Government Section Code 37208, attached are the warrants issued for the period of 10/30/13 through 11/05/13.

In accordance with Finance Department policy, below is an explanation of all warrants above \$50,000.00.

<u>Vendor</u>	<u>Check</u>	<u>Amount</u>	<u>Explanation</u>
Health Net Inc	309718	61,761.75	Health Ins / Nov 2013
Pub Emp Ret System	309757	297,664.92	Retirement Insurance Period 10/15/13-10/18/13

FINANCIAL STATEMENT:

APPROVED: *Mark Roberts*

Finance

ACCOUNT NO.

APPROVED: _____

MIS

Reimbursement total \$1,429,347.20.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Ratification of warrants in the amount of \$1,429,347.20.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Warrant Register #19



**WARRANT REGISTER # 19
11/5/2013**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
ACEDO	RETIREE HEALTH BENEFITS / NOV 2013	309659	11/5/13	160.00
AFLAC	ACCT BDM36 NOV 2013	309660	11/5/13	911.68
AGUIRRE, O	EDUCATIONAL REIMBURSEMENT	309661	11/5/13	595.00
AIRGAS WEST	MOP 45714 MATERIALS & SUPPLIES	309662	11/5/13	237.21
ALDEMCO	FOOD / NUTRITION	309663	11/5/13	1,396.94
ALLEN, R	RETIREE HEALTH BENEFITS / NOV 2013	309664	11/5/13	125.00
AMERICAN BACKFLOW SPECIALTIES	BACKFLOWS, GAUGES, PARTS	309665	11/5/13	1,576.34
ANDERSON, E	RETIREE HEALTH BENEFITS / NOV 2013	309666	11/5/13	110.00
AT&T MCI	PHONE SERVICE / 9/1/13-9/30/13	309667	11/5/13	357.32
AT&T MOBILITY	WIRELESS SERVICE / 9/6/13 - 10/5/13	309668	11/5/13	399.46
ATKINS NORTH AMERICA INC	SEWER BILL/TAX ROLL PREPARATION	309669	11/5/13	366.00
BARGAIN CENTER INC	RAIN PONCHOS / PW	309670	11/5/13	71.02
BEARD, P	RETIREE HEALTH BENEFITS / NOV 2013	309671	11/5/13	70.00
BECK, L	RETIREE HEALTH BENEFITS / NOV 2013	309672	11/5/13	140.00
BEST BEST & KRIEGER ATTN LAW	LEGAL / REGIONAL PERMIT PETITION	309673	11/5/13	2,032.00
BISHOP, R	RETIREE HEALTH BENEFITS / NOV 2013	309674	11/5/13	110.00
BOEGLER, C	RETIREE HEALTH BENEFITS / NOV 2013	309675	11/5/13	260.00
BOOT WORLD	MOP 64096 SAFETY BOOTS	309676	11/5/13	231.92
BOYD, P	RETIREE HEALTH BENEFITS / NOV 2013	309677	11/5/13	145.00
BRIAN COX MECHANICAL INC	REPLACE TRANE ROOFTOP UNIT	309678	11/5/13	10,169.00
BURKE WILLIAMS & SORENSEN LLP	LEGAL / NEGOTIATIONS	309679	11/5/13	2,854.00
C A P F	FIRE LTD NOV 2013	309680	11/5/13	624.00
CALIFORNIA ELECTRIC SUPPLY	MOP 45698 ELECTRICAL MATERIAL	309681	11/5/13	75.62
CALIFORNIA LAW ENFORCEMENT	PD LTD NOV 2013	309682	11/5/13	1,886.50
CHICK'S ELECTRIC MOTOR INC	FASCO, OEM MOTOR	309683	11/5/13	417.52
CITY OF NATIONAL CITY	PETTY CASH REPLENISHMENT - SEPT 2013	309684	11/5/13	483.58
CONDON, D	RETIREE HEALTH BENEFITS / NOV 2013	309685	11/5/13	280.00
CORPUZ, T	RETIREE HEALTH BENEFITS / NOV 2013	309686	11/5/13	140.00
COUNTY OF SAN DIEGO	SHARE OF PC REVENUE - SEPT 2013	309687	11/5/13	17,306.50
COUNTY OF SAN DIEGO	RCS SYSTEM MAINTENANCE / AUG 2013	309688	11/5/13	16,942.88
COX COMMUNICATIONS	COX COMMUNICATIONS / OCT 2013	309689	11/5/13	3,125.80
DANESHFAR, Z	RETIREE HEALTH BENEFITS / NOV 2013	309690	11/5/13	250.00
DANIELS TIRE SERVICE	TIRES / PW	309691	11/5/13	4,183.27
DATA TICKET INC	CITATION PROCESSING - AUG 2014	309692	11/5/13	4,259.40
DECKSIDE POOL SERVICE	POOL SUPPLIES / PW	309693	11/5/13	1,970.60
DELTA DENTAL	DENTAL INS PREMIER - NOV 2013	309694	11/5/13	13,586.52
DELTA DENTAL INSURANCE CO	PMI DENTAL INS - NOV 2013	309695	11/5/13	2,834.74
DELTA DENTAL INSURANCE CO	COBRA DENTAL INS - SEPT 2013	309696	11/5/13	109.46
DESROCHERS, P	RETIREE HEALTH BENEFITS / NOV 2013	309697	11/5/13	110.00
DI CERCHIO, A	RETIREE HEALTH BENEFITS / NOV 2013	309698	11/5/13	70.00
D-MAX ENGINEERING	NC STORM WATER SERVICES	309699	11/5/13	14,611.73
DOCUFLOW SOLUTIONS INC	ANNUAL MAINTENANCE OF TYPEWRITERS	309700	11/5/13	151.20
DOUBLJU USA INC	REFUND OF PERMIT #71236	309701	11/5/13	2,423.05
DREDGE, J	RETIREE HEALTH BENEFITS / NOV 2013	309702	11/5/13	250.00
DUNBAR ARMORED INC	ARMORED SVCS - FINANCE	309703	11/5/13	200.64
DUNBAR ARMORED INC	ARMORED SVCS - FINANCE	309704	11/5/13	164.39
EISER III, G	RETIREE HEALTH BENEFITS / NOV 2013	309705	11/5/13	250.00
FABINSKI, D	RETIREE HEALTH BENEFITS / NOV 2013	309706	11/5/13	220.00
GELSKEY, K	RETIREE HEALTH BENEFITS / NOV 2013	309707	11/5/13	115.00
GIBBS JR, R	RETIREE HEALTH BENEFITS / NOV 2013	309708	11/5/13	120.00



WARRANT REGISTER # 19

11/5/2013

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
GOODYEAR TIRE & RUBBER COMPANY	MOP 72654 TIRES	309709	11/5/13	662.54
GRANICUS INC	GRANICUS WEBCASTING / OCT 2013	309710	11/5/13	2,954.70
GTC SYSTEMS INC	NETWORK SUPPORT - SEPT 2013	309711	11/5/13	1,755.00
GUNDERT, M	RETIREE HEALTH BENEFITS - NOV 2013	309712	11/5/13	350.00
HANSON, E	RETIREE HEALTH BENEFITS / NOV 2013	309713	11/5/13	135.00
HAUG, S	RETIREE HEALTH BENEFITS / NOV 2013	309714	11/5/13	120.00
HEALTH NET	FULL NETWORK 57135A NOV 2013	309715	11/5/13	4,481.65
HEALTH NET	INS - NOV 2013 N59952F/57135J	309716	11/5/13	1,528.85
HEALTH NET	INS N5992A NOV 2013	309717	11/5/13	525.07
HEALTH NET INC	HEALTH INS NOV 2013	309718	11/5/13	61,761.75
HODGES, B	RETIREE HEALTH BENEFITS / NOV 2013	309719	11/5/13	200.00
HOLIDAY INN EXPRESS	TRAINING / FIRE	309720	11/5/13	258.00
HONDO, E	RETIREE HEALTH BENEFITS / NOV 2013	309721	11/5/13	110.00
HONEYWELL INTERNATIONAL INC	CONSUMABLES	309722	11/5/13	451.45
JAMES, R	RETIREE HEALTH BENEFITS / NOV 2013	309723	11/5/13	140.00
JUNIEL, R	RETIREE HEALTH BENEFITS / NOV 2013	309724	11/5/13	50.00
KAISER FOUNDATION HEALTH PLANS	HD HSA - NOV 2013 GRP#104220-0005	309725	11/5/13	2,476.01
KAISER FOUNDATION HEALTH PLANS	RETIREEES INS COBRA - SEPT 2013	309726	11/5/13	1,839.44
KIMBLE, R	RETIREE HEALTH BENEFITS / NOV 2013	309727	11/5/13	300.00
KONICA MINOLTA	COPIER EQUIPMENT LEASE 60 MONTH	309728	11/5/13	8,402.66
KTU&A	SERVICES, SEPTEMBER, 2013	309729	11/5/13	23,280.00
LANDA, A	RETIREE HEALTH BENEFITS / NOV 2013	309730	11/5/13	155.00
LASER SAVER INC	MOP 45725 MATERIALS & SUPPLIES	309731	11/5/13	412.46
LIMFUECO, M	RETIREE HEALTH BENEFITS / NOV 2013	309732	11/5/13	160.00
MALDONADO, J	RETIREE HEALTH BENEFITS / NOV 2013	309733	11/5/13	130.00
MARCHANTE, A	REIMB - NOTARY PUBLIC LIVE SCAN	309734	11/5/13	71.00
MATIENZO, M	RETIREE HEALTH BENEFITS / NOV 2013	309735	11/5/13	100.00
MC CABE, T	RETIREE HEALTH BENEFITS / NOV 2013	309736	11/5/13	280.00
MEDINA, R	RETIREE HEALTH BENEFITS / NOV 2013	309737	11/5/13	105.00
MURRAY, J	RETIREE HEALTH BENEFITS / NOV 2013	309738	11/5/13	150.00
MYERS, B	RETIREE HEALTH BENEFITS / NOV 2013	309739	11/5/13	140.00
NATIONAL CITY CHAMBER OF	TOURISM MARKETING FEE - AUG 2013	309740	11/5/13	27,575.37
NATIONAL CITY POLICE	CHRISTMAS PARTY	309741	11/5/13	50.00
NATIONAL CITY POLICE	CHRISTMAS PARTY	309742	11/5/13	50.00
NATIONAL CITY POLICE	CHRISTMAS PARTY	309743	11/5/13	50.00
NATIONAL CITY TROPHY	MOP 66556 R&M BUILDINGS	309744	11/5/13	11.99
NOSAL, W	RETIREMENT SETTLEMENT / NOV 2013	309745	11/5/13	1,176.44
NOTEWARE, D	RETIREE HEALTH BENEFITS / NOV 2013	309746	11/5/13	120.00
OCHOA, I	RETIREE HEALTH BENEFITS / NOV 2013	309747	11/5/13	125.00
ORIENTAL TRADING CO INC	INV 659383427-02 1 HANGING MUMMY, SNAKES	309748	11/5/13	651.96
PAUU JR, P	RETIREE HEALTH BENEFITS / NOV 2013	309749	11/5/13	340.00
PEASE JR, D	RETIREE HEALTH BENEFITS / NOV 2013	309750	11/5/13	140.00
PERRY FORD	MOP 45703 AUTO PARTS	309751	11/5/13	46.70
POST, R	RETIREE HEALTH BENEFITS / NOV 2013	309752	11/5/13	280.00
POTTER, C	RETIREE HEALTH BENEFITS / NOV 2013	309753	11/5/13	150.00
POWERSTRIDE BATTERY CO INC	MOP 67839 AUTO PARTS	309754	11/5/13	69.53
PRO BUILD	MOP 45707 MISC SUPPLIES - NSD	309755	11/5/13	1,783.84
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICE	309756	11/5/13	467.71
PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 10/15/13 - 10/28/13	309757	11/5/13	297,664.92
PUN & MCGEADY	AUDITING SVC - YR ENDING 06/30/13	309758	11/5/13	10,000.00



**WARRANT REGISTER # 19
11/5/2013**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
RAY, S	RETIREE HEALTH BENEFITS / NOV 2013	309759	11/5/13	190.00
ROARK, L	RETIREE HEALTH BENEFITS / NOV 2013	309760	11/5/13	135.00
ROE, V	RETIREE HEALTH BENEFITS / NOV 2013	309761	11/5/13	120.00
RON BAKER CHEVROLET	MOP 45751 R&M AUTO EQUIPMENT	309762	11/5/13	76.44
RUIZ, J	RETIREE HEALTH BENEFITS / NOV 2013	309763	11/5/13	310.00
SAFRAN MORPHOTRUST	INVESTIGATIVE SERVICES	309764	11/5/13	40.00
SCS ENGINEERS	SERVICES, AUGUST, 2013, 1200 NCBVLD	309765	11/5/13	559.16
SDG&E	FACILITIES GAS & ELECTRIC	309766	11/5/13	27,978.51
SEAPORT MEAT COMPANY	FOOD / NUTRITION	309767	11/5/13	1,235.93
SERVATIUS, J	RETIREE HEALTH BENEFITS / NOV 2013	309768	11/5/13	340.00
SHORT, C	RETIREE HEALTH BENEFITS / NOV 2013	309769	11/5/13	300.00
SMART & FINAL	MOP 45756 SDERC WORKSHOP	309770	11/5/13	130.52
SMART SOURCE OF CA LLC	MOP 63845 SECOND SHEETS	309771	11/5/13	91.98
SORIANO, R	REIMBURSEMENT: CACEO SOURCE GUIDE	309772	11/5/13	63.94
SPARKLETTS	SPARKLETTS WATER / NUTRITION	309773	11/5/13	7.25
STAPLES ADVANTAGE	MOP 45704 OFFICE SUPPLIES - FINANCE	309774	11/5/13	278.38
STRASEN, W	RETIREE HEALTH BENEFITS / NOV 2013	309775	11/5/13	135.00
SWEETWATER AUTHORITY	FACILITIES WATER	309776	11/5/13	41,395.28
SYSCO SAN DIEGO	FOOD & CONSUMABLES / NUTRITION	309777	11/5/13	2,408.26
THE BANK OF NEW YORK	CUSTODIAN FEES	309778	11/5/13	300.00
THE LINCOLN NATIONAL LIFE INS	LIFE & AD&, STD, LTD INS NOV 2013	309779	11/5/13	8,269.33
TOPECO PRODUCTS	MOP 63849 TRAFFIC CONTROL SUPPLY	309780	11/5/13	148.90
TRIVIZ, R	RETIREE HEALTH BENEFITS / NOV 2013	309781	11/5/13	135.00
U S BANK	CREDIT CARD PAYMENT	309782	11/5/13	529.00
URBAN FUTURES	FINANCIAL ADVISORY SVCS	309783	11/5/13	1,950.00
URIAS, N	RETIREE HEALTH BENEFITS / NOV 2013	309784	11/5/13	125.00
VALLEY INDUSTRIAL SPECIALTIES	MOP 46453 PLUMBING MATERIAL	309785	11/5/13	337.08
VERIZON WIRELESS	PHONE SERVICE - S8 / 8/24/13-9/23/13	309786	11/5/13	1,290.68
VISTA PAINT	MOP 68834 TRAFFIC CONTROL SUPPLY	309787	11/5/13	428.10
W W GRAINGER	MOP 65179 ELECTRICAL MATERIAL	309788	11/5/13	512.95
WAXIE SANITARY SUPPLY	JANITORIAL SUPPLIES	309789	11/5/13	2,609.27
WESTFLEX INDUSTRIAL	MOP 63850 AUTO PARTS	309790	11/5/13	61.90
WILLY'S ELECTRONIC SUPPLY	MOP 45763. ELECTRICAL SUPPLIES / MIS	309791	11/5/13	52.35
ZIETLOW, D	RETIREE HEALTH BENEFITS / NOV 2013	309792	11/5/13	150.00
ZIONS BANK	34TH LEASE PAYMENT - 800 MHZ EQUIP	309793	11/5/13	48,678.25
OPPER & VARCO LLP	LEGAL / WITOD	309794	11/5/13	260.00
SDG&E	GAS AND ELECTRIC UTILITIES / S A	309795	11/5/13	176.93
SWEETWATER AUTHORITY	WATER UTILITIES / S A	309796	11/5/13	43.60
			A/P Total	705,573.54
SECTION 8 HAPS PAYMENTS	Start Date 10/30/2013	End Date 11/5/2013		723,773.66

GRAND TOTAL

\$ 1,429,347.20

Certification

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.



MARK ROBERTS, FINANCE

LESLIE DEESE, CITY MANAGER

FINANCE COMMITTEE

RONALD J. MORRISON, MAYOR-CHAIRMAN

LUIS NATIVIDAD, VICE-MAYOR

ALEJANDRA SOTELO-SOLIS, MEMBER

MONA RIOS, MEMBER

JERRY CANO, MEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 3rd OF DECEMBER, 2013.

AYES _____

NAYS _____

ABSENT _____

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO. _____

ITEM TITLE:

Warrant Register #20 for the period of 11/06/13 through 11/12/13 in the amount of \$1,332,461.43.
(Finance)

PREPARED BY: K. Apalategui

DEPARTMENT: Finance

PHONE: 619-336-4331

APPROVED BY: 

EXPLANATION:

Per Government Section Code 37208, attached are the warrants issued for the period of 11/06/13 through 11/12/13.

In accordance with Finance Department policy, below is an explanation of all warrants above \$50,000.00.

<u>Vendor</u>	<u>Check</u>	<u>Amount</u>	<u>Explanation</u>
City of San Diego	309821	57,463.00	Quarterly billing / Fire Dispatch
Kaiser Foundation	309843	161,613.62	Insurance Active / Nov 2013

FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

APPROVED: _____ MIS

Reimbursement total \$1,332,461.43.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Ratification of warrants in the amount of \$1,332,461.43.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Warrant Register #20



WARRANT REGISTER #20
11/12/2013

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
AMAZON	BOOKS - LIBRARY	309797	11/12/13	1,347.96
BAKER & TAYLOR	BOOKS - LIBRARY	309798	11/12/13	1,067.84
MIDWEST TAPE	DVD'S / LIBRARY	309799	11/12/13	3,347.41
PROLITERACY AMERICA	ORGANIZATIONAL MEMBERSHIP FOR FY 2014	309800	11/12/13	159.00
SPRINT	VIDEO CONFERENCING, LONG DISTANCE	309801	11/12/13	11.32
THE SHOPPER INC	DVD PROCESSING SUPPLIES / LIBRARY	309802	11/12/13	845.69
WILLY'S ELECTRONIC SUPPLY	SUPPLIES / LIBRARY	309803	11/12/13	21.12
XEROX CORPORATION	XEROX BASE CHARGES AND OVERAGES	309804	11/12/13	842.57
BEST BEST & KRIEGER ATTN Y LAW	LEGAL / COMM YOUTH ATHLETIC CENTER	309805	11/12/13	13,100.15
EDCO DISPOSAL CORPORATION	WASTE DISPOSAL SERVICES / S A	309806	11/12/13	110.23
MAZZARELLA LORENZANA LLP	LEGAL / ROSENOW, SPEVACEK GROUP, INC	309807	11/12/13	360.00
A-1 HYDRAULICS SERVICE INC	SWH-GO2=D3-D12 VALVE / PW	309808	11/12/13	251.47
ACCESS INT. PHIL AM BID	STAR BLAZERS/TOP HATS 2013 AWARDS	309809	11/12/13	75.00
AIRGAS WEST	MOP 45701 WEARING APPAREL	309810	11/12/13	183.35
ARCO GASPRO PLUS	FUEL FOR CITY FLEET	309811	11/12/13	38,532.02
ASSI SECURITY INC	RELOCATE CARD READERS / PD	309812	11/12/13	6,366.00
AT&T MCI	SBC/ATT PHONE SERVICE / 9/13/13-10/12/13	309813	11/12/13	6,099.76
AUSTIN DOORS	DOOR, ROLL-UP DOORS, GATES	309814	11/12/13	1,184.82
BANK OF AMERICA PUBLIC &	CAT LOADER EQUIP LEASE PM#31	309815	11/12/13	3,077.02
BLACKIE'S TROPHIES AND AWARDS	MOP 67727 MARBLE PEN SET - PD	309816	11/12/13	250.56
BOOT WORLD	MOP 64096 WEARING APPAREL	309817	11/12/13	125.00
CALLYO 2009 CORP.	BASIC SYSTEM COST / POLICE	309818	11/12/13	1,649.40
CARRILLO, R	LICENSE REIMBURSEMENT	309819	11/12/13	70.00
CITY OF CHULA VISTA	ACCEL CONCENTRATE / POLICE	309820	11/12/13	158.92
CITY OF SAN DIEGO	QUARTERLY BILLING / FIRE DISPATCH	309821	11/12/13	57,463.00
CLEAN HARBORS	HAZARDOUS WASTE PICKUP	309822	11/12/13	271.00
CLF WAREHOUSE	DYN 22-400 TUBE/10' PRE-CUT 4" / PW	309823	11/12/13	172.52
COPWARE INC	SUBSCRIPTION/SITE LICENSE	309824	11/12/13	2,220.00
COUNTY OF SAN DIEGO	RENEWAL - PERMIT PROCESSING	309825	11/12/13	309.00
COUNTY OF SAN DIEGO	AIR POLLUTION RENEWAL FEE	309826	11/12/13	309.00
COX COMMUNICATIONS	COX COMMUNICATIONS 11-08-13	309827	11/12/13	3,079.70
CPR BY MEDX	CPR FIRST AID UPDATE	309828	11/12/13	2,000.00
DALEY & HEFT LLP	LIABILITY CLAIM COSTS	309829	11/12/13	11,960.71
DALEY & HEFT LLP	LIABILITY CLAIM COSTS	309830	11/12/13	5,830.70
DANIELS TIRE SERVICE	MOP 76986 TIRES	309831	11/12/13	392.28
DEPARTMENT OF JUSTICE	INVESTIGATIVE SERVICES	309832	11/12/13	708.00
EFFECTIVE COMMUNICATIONS	TELESEMINAR DOWNLOAD	309833	11/12/13	99.00
ERGOMETRICS	PROMOTIONAL ACTIVITIES	309834	11/12/13	576.17
EXPERIAN	CREDIT CHECKS / POLICE	309835	11/12/13	27.72
FEDEX	DEPOSITION CASE PADILLA	309836	11/12/13	64.15
FERGUSON ENTERPRISES INC	MOP 45723 R&M BUILDINGS	309837	11/12/13	222.50
FON-JON KENNELS	KENNEL FEES / POLICE K9	309838	11/12/13	550.00
HERNANDEZ, L	REIMB - UNIFORM GEAR	309839	11/12/13	65.38
IRON MOUNTAIN	DOCUMENT STORAGE	309840	11/12/13	148.00
JUDD ELECTRIC	ELECTRIC REPAIRS	309841	11/12/13	300.00
K SURPLUS SALES INC	WEATHER STRIPPING/MOLDING	309842	11/12/13	245.25
KAISER FOUNDATION HEALTH PLANS	INSURANCE ACTIVE - NOV 2013	309843	11/12/13	161,613.62
KAISER FOUNDATION HEALTH PLANS	RETIREES INS - NOV 2013	309844	11/12/13	21,523.01
KAISER FOUNDATION HEALTH PLANS	RETIREES INS - NOV 2013	309845	11/12/13	8,249.22
KNOX ATTORNEY SERVICE INC	ATTORNEY SERVICE	309846	11/12/13	56.75



**WARRANT REGISTER #20
11/12/2013**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
LEFORTS SMALL ENGINE REPAIR	LABOR & SERVICE, HONDA GENERATOR	309847	11/12/13	75.00
LIFELOC TECHNOLOGIES	ITEM #15005, DRY GAS, 34L, .100 / POLICE	309848	11/12/13	178.75
LOPEZ, T	TRANSLATION SERVICES / 11-06-13	309849	11/12/13	210.00
METRO AUTO PARTS DISTRIBUTOR	MOP 75943 AUTO PARTS	309850	11/12/13	458.11
NATIONAL CITY CAR WASH	MOP 72454 R&M AUTO EQUIPMENT	309851	11/12/13	475.00
NATIONAL CITY HOST LIONS CLUB	4TH OF JULY 2013 FIREWORKS DISPLAY	309852	11/12/13	9,651.00
O'REILLY AUTO PARTS	MOP 75877 AUTO PARTS	309853	11/12/13	497.82
PERRY FORD	MOP 45703 R&M AUTO EQUIPMENT	309854	11/12/13	274.04
POWERSTRIDE BATTERY CO INC	MOP 67839 AUTO PARTS	309855	11/12/13	568.77
PRO BUILD	MOP 46707 MATERIALS & SUPPLIES	309856	11/12/13	191.03
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICE	309857	11/12/13	232.36
RADISSON HOTEL	RESERVATION - OFFICERS' SECTION TRAINING	309858	11/12/13	572.30
RELIANCE STANDARD	VOLUNTARY LIFE INS - NOV 2013	309859	11/12/13	2,737.07
SAFARILAND, LLC	TRANZPORT HOOD PACK / POLICE	309860	11/12/13	864.35
SAN DIEGO REGIONAL	REGISTRATION - CHILD ABUSE INVESTIGATION	309861	11/12/13	324.00
SASI	PROCESSING CHARGES	309862	11/12/13	283.50
SMART & FINAL	MOP 45756 CPL WHITE RETIREMENT	309863	11/12/13	18.26
SOUTHERN CALIF TRUCK STOP	MOP 45758 GAS	309864	11/12/13	88.46
SOUTHWEST SIGNAL SERVICE	TRAFFIC SIGNAL/STREET LIGHTING	309865	11/12/13	12,186.23
SPARKLETTS	WATER / MYR	309866	11/12/13	28.39
STARTECH COMPUTERS	MOP 61744 MISC SUPPLIES - MIS	309867	11/12/13	1,074.69
SUBPOENA COMPLIANCE PAYMENTS	WIRE TAP FEES	309868	11/12/13	470.00
THE COOLING STORE	REFER PROBE / PW	309869	11/12/13	254.05
THE LIGHTHOUSE INC	MOP 45726 AUTO PARTS	309870	11/12/13	138.48
THOMSON WEST	ON LINE LEGAL RESEARCH	309871	11/12/13	620.62
T-MAN TRAFFIC SUPPLY	MOP 76666 TRAFFIC CONTROL SUPPLY	309872	11/12/13	134.65
U S BANK	CREDIT CARD EXP - PD	309873	11/12/13	2,449.08
U S HEALTHWORKS	MEDICAL SERVICES	309874	11/12/13	375.00
U S HEALTHWORKS	MEDICAL SERVICES	309875	11/12/13	240.00
UNDERGROUND SERVICE ALERT	UNDERGROUND SERVICE ALERT CHARGE	309876	11/12/13	219.00
UNION TRIBUNE	LEGAL NOTICES ADVERTISING	309877	11/12/13	253.20
UNITED ROTARY BRUSH	MOP 62683 AUTO PARTS	309878	11/12/13	484.91
VCA EMERGENCY ANIMAL HOSPITAL	STRAY ANIMAL VET CARE / POLICE	309879	11/12/13	293.93
VERIZON WIRELESS	VERIZON CELL SERVICE / 9/22/13-10/21/13	309880	11/12/13	8,256.14
VERIZON WIRELESS	CELL PHONE CHGS 9/22/13 - 10/21/13	309881	11/12/13	60.21
VISTA PAINT	MOP 68834 HOSE AIRLESS	309882	11/12/13	713.17
ZOLL MEDICAL CORP	AUTOPULSE EXTENDED WARRANTY / FIRE	309883	11/12/13	8,961.75

A/P Total 412,626.61

PAYROLL

Pay period	Start Date	End Date	Check Date	
23	10/15/2013	10/28/2013	11/6/2013	919,834.82

GRAND TOTAL \$ 1,332,461.43

Certification

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.



MARK ROBERTS, FINANCE

LESLIE DEESE, CITY MANAGER

FINANCE COMMITTEE

RONALD J. MORRISON, MAYOR-CHAIRMAN

LUIS NATIVIDAD, VICE-MAYOR

ALEJANDRA SOTELO-SOLIS, MEMBER

MONA RIOS, MEMBER

JERRY CANO, MEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 3rd OF DECEMBER, 2013.

AYES _____

NAYS _____

ABSENT _____

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing - Adopting Appendix J of the 2013 California Building Code, amending certain sections of Appendix J and amending Chapter 15.70 (Grading) of the National City Municipal Code.

PREPARED BY: Stephen Manganiello

DEPARTMENT: Engineering

PHONE: X4583

APPROVED BY: _____

EXPLANATION:

See attached



FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

N/A

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Hold the Public Hearing.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Explanation

The California Health and Safety Code section 17922 requires that each jurisdiction in the state adopt the most recent edition of the California Building Standards Code within 180 days of publication. If it is not adopted by a jurisdiction, it has the force of law 180 days after publication. When adopting the California Building Standards Code a jurisdiction may establish more restrictive standards reasonably necessary based on climatic, geologic or topographic conditions.

Appendix J of the 2013 California Building Standards Code pertains to grading. Staff conducted a review of Appendix J of the 2013 California Building Standards Code and Chapter 15.70, Grading of the National City Municipal Code (NCMC). Staff recommends the following changes since National City has maintained more restrictive standards than the State based on our local conditions.

The changes include:

- Updating all references to the 2010 California Building Code to reference the 2013 California Building Code;
- Updating references to the Development Services Department to reference the Engineering Department;
- Updating references from the Planning Director to reference the Principal Planner;
- Correcting typographical errors contained within Chapter 15.70;
- Adding clarification to definitions within Chapter 15.70;
- Deleting Section 15.70.050 of the NCMC and Section J103.2.8 of the California Building Code pertaining to retaining walls less than or equal to three feet;
- Amending Section 15.70.065 to require grading plans to be signed by a registered civil engineer and a soil engineer, and setting conditions when this requirement may be waived;
- Adding the Public Work Inspection Manual (latest adopted edition) to Section 15.70.075 (A);
- Clarifying when an excavation inspection is required under Section 15.70.080 (C);
- Updating Section 15.70.145 Grading Fees, as follows: “The plan review and permit fees shall be assessed in accordance with the current City of National City Fee Schedule.”

- **Updating Section 15.70.165 Bonds, as follows: "The City Engineer shall require a surety bond in the amount of 100% of the engineers' cost estimate to ensure that the work, if not completed in accordance with approved plans and specifications, will be corrected to eliminate any potentially hazardous conditions."**

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing - AMENDING CHAPTER 15.04 OF THE NATIONAL CITY MUNICIPAL CODE BY AMENDING SECTION 15.04.010 PERTAINING TO THE CITY COUNCIL'S AUTHORITY UNDER TITLE 15

PREPARED BY: Luis Sainz, Building Official

PHONE: 4214

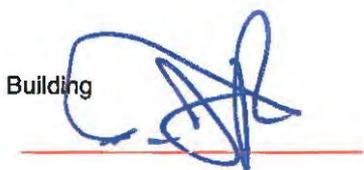
EXPLANATION:

See attached



DEPARTMENT: Building

APPROVED BY:



FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Hold the Public Hearing

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Explanation

Staff Report on the Adoption of the 2013 California Building Standards Code

The California Health and Safety Code Section 17922 requires that each jurisdiction in the state adopt the most recent edition of the California Building Standards Code within 180 days of publication. If it is not adopted by a jurisdiction it has the force of law 180 days after publication. A jurisdiction may propose amendments, additions and deletions to those codes. When adopting the California Building Standards Code a jurisdiction may establish more restrictive standards reasonably necessary based on climatic, geological or topographical conditions.

This year the California Building Standards Commission published the 2013 California Building Standards Code which is based on the 2012 International Building Code, 2012 International Residential Code, 2012 Uniform Plumbing Code, 2012 Uniform Mechanical Code and the 2011 National Electrical Code, 2013 edition.

The National City Building Division recommends adoption of the 2013 California Building codes.

The Building Division also recommends amending Chapter 15.04 of the City of National City Municipal code by amending section 15.04.010 pertaining to the City Council's Authority under Title 15.

1. **Alternate Materials and Method of Construction**
2. **Refusal to issue Permits**
3. **Notice to Abate Public Nuisances**
4. **Interpretation of city codes**
5. **Disabled Access Regulations**
6. **Decision of City Council to be Final**
 - B. **Definition. "Authority" means the Building Official of the City of National City**

Upcoming actions will include a Public Hearing and Final Adoption of the Ordinances, currently scheduled for the City Council Meeting on December 3, 2013.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

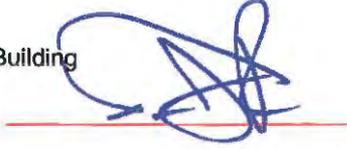
ITEM TITLE:

Public Hearing - ADOPTING THE 2013 CALIFORNIA ELECTRICAL CODE, INCLUDING ANNEX H, AND THE 2011 NATIONAL ELECTRIC CODE, AND AMENDING CERTAIN SECTIONS OF THOSE CODES, AND AMENDING CHAPTER 15.24 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

DEPARTMENT: Building

PHONE: 4214

APPROVED BY: 

EXPLANATION:

See attached

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Hold the Public Hearing

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Explanation

Staff Report on the Adoption of the 2013 California Building Standards Code

The California Health and Safety Code Section 17922 requires that each jurisdiction in the state adopt the most recent edition of the California Building Standards Code within 180 days of publication. If it is not adopted by a jurisdiction it has the force of law 180 days after publication. A jurisdiction may propose amendments, additions and deletions to those codes. When adopting the California Building Standards Code a jurisdiction may establish more restrictive standards reasonably necessary based on climatic, geological or topographical conditions.

This year the California Building Standards Commission published the 2013 California Building Standards Code which is based on the 2012 International Building Code, 2012 International Residential Code, 2012 Uniform Plumbing Code, 2012 Uniform Mechanical Code and the 2011 National Electrical Code, 2013 edition.

The National City Building Division recommends adoption of the 2013 California Electrical Code.

Upcoming actions will include a Public Hearing and Final Adoption of the Ordinances, currently scheduled for the City Council Meeting on December 3, 2013.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

PUBLIC HEARING - ADOPTING THE 2013 CALIFORNIA FIRE CODE AND THE APPENDICES THERETO, ADOPTING THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS, AND AMENDING CHAPTER 15.28 OF THE NATIONAL CITY MUNICIPAL CODE. (Fire)

PREPARED BY: Robert Hernandez / Fire Marshall

DEPARTMENT: Fire

PHONE: 4552

APPROVED BY: _____

EXPLANATION:

State law requires that the City of National City adopt the California Fire Code, 2013 Edition subsequently these codes are being submitted for adoption. Technical amendments made to those codes are needed due to topographical, geographical, or climatic conditions. Specific findings regarding the local technical amendments must be made by the local jurisdiction and filed with the Department of Housing and Community Development. State law does not restrict local amendments to the administrative provisions of the codes

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Hold the Public Hearing

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing - ADOPTING THE 2013 CALIFORNIA ENERGY CODE, AND AMENDING CHAPTER 15.75 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

PHONE: 4214

EXPLANATION:

See attached

DEPARTMENT: Building

APPROVED BY: 

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Hold the Public Hearing

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Explanation

Staff Report on the Adoption of the 2013 California Building Standards Code

The California Health and Safety Code Section 17922 requires that each jurisdiction in the state adopt the most recent edition of the California Building Standards Code within 180 days of publication. If it is not adopted by a jurisdiction it has the force of law 180 days after publication. A jurisdiction may propose amendments, additions and deletions to those codes. When adopting the California Building Standards Code a jurisdiction may establish more restrictive standards reasonably necessary based on climatic, geological or topographical conditions.

This year the California Building Standards Commission published the 2013 California Building Standards Code which is based on the 2012 International Building Code, 2012 International Residential Code, 2012 Uniform Plumbing Code, 2012 Uniform Mechanical Code and the 2011 National Electrical Code, 2013 edition.

The National City Building Division recommends adoption of the 2013 California Energy Code.

Upcoming actions will include a Public Hearing and Final Adoption of the Ordinances, currently scheduled for the City Council Meeting on December 3, 2013.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing - ADOPTING THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE, AND AMENDING CHAPTER 15.78 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

PHONE: 4214

EXPLANATION:

See attached

DEPARTMENT: Building

APPROVED BY: 

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ Finance

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Hold the Public Hearing

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Explanation

Staff Report on the Adoption of the 2013 California Building Standards Code

The California Health and Safety Code Section 17922 requires that each jurisdiction in the state adopt the most recent edition of the California Building Standards Code within 180 days of publication. If it is not adopted by a jurisdiction it has the force of law 180 days after publication. A jurisdiction may propose amendments, additions and deletions to those codes. When adopting the California Building Standards Code a jurisdiction may establish more restrictive standards reasonably necessary based on climatic, geological or topographical conditions.

This year the California Building Standards Commission published the 2013 California Building Standards Code which is based on the 2012 International Building Code, 2012 International Residential Code, 2012 Uniform Plumbing Code, 2012 Uniform Mechanical Code and the 2011 National Electrical Code, 2013 edition.

The National City Building Division recommends adoption of the 2013 California Green Building Standards Code.

Upcoming actions will include a Public Hearing and Final Adoption of the Ordinances, currently scheduled for the City Council Meeting on December 3, 2013.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing - ADOPTING THE CALIFORNIA MECHANICAL CODE, INCLUDING APPENDIX CHAPTERS A, B, C, AND D, AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.14 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

PHONE: 4214

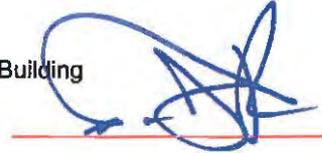
EXPLANATION:

See attached



DEPARTMENT: Building

APPROVED BY:



FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Hold the Public Hearing

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Explanation

Staff Report on the Adoption of the 2013 California Building Standards Code

The California Health and Safety Code Section 17922 requires that each jurisdiction in the state adopt the most recent edition of the California Building Standards Code within 180 days of publication. If it is not adopted by a jurisdiction it has the force of law 180 days after publication. A jurisdiction may propose amendments, additions and deletions to those codes. When adopting the California Building Standards Code a jurisdiction may establish more restrictive standards reasonably necessary based on climatic, geological or topographical conditions.

This year the California Building Standards Commission published the 2013 California Building Standards Code which is based on the 2012 International Building Code, 2012 International Residential Code, 2012 Uniform Plumbing Code, 2012 Uniform Mechanical Code and the 2011 National Electrical Code, 2013 edition.

The National City Building Division recommends adoption of the 2013 California Mechanical Code with the following changes:

- 15.14.080 Chapter 1, Division II, Section 516 "Recirculating Systems" – Deleted. Section 516 of the 2013 California Mechanical Code is deleted. In the prior *2010 Residential Code* the installation of Recirculating Kitchen Systems were deleted from the code due to the large number of domestic kitchen fires due to grease buildup in the carbon filters since they were not being maintained properly. It is the recommendation of the Building Official and Fire Marshal that Recirculating Systems not be allowed in commercial kitchens since staffing levels do not provide sufficient time to perform the number of inspections required to maintain the required safety of the devices, nor can the department assure business staff maintains the required cleanings as specified by the manufacturer.

Upcoming actions will include a Public Hearing and Final Adoption of the Ordinances, currently scheduled for the City Council Meeting on December 3, 2013.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing - ADOPTING THE 2013 CALIFORNIA PLUMBING CODE AND TABLE 2902.1 OF THE 2013 CALIFORNIA BUILDING CODE, AMENDING CERTAIN SECTIONS OF THOSE CODES, AND AMENDING CHAPTER 15.20 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

PHONE: 4214

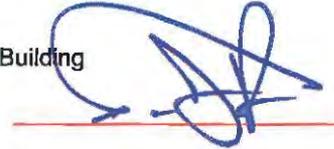
EXPLANATION:

See attached



DEPARTMENT: Building

APPROVED BY:



FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ Finance

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Hold the Public Hearing

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Explanation

Staff Report on the Adoption of the 2013 California Building Standards Code

The California Health and Safety Code Section 17922 requires that each jurisdiction in the state adopt the most recent edition of the California Building Standards Code within 180 days of publication. If it is not adopted by a jurisdiction it has the force of law 180 days after publication. A jurisdiction may propose amendments, additions and deletions to those codes. When adopting the California Building Standards Code a jurisdiction may establish more restrictive standards reasonably necessary based on climatic, geological or topographical conditions.

This year the California Building Standards Commission published the 2013 California Building Standards Code which is based on the 2012 International Building Code, 2012 International Residential Code, 2012 Uniform Plumbing Code, 2012 Uniform Mechanical Code and the 2011 National Electrical Code, 2013 edition.

The National City Building Division recommends adoption of the 2013 California Plumbing Code.

Upcoming actions will include a Public Hearing and Final Adoption of the Ordinances, currently scheduled for the City Council Meeting on December 3, 2013.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing - ADOPTING VOLUMES I AND II AND APPENDICES C, G, H, AND I OF THE 2013 CALIFORNIA BUILDING CODE, AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.08 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

PHONE: 4214

EXPLANATION:

See attached



DEPARTMENT: Building

APPROVED BY:



FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Hold the Public Hearing

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Explanation

Staff Report on the Adoption of the 2013 California Building Standards Code

The California Health and Safety Code Section 17922 requires that each jurisdiction in the state adopt the most recent edition of the California Building Standards Code within 180 days of publication. If it is not adopted by a jurisdiction it has the force of law 180 days after publication. A jurisdiction may propose amendments, additions and deletions to those codes. When adopting the California Building Standards Code a jurisdiction may establish more restrictive standards reasonably necessary based on climatic, geological or topographical conditions.

This year the California Building Standards Commission published the 2013 California Building Standards Code which is based on the 2012 International Building Code, 2012 International Residential Code, 2012 Uniform Plumbing Code, 2012 Uniform Mechanical Code and the 2011 National Electrical Code, 2013 edition.

The National City Building Division recommends adoption of the 2013 California Building Code. The Building Division also recommends amending the definition of the Building Existing to read as follows:

- 15.08.020 Chapter 2, Definitions-Added. *Building, Existing.* An “existing building” is a building erected prior to the adoption of the 2013 California Building Code, or one for which a legal building permit has been issued. If more than fifty-percent of a structural roof or more than fifty-percent of all exterior walls are removed as part of a project, the building is not an existing building.

Upcoming actions will include a Public Hearing and Final Adoption of the Ordinances, currently scheduled for the City Council Meeting on December 3, 2013.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing - ADOPTING THE 2013 CALIFORNIA RESIDENTIAL CODE, AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.79 OF THE NATIONAL CITY MUNICIPAL CODE

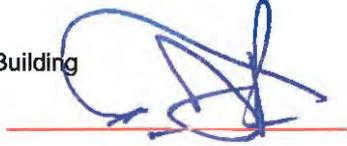
PREPARED BY: Luis Sainz, Building Official

PHONE: 4214

EXPLANATION:

See attached

DEPARTMENT: Building

APPROVED BY: 

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Hold the Public Hearing

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Explanation

Staff Report on the Adoption of the 2013 California Building Standards Code

The California Health and Safety Code Section 17922 requires that each jurisdiction in the state adopt the most recent edition of the California Building Standards Code within 180 days of publication. If it is not adopted by a jurisdiction it has the force of law 180 days after publication. A jurisdiction may propose amendments, additions and deletions to those codes. When adopting the California Building Standards Code a jurisdiction may establish more restrictive standards reasonably necessary based on climatic, geological or topographical conditions.

This year the California Building Standards Commission published the 2013 California Building Standards Code which is based on the 2012 International Building Code, 2012 International Residential Code, 2012 Uniform Plumbing Code, 2012 Uniform Mechanical Code and the 2011 National Electrical Code, 2013 edition.

The National City Building Division recommends adoption of the 2013 California Residential Code.

Upcoming actions will include a Public Hearing and Final Adoption of the Ordinances, currently scheduled for the City Council Meeting on December 3, 2013.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

An Ordinance of the City Council of the City of National City, adopting Appendix J of the 2013 California Building Code, amending certain sections of Appendix J and amending Chapter 15.70 (Grading) of the National City Municipal Code.

PREPARED BY: Stephen Manganiello

DEPARTMENT: Engineering

PHONE: 336-4382

APPROVED BY: 

EXPLANATION:

The Ordinance was introduced at the Council meeting on November 19, 2013. A public hearing was held earlier this evening. Adopting this Ordinance will finalize Council's action.

FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____

Finance

APPROVED: _____

MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Ordinance.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2013 – 2385

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING APPENDIX J OF THE 2013 CALIFORNIA BUILDING CODE
AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING
CHAPTER 15.70 (GRADING) OF THE NATIONAL CITY MUNICIPAL CODE

The City Council of the City of National City does ordain as follows:

Section 1. The City Council of the City of National City hereby adopts Appendix J of the 2013 California Building Code, California Code of Regulations, Title 24, Part II, Appendix J.

Section 2. The City Council of the City of National City hereby amends, adds, and deletes certain sections of Appendix J of the 2013 California Building Code.

Section 3. The City Council of the City of National City amends Chapter 15.70 of the National City Municipal Code to read as follows:

CHAPTER 15.70

GRADING

Sections:

- 15.70.005 Adoption of Appendix J of the 2013 California Building Code—Amended.
- 15.70.010 Purpose.
- 15.70.015 Appendix J of the 2013 California Building Code, Section J101 "General", Subsection 1 "Scope"—Amended.
- 15.70.020 Appendix J of the 2013 California Building Code, Section J102 "Definitions"—Amended.
- 15.70.025 Hazards and safety precautions.
- 15.70.030 Appendix J of the 2013 California Building Code, Section J103 "Permits required", Subsection 2.1 "Exemptions"—Amended.
- 15.70.035 Appendix J of the 2013 California Building Code, Section J103 "Permits required", Subsection 2.2 "Exemptions"—Amended.
- 15.70.040 Appendix J of the 2013 California Building Code, Section J103 "Permits required", Subsection 2.5 "Exemptions"—Amended.
- 15.70.045 Appendix J of the 2013 California Building Code, Section J103 "Permits required", Subsection 2.6 "Exemptions"—Amended.
- 15.70.055 Appendix J of the 2013 California Building Code, Section J103 "Permits required", Subsection 2.8 "Exemptions"—Added.
- 15.70.060 Appendix J of the 2013 California Building Code, Section J104 "Permit application and submittals", Subsection J104.5 "Engineered grading requirements"—Added.

- 15.70.065 Appendix J of the 2013 California Building Code, Section J104 "Permit application and submittals", Subsection J104.6 "Regular grading and retaining wall construction requirements"—Added.
- 15.70.070 Appendix J of the 2013 California Building Code, Section J104 "Permit application and submittals", Subsection J104.7 "Licenses and insurance"—Added.
- 15.70.075 Appendix J of the 2013 California Building Code, Section J104 "Permit application and submittals", Subsection J104.8 "Conditions"—Added.
- 15.70.080 Appendix J of the 2013 California Building Code, Section J105 "Inspections", Subsection J105.3 -Added.
- 15.70.085 Appendix J of the 2013 California Building Code, Section J106 "Excavations", Subsection J106.1.2 "Exceptions"—Deleted.
- 15.70.090 Appendix J of the 2013 California Building Code, Section J107 "Fills", Subsection 1 "General"—Deleted.
- 15.70.095 Appendix J of the 2013 California Building Code, Section J107 "Fills", Subsection 2 "Surface Preparation"—Amended.
- 15.70.100 Appendix J of the 2013 California Building Code, Section J107 "Fills", Subsection 4—Amended.
- 15.70.105 Appendix J of the 2013 California Building Code, Section J108 "Setbacks", Subsection 1 "General"—Amended.
- 15.70.110 Appendix J of the 2013 California Building Code, Section J108, "Setbacks", Subsection 2 "Top of Slope"—Amended.
- 15.70.115 Appendix J of the 2013 California Building Code, Section J108 "Setbacks", Figure J108.1, "Drainage Dimensions"—Amended.
- 15.70.120 Appendix J of the 2013 California Building Code, Section J108 "Setbacks", Subsection 3 "Slope Protection"—Amended.
- 15.70.125 Appendix J of the 2013 California Building Code, Section J109 "Drainage and Terracing", Subsection 4 "Drainage across property lines" - Amended.
- 15.70.130 Appendix J of the 2013 California Building Code, Section J109 "Drainage and Terracing", Subsection 5 "Surface Run-off Interception" - Added.
- 15.70.135 Appendix J of the 2013 California Building Code, Section J109 "Drainage and Terracing", Subsection 6 "Easements and Encumbrances" - Added.
- 15.70.140 Appendix J of the 2013 California Building Code, Section J110 "Erosion Control", Subsection 3 "Storm Water Erosion and Sediment"—Added.
- 15.70.145 Grading fees.
- 15.70.146 Work commencing prior to permit issuance
- 15.70.150 Completion of work.

- 15.70.155 Rough grading permit.
- 15.70.160 Parking lots.
- 15.70.165 Bonds.
- 15.70.170 Violation a misdemeanor.

15.70.005 Adoption of Appendix J of the 2013 California Building Code—Amended.

There is adopted by the city council for the purpose of prescribing regulations governing the excavation and grading on private property, and the issuance of permits and providing for the inspection thereof, Appendix J of the 2013 California Building Code, subject to the amendments, additions and deletions set forth in this chapter based on local climatic, geological or topographical conditions. A copy of this adopted code is on file in the engineering department.

15.70.010 Purpose. The purpose of this Chapter is to safeguard life, limb, property, and the public welfare by regulating grading and other earthwork activities, or by controlling existing fills and excavations, and the construction of retaining walls, drainage facilities on private property and to ensure that soil erosion, sedimentation, and storm water runoff are regulated to reduce, to the maximum extent practicable, pollutants entering the storm water conveyance system and waters of the state to protect water quality.

15.70.015 Appendix J of the 2013 California Building Code, Section J101 "General", Subsection 1 "Scope"—Amended. Section J101, Subsection 1 of the 2013 California Building Code is amended to read as follows:

J101.1 Scope. This Ordinance sets forth rules and regulations to control excavation, grading, drainage, earthwork construction, including fills and embankments, and retaining wall construction; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading and retaining wall construction. Where conflicts occur between the technical requirements of this chapter and the geotechnical report, the geotechnical report shall govern.

15.70.020 Appendix J of the 2013 California Building Code, Section J102 "Definitions"—Amended. For the purposes of Chapter 15.70, the following definitions supplement , or modify certain definitions in Appendix J of the 2013 California Building Code, Section J102. All other definitions listed in the 2013 Building Code shall remain applicable.

APPROVAL - The term "approval" does not constitute certification of the project as a whole in terms of completeness, accuracy, design and construction standards, as shown on the plans.

AUTHORITY HAVING JURISDICTION - means the City Engineer of the City of National City, or designee.

BEST MANAGEMENT PRACTICES OR BMPS - means schedules of activities, pollution treatment practices or devices, prohibitions of practices,

general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the discharge of pollutants directly or indirectly to Storm Water, Receiving Waters, or the Storm Water Conveyance System. Best Management Practices also include but are not limited to treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. Best Management Practices may include any type of pollution prevention and pollution control measure that can help to achieve compliance with this Chapter. Best Management Practices may include any type of pollution prevention and pollution control measure, which the City Engineer finds, is necessary to reduce pollutants entering the Waters of the State to the Maximum Extent Practicable.

BUILDING OFFICIAL - means the City Engineer or designee.

CIVIL ENGINEER - means a professional engineer registered in the State of California to practice in the field of civil engineering as defined in Section 6731 of the California Business and Professions Code. He or she is the person directly responsible for the project design, plan certification, and construction supervision.

DRAINAGE PLAN - means a plan which shows existing and proposed site drainage within a property that is to be developed or rough graded. The drainage plan shall be prepared by a registered civil engineer, an architect, or other qualified and licensed professionals, and shall comply with the standards and requirements of the City Engineer. If, for a given development, no grading is proposed, or the earthwork quantity involved in the grading is below the established limit of this ordinance, and for which a grading plan is not required, then as a minimum, a drainage plan shall be submitted for the development.

EROSION CONTROL PLAN - means a plan prepared and signed and stamped/sealed by a civil engineer competent in the preparation of such plans and knowledgeable about current erosion control methods. The plan shall provide for protection of exposed soils, prevention of discharge of sediment, and desiltation of runoff at frequent intervals along flowage areas, at entrances to storm drains, at entrances to streets and driveways, and at the exit of the area being graded.

EROSION CONTROL SYSTEM - means any combination of desilting facilities, retarding basins, flow decelerates, and/or erosion protection (including effective planning and the maintenance thereof) to protect the project site, adjacent private property, watercourses, public facilities, graded improvements, existing natural facilities, archaeological artifacts, and relieve waters of suspended sediments or debris prior to discharge from the site.

GRADE - means the vertical location of the ground surface, in relation to a National City benchmark elevation.

MAXIMUM EXTENT PRACTICABLE or ("MEP") - means the standard established in Clean Water Act section 402(p)(3)(B)(iii) that municipal dischargers of storm water must meet. MEP is an acceptability standard for Best Management Practices based on a level of pollutant reduction that can be achieved by the most effective set of BMPs that can be implemented and still remain practicable; MEP generally emphasizes pollution prevention and source control BMPs as the first line of defense in combination with treatment methods as a backup.

PERMITTEE - means any person, corporation, partnership, limited liability company, non-profit entity, joint venture, association of any type, public entity or any other legal entity, which submits an application for a permit pursuant to this Chapter.

POLLUTANT - means any agent that may cause or contribute to the degradation of water quality, including, but not limited to, earth materials.

RAINY SEASON - means the period beginning October 1st and ending April 30th in the next calendar year. The remainder of the year is the dry season.

RETAINING WALL PLAN - means a plan prepared by a registered civil engineer, an architect, or other qualified professional, which shows pertinent top and bottom of wall elevations and the wall profile, together with the existing and proposed ground elevations and profile at the wall. The plan shall be prepared in accordance with the requirements set forth by the City Engineer, and shall be subject to approval by the City Engineer. The plan shall be required for walls in excess of 3 feet (3') in height, measured from the top of the footing, to the top of the wall, and for walls less than or equal to 3 feet (3') in height measured from the top of the footing, to the top of the wall, supporting a surcharge or a sloped backfill. The retaining walls shall be in accordance with the Regional Standard Drawings, and the Standard Specifications, or shall be specially engineered.

STORM WATER CONVEYANCE SYSTEM - means private and public drainage facilities within the city by which storm water may be conveyed to waters of the United States, including but not limited to, streets, roads, catch basins, natural and artificial channels, natural and artificial drainage features, aqueducts, canyons, stream beds, gullies, curbs, gutters, ditches, and storm drains. Historic and current development makes use of natural drainage patterns and features as conveyances for urban runoff. Urban streams used in this manner are part of the Storm Water Conveyance System regardless of whether they are natural, man-made, or partially modified features.

WATERS OF THE STATE - means any water, surface or underground, including saline waters within the boundaries of California, including a municipal storm sewer system (MS4).

WATERS OF THE UNITED STATES - has the same meaning as in 40 Code of Federal Regulations section 122.2.

15.70.025 Hazards and safety precautions.

If, at any stage of work, the City Engineer determines that authorized grading is likely to endanger any public or private property or result in the deposition of debris on any public way or interfere with any existing drainage course, the City Engineer may specify and require reasonable safety precautions to avoid the danger. The permittee shall be responsible for removing excess soil and debris deposited upon adjacent and downstream public or private property resulting from permittee's grading operations. Soil and debris shall be removed and damage to adjacent and downstream property repaired as directed by the city engineer. Erosion and siltation control shall require temporary or permanent siltation basins, energy dissipaters, or other measures as field conditions warrant, whether or not such measures are a part of approved plans. The permittee shall incur cost associated with any work outlined in this section.

The City Engineer shall not issue a grading permit in any case where the City Engineer finds that the work, as proposed by the applicant, will damage any private or public property, or interfere with any existing drainage course in a manner which may cause damage to any adjacent property, or result in the depositing of debris on any public way, or create an unreasonable hazard to person or property, or cause or contribute to an exceedance of state water quality objectives, or fail to reduce pollutants from the site to the maximum extent practicable.

15.70.030 Appendix J of the 2013 California Building Code, Section J103 "Permits required", Subsection 2.1 "Exemptions"—Amended. Section J103.2.1 of the 2013 California Building Code is amended to read as follows:

1. When approved by the City Engineer, grading in an isolated or self-contained area, provided there is no danger to the public, and such grading will not adversely affect adjoining properties.

15.70.035 Appendix J of the 2013 California Building Code, Section J103 "Permits required", Subsection 2.2 "Exemptions"—Amended. Section J103.2.2 of the 2013 California Building Code is amended to read as follows:

2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1525 mm) after the completion of such structure.

15.70.040 Appendix J of the 2013 California Building Code, Section J103 "Permits required", Subsection 2.5 "Exemptions"—Amended. Section J103.2.5 of the 2013 California Building Code is amended to read as follows:

5. Excavations for wells or trenches for utilities on private property.

15.70.045 Appendix J of the 2013 California Building Code, Section J103 "Permits required", Subsection 2.6 "Exemptions"—Amended. Section J103.2.6 of the 2013 California Building Code is amended to read as follows:

6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property, excepting the dumping and stockpiling of dirt and rubble, which is strictly prohibited in National City.

15.70.055 Appendix J of the 2013 California Building Code, Section J103 "Permits required", Subsection 2.8 "Exemptions"—Added. Section J103.2.8 is added to the 2013 California Building Code to read as follows:

8. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage course.

15.70.060 Appendix J of the 2013 California Building Code, Section J104 "Permit application and submittals", Subsection J104.5 "Engineered grading requirements"—Added. Section J104.5 is added to the 2013 California Building Code to read as follows:

J104.5 Engineered Grading Requirements - Application for a grading permit shall be accompanied by a work schedule including details of the hauling operation, size of trucks, haul route, dust and debris control measures and time and frequency of haul trips; four sets of plans and specifications; and two sets of supporting data consisting of a soils engineering report, engineering geology report (if necessary), drainage study, structural calculations, cost estimate and applicable fees, and other pertinent information as may be required by the City Engineer and all relevant information listed in the plan checklists as developed by the City Engineer.

15.70.065 Appendix J of the 2013 California Building Code, Section J104 "Permit application and submittals", Subsection J104.6 "Regular grading and retaining wall construction requirements"—Added. Section J104.6 is added to the 2013 California Building Code to read as follows:

J104.6 Regular Grading and Retaining Wall Construction Requirements. Each application for a grading or retaining wall permit shall be accompanied by four sets of plans and specifications, in sufficient clarity, to indicate the nature and extent of the work, as well as supporting data consisting of a soils engineering report, engineering geology report (if necessary), drainage study, structural calculations, cost estimate, and other pertinent information as required by the City Engineer. All grading plans shall be prepared and signed and stamped/sealed by a registered civil engineer and by a registered soil engineer, or registered civil engineer competent in soils engineering. The plans shall include the following information:

- 1 Location of work;
- 2 Name of the person who prepared the plans;
- 3 General vicinity of the proposed site;
- 4 Limiting dimensions and depth of cut and fill with input and export values;
- 5 Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet (15') of the proposed grading;
- 6 All other relevant information listed in the plan checklists as developed by the City Engineer.

The City Engineer may waive the requirement for a grading permit when the proposed grading is on a single lot or parcel not proposed for further subdivision and in the opinion of the City Engineer, the proposed grading entails no hazard to any adjacent property, does not necessitate construction of extensive drainage structures or erosion control facilities, and does not interfere in any way with existing natural or improved drainage courses or channels.

A retaining wall less than or equal to three feet (3') in height measured from the top of the footing to the top of the wall, when no surcharge is present, the backfill is level, and when not an integral part of a building shall be exempt from a grading permit. However, the construction of said retaining wall shall comply with the Regional Standard Drawings, and is subject to inspection by the City Engineer or his/her designee.

15.70.070 Appendix J of the 2013 California Building Code, Section J104 "Permit application and submittals", Subsection J104.7 "Licenses and insurance"—Added. Section J104.7 is added to the 2010 California Building Code to read as follows:

J104.7 Licenses and Insurance. Prior to the issuance of a permit, the applicant or the applicant's contractor shall present to the City Engineer evidence of the following:

- I. Coverage of general liability insurance and worker's compensation in the amounts required by the City Engineer. Such insurance policy shall name the City of National City and its elected officials, officers, agents, and employees as additional insured. The actual endorsements or policy language regarding automatic additional insureds must be provided.
- II. City business license, which may be obtained from the National City Finance Department.
- III. Appropriate state contractor license.

15.70.075 Appendix J of the 2013 California Building Code, Section J104 "Permit application and submittals", Subsection J104.8 "Conditions"—Added. Section J104.8 of the 2014 California Building Code is added to read as follows:

A. Standards. All grading, drainage, and retaining wall work done under this ordinance shall be in accordance with the approved plans and the conditions of the required permits. The work shall conform to the Standards of the City of National City, the County of San Diego Regional Standard Drawings (latest adopted edition), the Public Works Inspection Manual (latest adopted edition), the Standard Specifications for Public Works Construction (latest adopted edition), and any other conditions as may be determined by the City Engineer to be applicable to the work. Deviations from the requirements of these standards may be permitted by the City Engineer, based upon written reports and recommendations by qualified authorities.

B. Water Quality. It shall be a condition of every permit issued under this Chapter that the Permittee shall comply with all the provisions of the City of National City Watercourse Protection, Storm Water Management and Discharge Control Ordinance in Chapter 14.22 of this Code.

C. Minimum BMPs. The BMPs required by the City of National City Storm Water Best Management Practices Manual adopted in this Municipal Code shall be the minimum BMPs required for issuance of a grading permit and additional BMPs may be required by the City Engineer as a condition of issuance of the grading permit.

D. Grading Plan Requirements. All grading plans, regardless of the date of submittal, shall include an erosion control plan designed to limit erosion of all disturbed portions of the property and to eliminate the transport of soil onto adjacent properties or into streets, storm drains, or drainage ways.

E. Standard Urban Storm Water Mitigation Plan (SUSMP) Checklist. A SUSMP checklist as created by the City Engineer shall be submitted with plans.

15.70.080 Appendix J of the 2013 California Building Code, Section J105 "Inspections", Subsection J105.3—Added. Section J105.3 is added to the California Building Code to read as follows:

J105.3 The Permittee or his agent shall notify the City Engineer:

A. Initial inspection (pre-construction conference) - when he is ready to begin grading and not less than forty-eight (48) hours before any grading is to be commenced. The pre-construction meeting shall be attended by the owner of the property, the soils engineer and the engineering geologist (when necessary) the design engineer, the grading contractor, and the building and engineer inspectors.

B. Toe of fill inspection. After the natural ground is exposed and prepared to receive fill, but before any fill is placed.

C. Excavation Inspection - After excavation is started, but before the vertical depth of the excavation exceeds 10 feet.

D. Fill Inspection. After fill and placement is started, but before the vertical height of the lifts exceeds 10 feet.

E. Drainage Device Inspection - Before and after forms and reinforcement are in place, but before any concrete is placed.

F. Rough Grading. Upon completion of all rough grading, including installation of all drainage structures and other protective devices, at least twenty-four hours before inspection is to be made.

G. Final Inspection. Upon completion and approval by the project Civil Engineer and Soils Engineer of all work shown on the plans and the permit including the installation of all drainage or other structures.

H. In addition to the above, inspections for retaining walls shall be per the San Diego County Regional Standard Drawings or special Engineering.

I. Modification of approved plans, if changes are to be made in the approved plans during construction, the applicant, or his agent, shall submit an engineering change order to the inspector or to the City Engineer, for review and approval.

15.70.085 Appendix J of the 2013 California Building Code, Section J106 "Excavations", Subsection J106.1.2 "Exceptions"—Deleted. Appendix J of the 2013 California Building Code, Section J106.1.2 "Exception" is deleted.

15.70.090 Appendix J of the 2013 California Building Code, Section J107 "Fills", Subsection 1 "General"—Deleted. Appendix J of the 2010 California Building Code, Section J107 "Fills", Subsection 1 "General" is deleted.

15.70.095 Appendix J of the 2013 California Building Code, Section J107 "Fills", Subsection 2 "Surface Preparation"—Amended. Subsection J107.2 of the 2013 California Building Code is amended to read as follows:

J107.2 *Surface preparation.* Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical in 2 units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 1 unit vertical in 5 units horizontal (20% slope) and the height is greater than 5 feet (1524 mm), by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of fill shall be at least 10 feet (3048 mm) wide. The area beyond the toe of fill shall be at least 10 ft (3048 mm) wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both, as a suitable foundation for fill.

15.70.100 Appendix J of the 2013 California Building Code, Section J107 "Fills", Subsection 4—Amended. Subsection J107.4 of the 2013 California Building Code is amended to read as follows:

J107.4 *Fill Material.* Organic material shall not be permitted in fills. Except as permitted by the City Engineer, no rock or similar irreducible material with a maximum dimension greater than 12 inches (305 mm) shall be buried or placed in fills.

Exception: The City Engineer may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approved the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than 12 inches (305 mm) in maximum dimension shall be 10 feet (3048 mm) or more below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

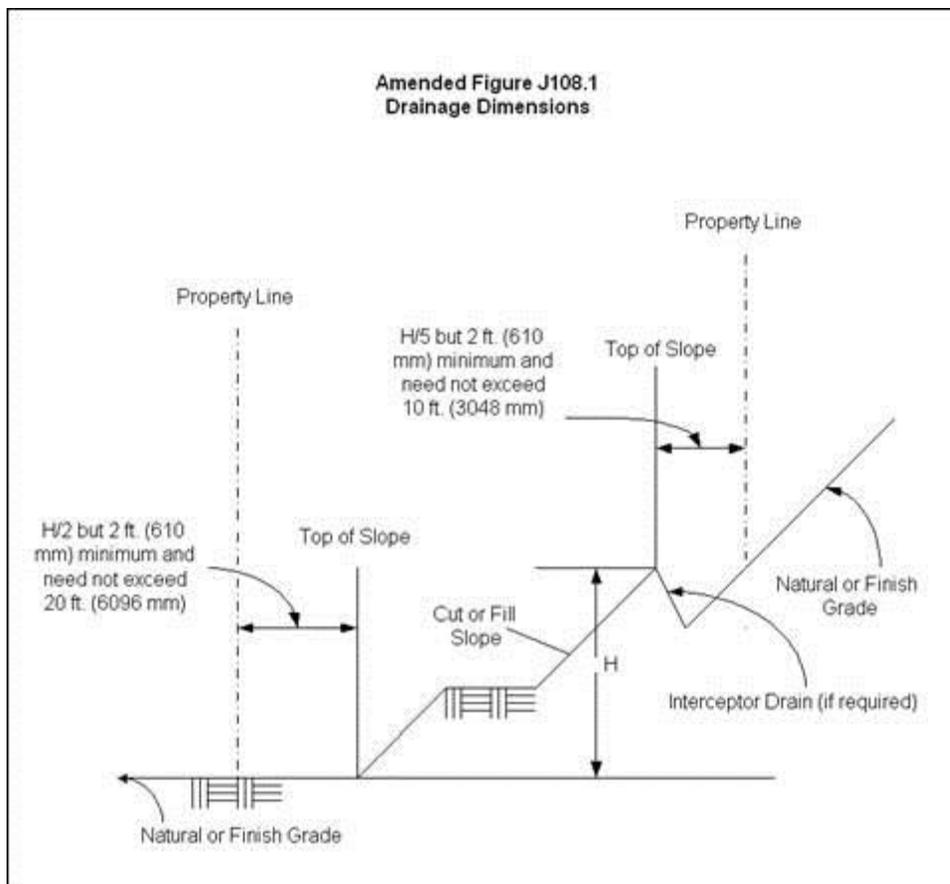
15.70.105 Appendix J of the 2013 California Building Code, Section J108 "Setbacks", Subsection 1 "General"—Amended. Subsection J108.1 of the 2013 California Building Code is amended to read as follows:

J108.1 *General*. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in amended FIGURE J108.1 as shown in this Chapter.

15.70.110 Appendix J of the 2013 California Building Code, Section J108, "Setbacks", Subsection 2 "Top of Slope"—Amended. Subsection J108.2 of the 2013 California Building Code is amended to read as follows:

J108.2 *Top of slope*. The setback at the top of a cut slope shall not be less than that shown in amended Figure J108.1 as shown in this chapter, or than is required to accommodate any required interceptor drains, whichever is greater.

15.70.115 Appendix J of the 2013 California Building Code, Section J108 "Setbacks", Figure J108.1, "Drainage Dimensions"—Amended. Figure J108.1 of the 2013 California Building Code is amended to read as follows:



15.70.120 Appendix J of the 2013 California Building Code, Section J108 "Setbacks", Subsection 3 "Slope Protection"—Amended. Subsection J108.3 of the 2013 Building Code is amended to read as follows:

J108.3 *Slope Protection*. The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet (610 mm) and a maximum of 20 feet (6096 mm). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the City Engineer deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks.
2. Provision for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
4. Provisions for the control of surface waters.

15.70.125 Appendix J of the 2013 California Building Code, Section J109 "Drainage and Terracing", Subsection 4 "Drainage across property lines"—Amended. Subsection J109.4 of the 2013 California Building Code is amended to read as follows:

J109.4 *Drainage Across property lines*. Surface runoff shall not be permitted to flow from one lot to another, unless proper drainage agreements between affected property owners are executed and submitted to the City Engineer. Such agreements shall be subject to approval by the City Engineer, and recorded prior to issuance of the grading permit.

15.70.130 Appendix J of the 2013 California Building Code, Section J109 "Drainage and Terracing", Subsection 5 "Surface Run-off Interception"—Amended Added. Subsection J109.5 is added to the 2013 California Building Code to read as follows:

J109.5 *Surface Run-off Interception* Surface run-off from new landscaping areas shall be intercepted by and directed to approved drainage facilities.

15.70.135 Appendix J of the 2013 California Building Code, Section J109 "Drainage and Terracing", Subsection 6 "Easements and Encumbrances"—Added. Subsection J109.6 is added to the 2013 California Building Code is added to read as follows:

J109.6 *Easements and Encumbrances*. For all private water courses where the continuous functioning of the drainageway is essential to the protection and use of multiple properties, a covenant, a maintenance agreement and/or deed restriction shall be recorded by the applicant, placing the responsibility for the maintenance of the drainageway(s) on the owners of record of each respective lot affected. Permanent off-site drainage easements, as required by the City Engineer, shall be acquired by the applicant. Such easements shall be subject to approval by the City Engineer and recorded prior to issuance of the grading permit.

15.70.140 Appendix J of the California Building Code, Section J110 "Erosion Control", Subsection 3 "Storm Water Erosion and Sediment"—Added. Subsection J110.3 is added to the 2013 California Building Code to read as follows:

J110.3 Stormwater Erosion and Sediment.

A. Plans for an erosion control system shall be prepared and submitted for the review and approval of the City Engineer as a part of any application for a grading permit. The erosion control system shall comply with the requirements of the latest National Pollutant Discharge Elimination System permit and Chapter 14.22 of this Code to satisfy the requirements for erosion control and eliminate the discharge of sediment and pollutants. The erosion control plan shall include, but not be limited to, the following information:

1. Name, address, and a twenty-four-hour phone number of the owner or responsible party, and the person or contractor responsible for installing and maintaining the erosion control system and performing emergency erosion control work;

2. The name, address and signature of the Civil Engineer or person who prepared the plan;

3. All desilting basins, debris basins, silt traps, and other desilting, velocity retarding and protection facilities necessary to adequately protect the site and downstream properties from erosion and its effects, preserve natural hydrologic features, and preserve riparian buffers and corridors;

4. The streets, easements, drains, and other improvements;

5. The location and placement of gravel bags, diverters, check dams, slope planting, drains, and other erosion controlling devices and measures;

6. Access routes to all such erosion control facilities and how access shall be maintained during inclement weather.

B. Erosion control system standards shall be as follows:

1. The faces of cut-and-fill slopes and the project site shall be prepared and maintained to control against erosion. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval of the City Engineer.

2. Where necessary, temporary and/or permanent erosion control devices such as desilting basins, check dams, cribbing, riprap, or other devices or methods as approved by the City Engineer, shall be employed to control erosion, prevent discharge of sediment, and provide safety.

3. Temporary desilting basins constructed of compacted earth shall be compacted to a relative compaction of ninety percent of maximum density. A gravel bag or plastic spillway must be installed for overflow, as designed by the engineer of work, to avoid failure of the earthen dam. A soils engineering report prepared by the Soils Engineer, including the type of field-testing performed, location and results of testing shall be submitted to the City Engineer for approval upon completion of the desilting basins.

4. Desilting facilities shall be provided at drainage outlets from the graded site, and shall be designed to provide a desilting capacity capable of

containing the anticipated runoff for a period of time adequate to allow reasonable settlement of suspended particles.

5. Desilting basins shall be constructed around the perimeter of projects, whenever feasible, and shall provide improved maintenance access from paved roads during wet weather. Grading cost estimates must include maintenance and ultimate removal costs for temporary desilting basins.

6. The erosion control provisions shall take into account drainage patterns during the current and future phases of grading.

7. All removable protective devices shown shall be in place at the end of each working day when there is a fifty percent chance of rain within a forty-eight hour period. If the Permittee does not provide the required installation or maintenance of erosion control structures within two hours of notification at the twenty-four hour number on the plans, the City Engineer may order City crews to do the work or may issue contracts for such work and charge the cost of this work along with reasonable overhead charges to the cash deposits or other instruments implemented for this work without further notification to the owner. No additional work on the project except erosion control work may be performed until the Permittee restores the full amount drawn from the deposit.

8. At any time of year, an inactive site shall be fully protected from erosion and discharges of sediment. Flat areas with less than five percent grade shall be fully covered unless sediment control is provided through desiltation basins at all project discharge points. A site is considered inactive if construction activities have ceased for a period of ten or more consecutive days.

9. Permittee shall implement the following minimum erosion prevention methods to minimize the erosion potential:

a. If feasible, Permittee shall grade only during the dry season, especially in areas at high risk for erosion.

b. Permittee shall minimize the length of time that soils are left exposed to elements of wind and water.

c. If grading must occur during the rainy season, the total area of exposed soil shall be reduced during the rainy season.

d. Critical areas, such as drainage channels, streams and natural watercourses shall be properly protected.

e. Exposed areas shall be stabilized as quickly as feasible.

f. Sufficient waste disposal facilities shall be provided for all proposed activities.

g. Sufficient storage facilities shall be provided for all materials and equipment.

h. Permittee shall ensure that materials used for erosion and sediment control are on site at all times during the rainy season.

i. All slopes shall be protected against erosion and any unstable slopes shall be stabilized.

j. Erosion prevention shall be considered the most important erosion control measure with sediment controls as a backup.

10. During Dry Season (May 1 through September 30), Permittee shall implement the following minimum erosion prevention methods to minimize the erosion potential:

- a. Adequate perimeter protection BMPs must be installed and maintained.
- b. Adequate sediment control BMPs must be installed and maintained.
- c. Adequate BMPs designed to control off-site sediment tracking must be installed and maintained.
- d. At a minimum, 125% of the materials needed to install standby BMPs necessary to completely protect exposed portions of the site from erosion and prevent sediment discharges must be stored on the site.
- e. An approved "weather triggered" response plan is mandated for implementation in the event that a predicted storm event has a 50% chance of rain. The proponent must have the capacity to deploy the standby BMPs within 48 hours of the predicted storm event.
- f. All slopes must be equipped with erosion prevention BMPs as soon as slopes are completed for any portion of the site.
- g. Cleared or graded areas left exposed at any given time are limited to the amount of acreage that the project proponent can adequately protect prior to a predicted storm event.

11. During Wet Season (October 1 through April 30), Permittee shall implement the following BMPs, in addition to the Dry Season Requirements:

- a. Perimeter protection and sediment control BMPs must be upgraded if necessary to provide sufficient protection for storms.
- b. Adequate erosion prevention BMPs must be installed and established for all completed slopes prior to October 1 and maintained throughout the wet season. If a BMP fails, it must be repaired, improved, or replaced with an acceptable alternate as soon as it is safe to do so.
- c. The amount of exposed soil allowed at one time shall not exceed standby erosion and sediment control BMP capacity.

d. An incomplete disturbed area that is not being actively graded must be fully protected from erosion if left for 10 days or more.

12. BMP Maintenance. All BMPs for erosion prevention and sediment control shall be functional at all times. Prior to the rainy season and after each major storm, all source control and structural treatment BMPs shall be inspected by the Permittee to assure the functionality and effectiveness. Proper BMP maintenance shall be conducted throughout the life of the project.

13. No grading shall be allowed from October 1st thru the following April 30th on any site if the City Engineer determines that erosion, mudflow or sediment or silt discharge may adversely affect water quality, downstream properties, drainage courses, storm drains, streets, easements, or public or private facilities or improvements unless an approved erosion control system has been implemented on the site. If the City determines that it is necessary for the City to cause erosion control measures to be installed or cleanup

to be done, the Permittee shall pay all of the City's direct and indirect costs including extra inspection, supervision, and reasonable overhead charges.

14. Preservation Of Natural Hydrologic Features, Riparian Buffers and Corridors. All natural hydrologic features and riparian buffer zones and corridors must be preserved to eliminate or minimize runoff from construction sites.

15. Phased Grading. Grading shall be phased whenever the City Engineer finds that phasing is feasible and necessary to protect the Waters of the State. Areas that are cleared and graded shall be minimized to only portions of the site that are necessary for construction, and the exposure time of disturbed soil areas shall be minimized.

16. Cleared or graded areas left exposed at any given time are limited to the amount of acreage that the project proponent can adequately protect prior to a predicted storm event or 17 acres, whichever is smaller, unless the disturbance of a larger area is approved in writing by the City engineer. In the event that a project proponent requests approval to disturb an area greater than 17 acres, the project proponent shall first submit to the City Engineer, written documentation describing how it will ensure that discharges of pollutants are reduced to the Maximum Extent Practicable (MEP) and prevents discharges of pollutants that would cause or contribute to a violation of water quality standards despite the larger disturbed area.

17. Advanced Treatment.

a. Treatment for sediment is required. For the purpose of this requirement, exceptional threat to water quality shall be defined as a site, which meets all of the following, except as provided in number 16 above:

1. A portion of the site is located within or directly adjacent to receiving waters listed on the CWA Section 303(d) list of Water Quality Limited Segments as impaired for sedimentation or turbidity;

2. Disturbance is greater than five acres, including all phases of the development;

3. Disturbed slopes are steeper than 4:1 (horizontal: vertical), higher than 10 feet, and drain to the 303(d) listed receiving water;

4. Contains a predominance of soils with USDA-NRCS Erosion factors k_f greater than or equal to 0.4.

Alternatively, applicants may perform a RUSLE or MUSLE analysis to prove to the City Engineer's satisfaction that advanced treatment is not required.

b. Even if based on the criteria in number 16, above, advanced treatment would not ordinarily be required, advanced treatment may be required at the discretion of the City Engineer based on a record of noncompliance.

c. Treatment effluent water quality shall meet or exceed the water quality objectives for turbidity, pH, toxicity, and any other parameter deemed necessary by the City Engineer, as listed in the Water Quality Control Plan for the San Diego Basin for inland surface waters and lagoons and estuaries for the appropriate hydrologic unit.

d. Applicant shall provide design, operations and maintenance schedule, monitoring plan, certification of training of staff to the satisfaction of the City Engineer.

18. Establishment of Permanent Vegetation.

a. General. The face of all cut and fill slopes, in excess of 3 feet in vertical height, but only final slopes of any borrow pit, shall be planted and maintained with a ground cover or other planting to protect the slopes against erosion and instability. Planting shall commence as soon as slopes are completed on any portion of the site and shall be established upon all slopes prior to the final approval of the grading. In order to minimize the period during which a cut or filled surface remains exposed, such planting shall provide for rapid short-term coverage of the slope as well as long-term permanent coverage. Planting materials and procedures shall conform to regulations adopted by the City Engineer. The City Engineer may approve other plant materials as specified by a landscape architect. The Permittee shall maintain such planting until it is well established as determined by the City Engineer.

b. Minimum Requirements. In addition to planting with ground cover, slopes in excess of fifteen (15) feet in vertical height shall be planted with shrubs in 2 1/4 inch pots or trees having a one (1) gallon minimum size at ten (10) feet on center in both directions on the slope. The City Engineer may vary the plant and planting pattern, but not the quantity, upon the recommendation of landscape architect and approval.

c. Where cut slopes are not subject to erosion due to their rocky character or where the slopes are protected with pneumatically applied concrete mortar or otherwise treated to protect against erosion and instability to the satisfaction of the City Engineer, the requirement of this subsection may be waived by the City Engineer.

d. The City Engineer may require the applicant to temporarily stabilize and reseed disturbed soil areas to protect the Waters of the State. If grass or ground cover is not established by the beginning of the wet season, temporary erosion control measures such as erosion control mats or blankets shall be installed on the slopes. If grass or ground cover is not established by the beginning of the wet season, temporary erosion control measures such as erosion control mats or blankets shall be installed on the slopes.

19. Irrigation System Requirements.

a. General. Except for agricultural grading permits, all slopes to be constructed, but only final slopes of any borrow pit, shall be provided with an irrigation system which shall be used by the Permittee to promote the growth of plants to protect the slopes against erosion. The Permittee shall be responsible for installation and maintenance of the irrigation system until the City Engineer determines that the system has been properly installed and meets the minimum requirements of this section. When the City Engineer finds that a slope less than fifteen (15) feet in height is located in an area as to make hand watering possible, conveniently located hose bibs may be accepted in lieu of the required irrigation system when a hose no longer than fifty (50) feet would be required.

b. Minimum Requirements (1) Plans for the irrigation system shall be in accordance with San Diego Regional Standard Specifications for Sprinkler Irrigation Systems and shall be approved by the National City, City Engineer prior to installation. (2) The irrigation system shall be located relative to existing and proposed property lines to insure that the irrigation system and the slopes sprinkled thereby will both be within the same property boundaries. The irrigation system shall be supplied or be readily converted so as to be supplied through the metered water service line serving each individual property. (3) The irrigation system shall provide uniform coverage for the slope area at a rate of not less than 0.03 inches per hour, nor greater than 0.30 inches per hour. A functional test of the irrigation systems shall be performed to the satisfaction of the City Engineer prior to final approval of the grading. (4) A check valve and balance cock shall be installed in the system where drainage from sprinkler heads will create an erosion problem. (5) Adequate back flow protection devices shall be installed in each irrigation system. Such devices shall be protected against physical damage during construction operations.

20. Waiver Of Planting And Irrigation Requirements. The City Engineer may modify or waive the requirements for planting and/or irrigation systems if he/she finds that said requirements would be unreasonable or unnecessary for any of the following reasons: (a) the area is subject to periodic inundation, or (b) water is unavailable to the area such that irrigation would be impractical or impossible, or (c) the area is naturally devoid of vegetation.

21. General Construction Permit Requirements.

a. Notice of Intent. Permittees required to comply with the State Construction General Storm Water Permit shall maintain on site and make available for inspection on request by the City any state-issued Waste Discharge Identification Number (WDID) for the site, and a copy of the Notice of Intent (NOI) filed with the State Water Resources Control Board (SWRCB) pursuant to that permit.

b. Storm Water Pollution Prevention Plan. Permittees required to prepare a SWPPP under the State General Construction Storm Water Permit must prepare the Plan, implement the Plan and maintain it at the site, readily available for review. Failure to comply with an applicable state-required SWPPP is a violation of this Chapter.

c. Facility Monitoring. Permittees required to conduct monitoring under the State Construction General Storm Water Permit must conduct such monitoring in conformance with requirements specified by the State, retain records of such monitoring on site, and make such records available for inspection by the City Engineer.

15.70.145 Grading fees. The plan review and permit fees shall be assessed in accordance with the current City of National City Fee Schedule.

15.70.146 Work commencing prior to permit issuance—Added. Any person who commences any work where an engineering permit is required prior to obtaining the necessary permits shall be subject to an administrative penalty fee equal to the amount of the permit fee

that would be required by this code if a permit were to be issued. The administrative penalty fee is in addition to a permit fee. The payment of such administrative penalty shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

15.70.150 Completion of work. Final approval shall not be given, grading securities shall not be released, and a notice of completion or certificate of use and occupancy shall not be issued, until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports and the as-built plans have been submitted.

15.70.155 Rough grading permit. When grading is to be performed on a property for which no prior site development plans have been approved, and on which no other construction is proposed, the applicant shall obtain special approval of the City Engineer, as well as the principal planner for such grading. The rough-grading permit thus issued shall be subject to the special requirements of both the city engineer and the principal planner.

15.70.160 Parking lots. Existing or new parking lots, which are exempted from the requirements of a grading permit, shall be paved or resurfaced in accordance with an approved drainage plan.

15.70.165 Bonds. The city engineer shall require a surety bond in the amount of one hundred percent (100%) of the engineers' cost estimate to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate any potentially hazardous conditions.

In lieu of a surety bond the applicant may file a cash deposit or instrument of credit with the city engineer in an amount equal to that which would be required in the surety bond.

15.70.170 Violation a misdemeanor. Any person who commences or does any grading in violation of this chapter is guilty of a misdemeanor. Every day that a violation of this chapter is committed, continued or permitted to exist is a separate violation, punishable as provided in this code.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael R. Dalla, City Clerk

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2013 CALIFORNIA ELECTRICAL CODE, INCLUDING ANNEX H, AND THE 2011 NATIONAL ELECTRIC CODE, AND AMENDING CERTAIN SECTIONS OF THOSE CODES, AND AMENDING CHAPTER 15.24 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

DEPARTMENT: Building

PHONE: 4214

APPROVED BY: 

EXPLANATION:

The Ordinance was introduced at the Council meeting on November 19th, 2013. A public hearing was held earlier this evening.

Adopting this Ordinance will finalize the Council's action

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Ordinance.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2013 – 2386

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING THE 2013 CALIFORNIA ELECTRICAL CODE, INCLUDING ANNEX H,
AND THE 2011 NATIONAL ELECTRIC CODE, AND AMENDING CERTAIN
SECTIONS OF THOSE CODES, AND AMENDING CHAPTER 15.24
OF THE NATIONAL CITY MUNICIPAL CODE

Section 1. The City Council of the City of National City adopts the 2013 California Electrical Code, Annex H of the 2013 California Electric Code, California Code of Regulations, Title 24, Part 3, including all Annexes, and the 2011 National Electrical Code.

Section 2. The City Council of the City of National City deletes, adds, or modifies certain provisions of the 2013 California Electrical Code and Annex H of the 2013 California Building Code.

Section 3. The City Council of the City of National City amends Chapter 15.24 of the National City Municipal Code to read as follows:

Sections:

- 15.24.005 2013 California Electrical Code, Annex H of the 2013 California Electrical Code and the 2011 National Electrical Code – Adopted and amended.
- 15.24.010 Annex H, Administration and enforcement – Adopted and amended.
- 15.24.015 Annex H, Section 80.13 “Authority”, Subsection 80.13(7) "Right of entry" – Amended.
- 15.24.020 Annex H, Section 80.13 “Authority”, Subsection 80.13(17) “Electric Fences Prohibited” – Added.
- 15.24.025 Annex H, Section 80.15 "Electrical Board" – Amended.
- 15.24.030 Annex H, Section 80.19 “Permits and Approvals”, Subsection 80.19(D) "Annual permits" – Deleted.
- 15.24.035 Annex H, Section 80.19 “Permits and Approvals”, Subsection 80.19(E) "Fees" – Amended.
- 15.24.037 Annex H, “Work commencing before permit issuance” – Added
- 15.24.040 Annex H, Section 80.19 “Permits and Approvals”, Subsection 80.19(F) "Inspection and approvals" – Amended.
- 15.24.045 Annex H, Section 80.19 “Permits and Approvals”, Subsection 80.19(H) "Applications and extensions" – Amended.
- 15.24.050 Annex H, Section 80.19 “Permits and Approvals”, Subsection 80.19(I) "Permit denial" – Added.
- 15.24.055 Annex H, Section 80.23 "Notice of violations, penalties" – Amended.

- 15.24.060 Annex H, Section 80.25 "Connection to electrical supply", Subsection 80.25(C) "Notification" – Deleted.
- 15.24.065 Annex H, Section 80.27 "Inspector's qualifications" – Deleted.
- 15.24.070 Annex H, Section 80.29 "Liability for damages" – Deleted.
- 15.24.080 Annex G, Supervisory Control and Data Acquisition (SCADA) – Deleted.

15.24.005 2013 California Electrical Code, Annex H of the 2013 California Electrical Code and the 2011 National Electrical Code – Adopted and amended. The city council adopts the 2013 California Electrical Code, Annex H of the 2013 California Electric Code, California Code of Regulations, Title 24, Part 3, including all Annexes, and the 2011 National Electrical Code, for the purpose of prescribing in the City of National City, regulations governing the inspection of installations, investigation of fires caused by electrical installations, the review of construction plans, drawings, and specifications for electrical systems, the design, alteration, modification, construction, maintenance, and testing of electrical systems and equipment, the regulation and control of electrical installations at special events including but not limited to exhibits trade shows, amusement parks, and other similar special occupancies, in or on any building or structure, or outdoors on any premises or property. The City Council amends, deletes, or adds certain sections of the 2013 Electrical Code, Annex H of the 2013 Electrical Code, and the 2011 National Electrical Code, based on local climatic, topographic or geological conditions that justify deviating from said Codes. Copies of these codes are filed in the office of the building official, and are adopted and incorporated as if fully set out in this chapter, and the provisions thereof shall be controlling within the city limits.

15.24.010 Annex H, Administration and enforcement – Adopted and amended. ANNEX H to the 2013 California Electrical Code entitled "Administration and Enforcement", is adopted subject to the following additions, amendments and deletions contained in this chapter.

15.24.015 Annex H, Section 80.13 "Authority", Subsection 80.13(7) "Right of entry" – Amended. Section 80.13(7) of Annex H of the 2013 California Electrical Code is amended to read as follows:

80.13(7) *Right of entry.* When necessary to make inspections to enforce any provision of this code, or when the Authority Having Jurisdiction has reasonable cause to believe that there exists in any building or upon any premises a condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Authority Having Jurisdiction , or designee, may request entry as specified in Chapter 1.12 of the National City Municipal Code.

15.24.020 Annex H, Section 80.13 "Authority", Subsection 80.13(17) "Electric Fences Prohibited" – Added. Section 80.13 (17) is added to Annex H of the 2013 California Electrical Code as follows:

80.13 (17). *Electric Fences Prohibited.* No electric fence shall be constructed maintained or operated within the City of National City. Electric fences as used herein, include all fences which in any way use electrical energy as an

additional deterrent or have wires charged with electricity which are not covered with adequate insulation to protect persons and animals coming in contact therewith.

15.24.025 Annex H, Section 80.15 "Electrical Board" – Amended. Section 80.15 of Annex H of the 2013 California Electrical Code is amended to read as follows:

80.15 *Advisory and Appeals Board.* The City Council, pursuant to Chapter 15.04, shall have the jurisdiction to review the items as enumerated in Chapter 15.24 of the National City Municipal Code.

15.24.030 Annex H, Section 80.19 "Permits and Approvals", Subsection 80.19(D) "Annual permits" – Deleted. Section 80.19(D) of Annex H of the 2013 California Electrical Code is deleted.

15.24.035 Annex H, Section 80.19 "Permits and Approvals", Subsection 80.19(E) "Fees" – Amended. Section 80.19(E) of Annex H of the 2013 California Electrical Code is amended to read as follows:

Fees shall be assessed in accordance with the current City of National City Fee Schedule.

15.24.037 Annex H, "Work commencing before permit issuance" – Added.

Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an administrative penalty equal to the inspection fee portion the permit fee that would be required by this code if a permit were to be issued. The administrative penalty is in addition to a permit fee.

When a plan review is required for issuance of such permit, the plan review fee portion will not be subject to said penalty. The payment of such administrative penalty shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

15.24.040 Annex H, Section 80.19 "Permits and Approvals", Subsection 80.19(F) "Inspection and approvals" – Amended. Section 80.19(F) of Annex H of the 2013 California Electrical Code is amended to read as follows:

(1) All electrical systems and equipment for which a permit is required by this code shall be subject to inspection by the Authority Having Jurisdiction, and the electrical system shall remain accessible and exposed for inspection purposes until approved by the Authority Having Jurisdiction.

It shall be the duty of the permittee to cause the electrical system to remain accessible and exposed for inspection purposes. Neither the Authority Having Jurisdiction, nor the City of National City shall be liable for the expense entailed in the removal or replacement of any material required to permit

inspection. When the installation of an electrical system and equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this code shall not be connected to the energy source until authorized by the Authority Having Jurisdiction.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the City of National City. Inspections presuming to give authority to violate or cancel provisions of this code or other ordinances of the City of National City shall not be valid.

(2) Inspection requests. It shall be of the duty of the permittee to notify the Authority Having Jurisdiction that such work is ready for inspection. The Authority Having Jurisdiction may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Authority Having Jurisdiction.

It shall be the duty of the permittee to provide access to and means for inspection of such work.

(3) Operation of Electrical Equipment. The requirements of section 15.24.040 shall not be construed to prohibit the operation of any electrical system or equipment installed to replace existing equipment. The request for inspection of such equipment must have been with the Authority Having Jurisdiction not more than forty-eight hours after such replacement work is completed and before any portion of such electrical system is concealed by any permanent portion of the building.

(4) Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when any of the following occurs:

A The portion of the work for which the inspection was called is not complete or the corrections previously required are not made;

B Calling for an inspection before the job is ready for such inspection or re-inspection;

C The inspection record card or the approved plans are not posted or otherwise available to the inspector;

D Failure to provide access on the date for which the inspection is requested; or

E Deviating from the approved plans when such deviation or change required approval of the Authority Having Jurisdiction.

To obtain a re-inspection, the permittee shall file an application in writing on a form provided for that purpose and pay the re-inspection fee in accordance with the current City of National City Fee Schedule. In instances where re-inspection fees have been assessed, no further inspections shall be performed until the fees have been paid.

15.24.045 Annex H, Section 80.19 "Permits and Approvals", Subsection 80.19(H) "Applications and extensions" – Amended. Section 80.19(H) of Annex H of the 2013 California Electrical Code is amended to read as follows:

80.19(H) Application and Extensions. Every permit issued by the Authority Having Jurisdiction under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within six calendar months from the date of such permit, or if the building or work authorized by such permit is stopped at any time after the work is commenced for a period of six calendar months, or if the building or work authorized by such permit exceeds three calendar years from the issuance date of the permit. Work shall be presumed to have commenced if the permittee has obtained a required inspection approval of work authorized by the permit by the Authority Having Jurisdiction within six calendar months of the date of permit issuance.

Work shall be presumed to be stopped if the permittee has not obtained a required inspection approval of work by the Authority Having Jurisdiction within each six month period upon the initial commencement of work authorized by such permit.

Before such work can be recommenced, a new permit, or a renewal permit as specified below, shall be first obtained.

1. Permits where work has not commenced. For permits for which work has not commenced in the first six calendar months from the date of issuance, a renewal permit may be obtained provided that:

A. No changes have been made or will be made in the original plans and specifications for such work;

B. The expiration has not exceeded three years from the original issuance date;

C. The same edition of the California codes is in effect as used in the initial plan check;

D. A fee equal to one-half the amount required for a new permit is paid; and

E. The renewal permit shall expire three calendar years from the date of initial permit issuance.

Where later editions of the California codes have been adopted than used in the initial plan check, such applications for renewal shall be considered as a new plan check submittal. Accordingly, plans shall reflect the requirements of the current codes in effect, a full new plan check is required, and a full new plan check fee shall be paid. Upon completion of a new plan check, the permit may be renewed upon payment of a permit fee equal to one-half the amount required for a new permit.

2. Permits where work has commenced. For permits where work has commenced and was subsequently stopped as defined herein, a renewal permit may be obtained provided that:

A. No changes have been made or will be made in the original plans and specifications for such work;

B. The expiration has not exceeded three years from the original issuance date;

C. A fee equal to one-half the amount required for a new permit is paid, except that where construction has progressed and has been approved to

the point of requiring only a final inspection, a fee equal to one quarter the amount required for a new permit shall be paid; and

D. A renewal permit shall expire three calendar years from the date of initial permit issuance.

3. Permits that have exceeded three years. For permits that have exceeded three years beyond the issuance date, a renewed permit may be obtained provided that:

A. Construction in reliance upon the building permit has commenced and has been approved;

B. No changes have been made or will be made in the original plans and specifications for such work;

C. A fee equal to the full amount required for a new permit is paid except that where the Authority Having Jurisdiction determines that construction has progressed to the point that a lesser fee is warranted, such lesser fee shall be paid.

The maximum life of a permit renewal in accordance with subsection 15.24.045.3 shall be one calendar year from the date of renewal. The permit may be renewed for each calendar year thereafter provided that all requirements of A, B, and C as stated in subsection 15.24.045.3 are met.

4. Extension of an unexpired permit. For an extension of an unexpired permit, the permittee may apply for an extension of the time within which work under that permit may be continued when for good and satisfactory reasons as determined by the Authority Having Jurisdiction in his or her sole discretion, the permittee is unable to continue work within the time required by section 15.24.045. The Authority Having Jurisdiction may extend the time for action by the permittee for a period not exceeding six calendar months beyond the expiration date in effect at the time of the extension application, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

5. Permits issued where the permittee has been deployed to a foreign country, may be held in abeyance until six months after the return of the permittee from his/her deployment if necessary, upon application for such relief by the permittee.

15.24.050 Annex H, Section 80.19 "Permits and Approvals", Subsection 80.19(I) "Permit denial" – Added. Section 80.19(I) is added to Annex H of the 2013 California Electrical Code to read as follows:

80.19(I) *Permit Denial.* The Authority Having Jurisdiction may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in Chapter 15.10 and 15.16 of the National City Municipal Code, or where there exists unlawful construction or a violation of the National City Municipal Code.

15.24.055 Annex H, Section 80.23 "Notice of violations, penalties" – Amended. Section 80.23 of Annex H of the 2013 California Electrical Code is amended to read as follows:

80.23 Violations, Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

Violations of any provisions of this code may be punishable as a misdemeanor and shall carry the penalties as prescribed in Chapter 1.20 of the National City Municipal Code.

15.24.060 Annex H, Section 80.25 "Connection to electrical supply", Subsection 80.25(C)"Notification" – Deleted. Section 80.25(C) of Annex H of the 2013 California Electrical Code is deleted.

15.24.065 Annex H, Section 80.27 "Inspector's qualifications" – Deleted. Section 80.27 of Annex H of the 2013 California Electrical Code is deleted.

15.24.070 Annex H, Section 80.29 "Liability for damages" – Deleted. Section 80.29 of Annex H of the 2013 California Electrical Code is deleted.

15.24.080 Annex G, Supervisory Control and Data Acquisition (SCADA) – Deleted. Annex G of the 2013 California Electrical Code is deleted.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2013 CALIFORNIA FIRE CODE AND THE APPENDICES THERETO, ADOPTING THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS, AND AMENDING CHAPTER 15.28 OF THE NATIONAL CITY MUNICIPAL CODE. (Fire)

PREPARED BY: Robert Hernandez / Fire Marshall

DEPARTMENT: Fire

PHONE: 4552

APPROVED BY: _____

EXPLANATION:

The Ordinance was introduced at the Council meeting on November 19th, 2013. A public hearing was held earlier this evening.

Adopting this Ordinance will finalize the Council's action

State law requires that the City of National City adopt the California Fire Code, 2013 Edition subsequently these codes are being submitted for adoption. Technical amendments made to those codes are needed due to topographical, geographical, or climatic conditions. Specific findings regarding the local technical amendments must be made by the local jurisdiction and filed with the Department of Housing and Community Development. State law does not restrict local amendments to the administrative provisions of the codes

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

ADOPT the Ordinance

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Ordinance

ORDINANCE NO 2013 – 2387

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING THE 2013 CALIFORNIA FIRE CODE AND THE APPENDICES
THERE TO, ADOPTING THE NATIONAL FIRE PROTECTION
ASSOCIATION STANDARDS, AND AMENDING
CHAPTER 15.28 OF THE NATIONAL CITY MUNICIPAL CODE

The City Council of the City of National City does ordain as follows:

Section 1. The City Council of the City of National City hereby adopts the 2013 California Fire Code, Title 24, Part 9 of the California Code of Regulations, the Appendices thereto, and the National Fire Protection Association Standards.

Section 2. The City Council finds that the amendments being made in this Chapter 15.28 are reasonably necessary because of local climatic, geological, or topographical conditions: namely, that the age of structures, separation and density create an increased risk of conflagration meriting more stringent standards. A copy of this ordinance shall be filed with the Office of the State Fire Marshal and the State Building Standards Commission. This action is taken pursuant to Health and Safety Code sections 17958.7 and 18941.5.

Section 3. The City Council of the City of National City hereby amends and deletes certain sections of the 2013 California Fire Code, based on local climatic, topographic or geological conditions that justify deviating from that Code.

Section 4. The City Council of the City of National City hereby amends Title 15, Chapter 15.28 to read as follows:

CHAPTER 15.28

CALIFORNIA FIRE CODE

Sections:

- 15.28.002 Findings and declarations.
- 15.28.010 2013 California Fire Code – Adopted and amended.
- 15.28.020 Establishment and duties of fire prevention bureau.
- 15.28.030 Definitions.
- 15.28.035 Establishment of limits of districts in which storage of cryogenic fluids in stationary containers is prohibited – Amended.
- 15.28.040 Establishment of limits of districts in which storage of Class I and II liquids in outside aboveground tanks is prohibited – Amended.
- 15.28.050 Establishment of limits in which storage of liquefied petroleum is prohibited – Amended.

- 15.28.060 Establishment of Limits for Storage of Explosives and Blasting Agents is to be Prohibited – Amended.
- 15.28.070 Amendments made to the 2013 California Fire Code.
- 15.28.080 Section 101.5 "Referenced Codes" – Amended.
- 15.28.085 Section 307.4.1 "Bonfires" – Amended.
- 15.28.090 Section 307.4.2 "Recreational Fires" – Amended.
- 15.28.100 Section 1011.6.1 "Graphics" – Amended.
- 15.28.110 Section 5704.3.3.9 "Storage of Empty Wooden or Plastic Pallets" – Supplemented.
- 15.28.120 Section 503.2.7 and Appendix Section D103.2 "Grade" – Amended.
- 15.28.130 Section 503.6 "Security Gates" – Amended.
- 15.28.140 Appeals.
- 15.28.150 New materials, processes or occupancies, which may require permits.
- 15.28.160 Penalties.

15.28.002 Findings and declarations. The city council of the city of National City, does specifically and expressly find and declare that the nature and uniqueness of the local climate, geographical and topographical conditions in the city of National City does reasonably necessitate and demand specific changes in and variations from the 2013 California Fire Code, which are noted in and made part of this chapter as authorized by Health and Safety Code Sections 17958.7 and 18941.5. These conditions result from the age and concentration of structures and the increased risk of conflagration spread as a result.

15.28.010 2013 California Fire Code – Adopted and amended. There is adopted by the city council of the city of National City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion and establishing a fire prevention bureau the 2013 California Fire Code, and the appendices thereto, including both Administration Divisions I and II, published by the International Code Council and the California Building Standards Commission, and the National Fire Protection Association Standards (current edition) published by the National Fire Protection Association, save and except such portions as are hereinafter deleted, added, or amended. Within this chapter, those codes may be collectively referred to as the California Fire Code. One copy of this adopted code is on file in the office of the fire chief of the city of National City. The code is adopted and incorporated as fully as if set out as length herein, and from the date on which this chapter shall take effect, shall be controlling within the limits of the city of National City.

15.28.020 Establishment and duties of fire prevention bureau.

A. The California Fire Code shall be enforced by the fire prevention bureau in the fire department in the city of National City, which is established and shall be operated under the supervision of the chief of the fire department.

B. The battalion chief/fire marshal in charge of the fire prevention bureau shall be appointed by the chief of the fire department of the city of National City.

C. The director of emergency services may detail members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the city manager of National City the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the same position.

15.28.030 Definitions.

A. The word "jurisdiction" used in the 2013 California Fire Code means the City of National City.

B. Whenever the words "chief of the bureau of fire prevention" are used in the California Fire Code they shall be held to mean the fire marshal of the city of National City.

C. Where reference to the Uniform Building Code, or Building Code, or any Nationally Recognized Standard is made, it means the currently adopted edition.

D. Where the word "Administrator" is used in the California Fire Code, it shall be held to mean the city council of the City of National City. Whenever the term "city" is used it means the city of National City.

E. Where the term "corporation counsel" is used in the California Fire Code, it shall be held to mean the city attorney for the City of National City.

F. "Fire authority having jurisdiction (FAHJ)" means the designated entity providing enforcement of fire regulations as they relate to planning, construction and development. This entity may also provide fire suppression and other emergency services.

G. Whenever the term "this code" is used it means the 2013 California Fire Code as modified by the City of National City with the deletions, amendments, and additions contained in this chapter.

H. Whenever the terms "chief", "fire chief", "chief of the fire department" are used they mean the "director of the department of emergency services".

15.28.035 Establishment of limits of districts in which storage of cryogenic fluids in stationary containers is prohibited – Amended. Section 5504.3 of the 2013 California Fire Code is amended to read as follows:

The Establishment of Limits for Storage of Flammable Cryogenic Fluids. The storage of flammable cryogenic fluids is prohibited in all areas within the City limits of National City, except within the following zones as established by the National City Land Use Code: MM and IM; Medium Manufacturing; MH and IH; Heavy Manufacturing; MT–Tidelands Manufacturing.

15.28.040 Establishment of limits of districts in which storage of Class I and II liquids in outside aboveground tanks is prohibited – Amended. Sections 5704.2.9.6 and 5706.2.4.4 of the 2013 California Fire Code are amended to read as follows:

All areas within the city limits of the city of National City except for those areas zoned commercial or manufacturing, as established, defined, and set under the zoning regulations in Title 18 of the National City Municipal Code.

15.28.050 Establishment of limits in which storage of liquefied petroleum gases is prohibited – Amended. Section 6104.2 of the 2013 California Fire Code is amended to read as follows:

All areas within the city limits of the city of National City, except for those areas zoned commercial or manufacturing, as established, defined, and set under zoning regulations in Title 18 of the National City Municipal Code.

15.28.060 Establishment of Limits for Storage of Explosives and Blasting Agents is to be Prohibited – Amended. Chapter 56 of the 2013 California Fire Code is amended to read as follows:

The permanent storage of explosives and/or blasting agents shall be strictly prohibited within the city limits of the city of National City. Temporary storage may be allowed, by permit, during setup for excavation, demonstration, or other use, when in the opinion of the fire marshal, there are significant measures in place to ensure public safety.

15.28.070 Amendments made to the 2013 California Fire Code. The geographical density of the city of National City, the dry southern California climate, which is subject to annual drought conditions, make the following amendments set out in Sections 15.28.080 through 15.28.130 necessary and meet the conditions described in Section 15.28.002, Findings and declarations.

15.28.080 Section 101.5 "Referenced Codes" – Amended. Section 101.5 of the 2013 California Fire Code is amended to read as follows:

101.5 The codes, standards and publications adopted and set forth in this code, including other codes, standards and publications referred to therein are, by title and their most current edition, hereby adopted as standard reference documents of this code. When this code does not specifically cover any subject related to building design and construction, recognized fire engineering practices shall be employed. The National Fire Codes and the Fire Protection Handbook of the National Fire Protection Association are permitted to be used as authoritative guides in determining recognized fire-prevention engineering practices.

15.28.085 Section 307.4.1 "Bonfires" – Amended. Section 307.4.1 of the 2013 California Fire Code is amended to read as follows:

307.4.1 Bonfires. Bonfires are strictly prohibited within the City Limits.

15.28.090 Section 307.4.2 "Recreational Fires" – Amended. Section 307.4.2 of the California Fire Code is amended to read as follows:

307.4.2 Recreational Fires. Recreational Fires are strictly prohibited within the City limits.

15.28.100 Section 1011.6.1 "Graphics" – Amended. Section 1011.6.1 of the 2013 California Fire Code is amended to read as follows:

1011.6.1. Graphics. Every exit sign and directional exit sign shall have plainly legible letters not less than 6 inches (152 mm) high with the principal strokes of the letters not less than 0.75 inch (19.1 mm) wide. The word "EXIT" shall have letters having a width not less than 2 inches (51 mm) wide, except the letter "I," and the minimum spacing between letters shall not be less than 0.375 inch (9.5 mm). Signs larger than the minimum established in this section shall have letter widths, strokes and spacing in proportion to the height.

The word "EXIT" shall be green in color and in high contrast with the background and shall be clearly discernible when the means of exit sign illumination is or is not energized. If a chevron directional indicator is provided as part of the exit sign, it shall be green in color, the construction shall be such that the direction of the chevron directional indicator cannot be readily changed.

15.28.110 Section 5704.3.3.9 "Storage of Empty Wooden or Plastic Pallets" – Supplemented. The following is added to Section 5704.3.3.9 as follows:

Storage of Empty Wooden or Plastic Pallets. The storage of empty wooden or plastic pallets is prohibited, except as follows:

1. Outdoor Storage. Pallets may be stored outside of a building or in a detached building. Pallets shall not be stacked closer than 5 feet from any building.
2. Indoor Storage. Pallets shall not be stored indoors unless the premises are protected with an automatic fire sprinkler system in accordance with NFPA Standard 13, section titled Protection of Idle Pallets, except when both of the following conditions are met:
 - a. Pallets are stored no higher than 6 feet.
 - b. Each pallet pile of no more than 4 stacks shall be separated from other pallet piles by at least 8 feet of clear space and 25 feet from any commodity.

15.28.120 Section 503.2.7 and Appendix Section D103.2 "Grade" – Amended. Sections 503.2.7 and Appendix Section D103.2 of the 2013 California Fire Code are amended to read as follows:

503.2.7 and Appendix Section D103.2 Grade. The maximum permitted gradient for a fire apparatus access road shall not exceed 15%.

15.28.130 Section 503.6 "Security Gates" – Amended. Section 503.6 of the 2013 California Fire Code is amended as follows:

All gates or other structures or devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet standards approved by the Chief, and receive Specific Plan Approval.

All automatic gates across fire access roadways and driveways shall be equipped with an approved key-operated switches overriding all command functions and opening the gate(s). Gates accessing more than four residences or residential lots, or gates accessing hazardous institutional, educational or assembly occupancy group structures, shall also be equipped with an approved emergency traffic control-activating strobe light sensor(s), or other devices approved by the Chief, which will activate the gate on the approach of emergency apparatus with a battery back-up or manual mechanical disconnect in case of power failure.

All automatic gates must meet fire department policies deemed necessary by the Chief for rapid, reliable access.

15.28.140 Appeals. Whenever the director of the department of emergency services or his/her duly authorized representative disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision to the city council, as established by and pursuant to Chapter 15.04.

15.28.150 New materials, processes or occupancies, which may require permits. The building and safety director, the chief of the fire department and the fire marshal shall act as a committee to determine and specify, after giving effected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits in addition to those now enumerated in said code. The fire marshal shall post such list in a conspicuous place in his/her office and distribute copies thereof to interested parties.

15.28.160 Penalties. Any person who shall violate any of the provisions of the 2013 California Fire Code adopted or any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved is guilty of a misdemeanor.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael R. Dalla, City Clerk

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2013 CALIFORNIA ENERGY CODE, AND AMENDING CHAPTER 15.75 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

DEPARTMENT: Building

PHONE: 4214

APPROVED BY: 

EXPLANATION:

The Ordinance was introduced at the Council meeting on November 19th, 2013. A public hearing was held earlier this evening.

Adopting this Ordinance will finalize the Council's action

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Ordinance.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2013 – 2388

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING THE 20103 CALIFORNIA ENERGY CODE, AND AMENDING
CHAPTER 15.75 OF THE NATIONAL CITY MUNICIPAL CODE

The City Council of the City of National City does ordain as follows:

Section 1. The City Council of the City of National City hereby adopts the 2013 California Energy Code, California Code of Regulations, Title 24, Part 6, establishing regulations for the installation, maintenance and alteration of energy systems within the city.

CHAPTER 15.75

CALIFORNIA ENERGY CODE

15.75.010 2013 California Energy Code – Adopted. The city council adopts and incorporates herein, for the purpose of prescribing regulations for the conservation of energy, the 2013 California Energy Code, California Code of Regulations, Title 24, Part 6. Except as otherwise provided by this chapter, all construction of buildings where energy will be utilized shall be in conformance with the 2013 California Energy Code

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE, AND AMENDING CHAPTER 15.78 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

DEPARTMENT: Building

PHONE: 4214

APPROVED BY: 

EXPLANATION:

The Ordinance was introduced at the Council meeting on November 19th, 2013. A public hearing was held earlier this evening.

Adopting this Ordinance will finalize the Council's action

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Ordinance.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2013 – 2389

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE,
AND AMENDING CHAPTER 15.78 OF THE NATIONAL CITY MUNICIPAL CODE

The City Council of the City of National City does ordain as follows:

Section 1. The City Council of the City of National City hereby adopts the 2013 California Green Building Standards Code, California Code of Regulations Title 24, Part 11, establishing regulations to enhance building design and construction within the city.

Section 2. The City Council of the City of National City amends Section 15.78.010 of the National City Municipal Code to read as follows:

CHAPTER 15.78

CALIFORNIA GREEN BUILDING STANDARDS CODE

15.78.010 2013 California Green Building Standards Code – Adopted. The city council adopts and incorporates herein for the purpose of prescribing regulations for the reduction of negative impacts or increasing positive environmental impacts and encouraging sustainable construction practices, the 2013 California Green Building Standards Code, California Code of Regulations Title 24, Part 11. All construction of buildings shall be in conformance with the 2013 California Green Building Standards Code, except as otherwise provided by this chapter.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

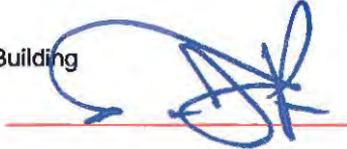
ITEM TITLE:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE CALIFORNIA MECHANICAL CODE, INCLUDING APPENDIX CHAPTERS A, B, C, AND D, AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.14 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

DEPARTMENT: Building

PHONE: 4214

APPROVED BY: 

EXPLANATION:

The Ordinance was introduced at the Council meeting on November 19th, 2013. A public hearing was held earlier this evening.

Adopting this Ordinance will finalize the Council's action

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Ordinance.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2013 – 2390

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING THE CALIFORNIA MECHANICAL CODE, INCLUDING APPENDIX
CHAPTERS A, B, C, AND D, AMENDING CERTAIN SECTIONS OF THAT CODE,
AND AMENDING CHAPTER 15.14 OF THE NATIONAL CITY MUNICIPAL CODE

The City Council of the City of National City does ordain as follows:

Section 1. The City Council of the City of National City adopts the 2013 California Mechanical Code, including Appendix Chapters A, B, C, and D.

Section 2. The City Council of the City of National City deletes, adds, or modifies certain provisions of the 2013 California Mechanical Code.

Section 3. The City Council of the City of National City amends Chapter 15.14 of the National City Municipal Code to read as follows:

CHAPTER 15.14

CALIFORNIA MECHANICAL CODE

Sections:

- 15.14.005 2013 California Mechanical Code – Adopted.
- 15.14.015 Chapter 1, Division II, Administration – Adopted and amended.
- 15.14.020 Chapter 1, Division II, Section 106 “Powers and Duties of the Authority Having Jurisdiction”, Subsection 106.3 "Right of entry" – Amended.
- 15.14.025 Chapter 1, Division II, Section 108 “Board of Appeals”, Subsection 108.1 "General" – Amended.
- 15.14.030 Chapter 1, Division II, Section 110 “Penalties”, Subsection 110.1 "General" – Amended.
- 15.14.035 Chapter 1, Division II, Section 113 “Permit Issuance”, Subsection 113.4 "Expiration" – Amended.
- 15.14.040 Chapter 1, Division II, Section 113 “Permit Issuance”, Subsection 113.6 "Permit denial" – Added.
- 15.14.045 Chapter 1, Division II, Section 114 “Fees”, Subsection 114.1 "General" – Amended.
- 15.14.050 Chapter 1, Division II, Table 114.1 "Mechanical permit fees" – Deleted.
- 15.14.055 Chapter 1, Division II, Section 114 “Fees”, Subsection 114.2 "Permit fees" – Amended.

- 15.14.060 Chapter 1, Division II, Section 114 “Fees”, Subsection 114.3 "Plan review fees" – Amended.
- 15.14.065 Chapter 1, Division II, Section 114 “Fees”, Subsection 114.5 “Investigation fees – work without a permit” – Amended
- 15.14.070 Chapter 1, Division II, Section 115 “Inspections, Subsection 115.6 "Reinspections" – Amended.
- 15.14.075 Appendix Chapters A, B, C and D – Adopted.
- 15.14.080 Chapter 1, Division II, Section 516 “Recirculating Systems” – Deleted.

15.14.005 2013 California Mechanical Code – Adopted. The city council adopts and incorporates herein as the National City Mechanical Code, for the purpose of prescribing in the City of National City, regulations governing the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration system, incineration or other miscellaneous heat producing appliance, in or on any building or structure or outdoors on any premises or property, the 2013 California Mechanical Code, including Appendix Chapters A, B, C, and D, California Code of Regulations Title 24, Part 4, except such portions as are deleted, added, or amended by this chapter. Copies of all codes are filed in the office of the building official and are adopted and incorporated as if fully set out in this chapter, and the provisions thereof shall be controlling within the city limits.

15.14.015 Chapter 1, Division II, “Administration” – Adopted and amended. Chapter 1, Division II, "Administration" is adopted subject to the additions, amendments and deletions provided in this Chapter.

15.14.020 Chapter 1, Division II, Section 106 “Powers and Duties of the Authority Having Jurisdiction”, Subsection 106.3 "Right of entry" – Amended. Section 106.3 of the 2013 California Mechanical Code is amended to read as follows:

106.3 *Right of entry.* When necessary to make inspections to enforce any provision of this code, or when the Authority Having Jurisdiction has reasonable cause to believe that there exists in any building or upon any premises a condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Authority Having Jurisdiction , or designee, may request entry as specified in Chapter 1.12 of the National City Municipal Code.

15.14.025 Chapter 1, Division II, Section 108 "Board of Appeals", Subsection 108.1 “General” – Amended. Section 108.1 of the 2013 California Mechanical Code is amended to read as follows:

108.1 *Board of Appeals.* The City Council, pursuant to National City Municipal Code Chapter 15.04, shall have the jurisdiction to review the items as enumerated in Chapter 15.14 of the National City Municipal Code.

15.14.030 Chapter 1, Division II, Section 110 "Penalties", Subsection 110.1 "General" – Amended. Section 110.1 of the 2013 California Mechanical Code is amended to read as follows:

110.1 Violations. Violations of any provision of this code shall be punishable as a misdemeanor and shall carry the penalties as prescribed in Chapter 1.20 of the National City Municipal Code.

15.14.035 Chapter 1, Division II, Section 113 "Permit Issuance", Subsection 113.4 "Expiration" – Amended. Section 113.4 of the 2013 California Mechanical Code is amended to read as follows:

113.4 Expiration. Every permit issued by the Authority Having Jurisdiction under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within six calendar months from the date of such permit, or if the building or work authorized by such permit is stopped at any time after work has commenced for a period of six calendar months, or if the building or work authorized by such permit exceeds three calendar years from the issuance date of the permit. Work shall be presumed to have commenced if the permittee has obtained a required inspection approval of work authorized by the permit by the Authority Having Jurisdiction within six calendar months of the date of permit issuance.

Work shall be presumed to be stopped if the permittee has not obtained a required inspection approval of work by the Authority Having Jurisdiction within each six month period upon commencement of work authorized by such permit.

Before such work can be recommenced, a new permit or renewal permit is obtained, as specified below, shall first be obtained.

1. Permits where work was not commenced. For permits for which work has not commenced in the first six calendar months from the date of issuance, a renewal permit may be obtained provided that:

A. No changes have been made or will be made in the original plans and specifications for such work;

B. The expiration has not exceeded three years from the original issuance date;

C. The same edition of the adopted codes is in effect as used in the initial plan check;

D. A fee equal to one-half the amount required for a new permit is paid, and

E. The renewal permit shall expire three calendar years from the date of the initial permit issuance.

Where later editions of the California codes have been adopted than used in the initial plan check, such applications for renewal shall be considered as a new plan check submittal. Accordingly, plans shall reflect the requirements of the current codes in effect, a full new plan check is required and a full new plan check fee shall be paid. Upon completion of the new plan check,

the permit may be renewed upon payment of a permit fee equal to one-half the amount required for a new permit.

2. Permit where work was commenced. For permits where work was commenced and was subsequently stopped as defined herein, a renewal permit may be obtained provided that:

A. No changes have been made or will be made in the original plans and specifications for such work;

B. The expiration has not exceeded three years from the original issuance date;

C. A fee equal to one-half the amount required for a new permit is paid, except that where construction has progressed to the point of requiring only a final inspection, a fee equal to one-quarter of the amount required for new permit shall be paid; and

D. A renewal permit shall expire three calendar years from the date of the initial permit issuance.

3. Permits that have exceeded three years. For permits that have exceeded three years beyond the issuance date, a renewed permit may be obtained, provided that:

A. Construction in reliance upon the building permit has been commenced and has been approved;

B. No changes have been made or will be made in the original plans and specifications for such work; and

C. A fee equal to the full amount required for a new permit is paid, except that where the Authority Having Jurisdiction determines that construction has progressed to the point that a lesser fee is warranted, such lesser fee shall be paid.

The maximum life of a permit renewal in accordance with sub-section 15.14.035.3 shall be one calendar year from the date of renewal. The permit may be renewed each calendar year thereafter provided that all requirements of A, B and C as stated in sub-section 15.14.035.3 are met.

4. Extension of an unexpired permit. For an extension of an unexpired permit, the permittee may apply for an extension of time within which work under that permit may be continued when for good and satisfactory reasons, as determined by the Authority Having Jurisdiction in his or her sole discretion, the permittee is unable to continue work within the time required by section 15.14.035. The Authority Having Jurisdiction may extend the time for action by the permittee for a period not exceeding six calendar months beyond the expiration date in effect at the time of the extension application, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action being taken.

5. Permits issued where the permittee has been deployed to a foreign country may be held in abeyance until six months after the return of the permittee from his/her deployment if necessary, upon application for such relief by the permittee.

15.14.040 Chapter 1, Division II, Section 113 "Permit Issuance", Subsection 113.6 "Permit denial" – Added. Section 113.6 of the 2013 California Mechanical Code is added to read as follows:

113.6 *Permit denial.* The Authority having Jurisdiction may deny the issuance of a building permit on any property where there exists an unsafe or a substandard building as provided in Chapter 15.10 and 15.16 of the National City Municipal Code, or where there exists unlawful construction, or where there exists a violation of the National City Municipal Code.

15.14.045 Chapter 1, Division II, Section 114 "Fees", Subsection 114.1 "General" – Amended. Section 114.1 of the 2013 California Mechanical Code is amended as follows:

114.1 *General.* Fees shall be assessed in accordance with the current City of National City Fee Schedule.

15.14.050 Chapter 1, Division II, Table 114.1 "Mechanical permit fees" – Deleted. Table 114.1 of the 2013 California Mechanical Code, entitled "Mechanical Permit Fees", is deleted.

15.14.055 Chapter 1, Division II, Section 114 "Fees", Subsection 114.2 "Permit fees" – Amended. Section 114.2 of the 2013 California Mechanical Code is amended as follows:

114.2 *Permit Fees.* Permit fees shall be assessed in accordance with the current City of National City Fee Schedule.

15.14.060 Chapter 1, Division II, Section 114 "Fees", Subsection 114.3 "Plan review fees" – Amended. Section 114.3, of the 2013 California Mechanical Code is amended as follows:

Section 114.3 *Plan review fees.* When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged in accordance with the current City of National City Fee Schedule.

15.14.065 Chapter 1, Division II, Section 114 "Fees", Subsection 114.5 "Investigation fees – work without a permit" – Amended. Section 114.5 of the 2013 California Mechanical Code is amended to read as follows:

Section 114.5 *Investigation fees – work without a permit.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an administrative penalty equal to the inspection fee portion the permit fee that would be required by this code if a permit were to be issued. The administrative penalty is in addition to a permit fee.

When a plan review is required for issuance of such permit, the plan review fee portion will not be subject to said penalty. The payment of such administrative penalty shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

15.14.070 Chapter 1, Division II, Section 115 "Inspections", Subsection 115.6 "Reinspections" – Amended. Subsection 115.6 of the 2013 California Mechanical Code is amended to read as follows:

115.6 Re-inspections. To obtain a re-inspection, the permittee shall pay the re-inspection fee in accordance with the current City of National City Fee Schedule. In instances where a re-inspection fee has been assessed, no further inspections shall be performed until the fees have been paid.

15.14.075 Appendix Chapters A, B, C and D – Adopted. Appendix Chapters A, B, C and D of the 2013 California Mechanical Code are adopted.

15.14.080 Chapter 1, Division II, Section 516 "Recirculating Systems" – Deleted. Section 516 of the 2013 California Mechanical Code is deleted.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2013 CALIFORNIA PLUMBING CODE AND TABLE 2902.1 OF THE 2013 CALIFORNIA BUILDING CODE, AMENDING CERTAIN SECTIONS OF THOSE CODES, AND AMENDING CHAPTER 15.20 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

DEPARTMENT: Building

PHONE: 4214

APPROVED BY: 

EXPLANATION:

The Ordinance was introduced at the Council meeting on November 19th, 2013. A public hearing was held earlier this evening.

Adopting this Ordinance will finalize the Council's action

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Ordinance.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2013 – 2391

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING THE 2013 CALIFORNIA PLUMBING CODE AND TABLE 2902.1 OF
THE 2013 CALIFORNIA BUILDING CODE, AMENDING CERTAIN SECTIONS OF THOSE
CODES, AND AMENDING CHAPTER 15.20 OF THE NATIONAL CITY MUNICIPAL CODE

The City Council of the City of National City does ordain as follows:

Section 1. The City Council of the City of National City adopts the 2013 California Plumbing Code and Table 2902.1 of the 2013 California Building Code.

Section 2. The City Council of the City of National City deletes, adds, or modifies certain provisions of the 2013 California Plumbing Code and Table 2902.1 of the 2013 California Building Code.

Section 3. The City Council of the City of National City amends Chapter 15.20 of the National City Municipal Code to read as follows:

CHAPTER 15.20

CALIFORNIA PLUMBING CODE

Sections:

- 15.20.005 2013 California Plumbing Code – Adopted.
- 15.20.015 Chapter 1, Divisions I and II – Adopted and amended.
- 15.20.020 Chapter 1, Division II, Section 102 "Organization and Enforcement", Subsection 102.2.1 "Right of entry" – Amended.
- 15.20.024 Chapter 1, Division II, Section 102 " Organization and Enforcement", Subsection 102.3 " Board of Appeals" – Amended.
- 15.20.025 Chapter 1, Division II, Section 102 "Organization and Enforcement", Subsection 102.5 "Penalties" – Amended.
- 15.20.027 Chapter 1, Division II, Section 103 "Permits and Inspections", Subsection 103.4.3 "Investigation fee – Work without a permit" – Amended.
- 15.20.030 Chapter 1, Division II, Section 103 "Permits and Inspections", Subsection 103.3.3 "Expiration" – Amended.
- 15.20.035 Chapter 1, Division II, Section 103 "Permits and Inspections", Subsection 103.3.5 "Permit denial" – Added.
- 15.20.040 Chapter 1, Division II, Section 103 "Permits and Inspections", Subsection 103.4 "Fees" – Amended.
- 15.20.042 Placement of permit – Added.

- 15.20.045 Chapter 1, Division II, Section 103 "Permits and Inspections", Subsection 103.4.1 "Plan review fees" – Amended.
- 15.20.050 Chapter 1, Division II, Section 103 "Permits and Inspections", Subsection 103.5.9 "Reinspections" – Amended.
- 15.20.060 Chapter 1, Division II, Table 103.4 "Plumbing permits fees" – Deleted.
- 15.20.065 Chapter 1, Division II, Table 422.1 "Minimum plumbing facilities" – Deleted.
- 15.20.070 Table 2902.1 "Minimum number of required plumbing fixtures of the 2013 California Building Code" – Adopted.

15.20.005 2013 California Plumbing Code – Adopted. The city council adopts, and incorporates herein as the city plumbing code, except as amended, deleted, or added by this chapter, for the purpose of prescribing in the City of National City, regulations governing the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any plumbing, gas, or drainage piping and systems or water heating or treating equipment in or on any building or structure or outdoors on any premises or property, the 2013 California Plumbing Code, including Administration Divisions I and II, California Code of Regulations Title 24, Part 5, and Table 2902.1 of the 2013 California Building Code. Copy of all codes are filed in the office of the building official and are adopted and incorporated as if fully set forth in this chapter, and the provisions shall be controlling within the city limits.

15.20.015 Chapter 1, Divisions I and II – Adopted and Amended. Chapter 1, Division I, "Administration" is adopted. Chapter 1, Division II, "Administration" is adopted, subject to the additions, amendments, and deletions contained in this chapter.

15.20.020 Chapter 1, Division II, Section 102 "Organization and Enforcement" Subsection 102.2.1 "Right of entry" – Amended. Section 102.2.1 of the 2013 California Plumbing Code is amended to read as follows:

102.2.1 *Right of Entry.* When necessary to make an inspection to enforce any of the provision of this code, or when the Authority Having Jurisdiction has reasonable cause to believe that there exists in any building or upon any premises a condition or code violation which make such building or premises unsafe, dangerous or hazardous, the Authority Having Jurisdiction ,or designee, may request entry as specified in Chapter 1.12 of the National City Municipal Code.

15.20.024 Chapter 1, Division II, Section 102 " Organization and Enforcement", Subsection 102.3 " Board of Appeals" – Amended. Section 102.3 of the 2013 California Plumbing Code is amended to read as follows:

102.3 *Advisory and Appeals Board.* The City Council, pursuant to National City Municipal Code Chapter 15.04, shall have jurisdiction to review the items as enumerated in Chapter 15.20 of the National City Municipal Code.

15.20.025 Chapter 1, Division II, Section 102 "Organization and Enforcement"
Subsection 102.5 "Penalties" – Amended. Section 102.5 of the 2013 California Plumbing Code is amended to read as follows:

102.5 *Penalties.* Violation of any provision of this code shall be punishable as a misdemeanor and shall carry the penalties as prescribed in Chapter 1.20 of the National City Municipal Code.

15.20.027 Chapter 1, Division II, Section 103 "Permits and Inspections", Subsection 103.4.3 "Investigation fee – work without a permit" – Amended. Section 103.4.3 of the 2013 California Plumbing Code is amended to read as follows:

103.4.3 *Work without a permit.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an administrative penalty equal to the inspection fee portion the permit fee that would be required by this code if a permit were to be issued. The administrative penalty is in addition to a permit fee. When a plan review is required for issuance of such permit, the plan review fee portion will not be subject to said penalty. The payment of such administrative penalty shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

15.20.030 Chapter 1, Division II, Section 103 "Permits and Inspections", Subsection 103.3.3 "Expiration" – Amended. Section 103.3.3 of the 2013 California Plumbing Code is amended to read as follows:

103.3.3 *Expiration.* Every permit issued by the Authority Having Jurisdiction under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within six calendar months from the date of such permit, or if the building or work authorized by such permit is stopped at any time after the work is commenced for a period of six calendar months, or if the building or work authorized by such permit exceeds three calendar years from the issuance date of the permit. Work shall be presumed to have commenced if the permittee has obtained a required inspection approval of work authorized by the permit by the Authority Having Jurisdiction within six calendar months of the date of permit issuance.

Work shall be presumed to be stopped if the permittee has not obtained a required inspection approval of work by the Authority Having Jurisdiction within each six-month period upon the initial commencement of work authorized by such permit.

Before such work can be recommenced, a new permit, or a renewal permit as specified below, shall be first obtained.

1. Permits where work has not commenced. For permits for which work has not commenced in the first six calendar months from the date of issuance, a renewal permit may be obtained provided that:

- A. No changes have been made or will be made in the original plans and specifications for such work;
- B. The expiration has not exceeded three years from the original issuance date;
- C. The same edition of the California codes is in effect as used in the initial plan check;
- D. A fee equal to one-half the amount required for a new permit is paid; and
- E. The renewal permit shall expire three calendar years from the date of initial permit issuance.

Where later editions of the California codes have been adopted than used in the initial plan check, such applications for renewal shall be considered as a new plan check submittal. Accordingly, plans shall reflect the requirements of the current codes in effect, a full new plan check is required, and a full new plan check fee shall be paid. Upon completion of a new plan check, the permit may be renewed upon payment of a permit fee equal to one-half the amount required for a new permit.

2. Permits where work has commenced. For permits where work has commenced and was subsequently stopped as defined herein, a renewal permit may be obtained provided that:

- A. No changes have been made or will be made in the original plans and specifications for such work;
- B. The expiration has not exceeded three years from the original issuance date;
- C. A fee equal to one-half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point of requiring only a final inspection, a fee equal to one quarter the amount required for a new permit shall be paid; and
- D. A renewal permit shall expire three calendar years from the date of initial permit issuance.

3. Permits that have exceeded three years. For permits that have exceeded three years beyond the issuance date, a renewed permit may be obtained provided that:

- A. Construction in reliance upon the building permit has commenced and has been approved;
- B. No changes have been made or will be made in the original plans and specifications for such work;
- C. A fee equal to the full amount required for a new permit is paid except that where the Authority Having Jurisdiction determines that construction has progressed to the point that a lesser fee is warranted, such lesser fee shall be paid.

The maximum life of a permit renewal in accordance with subsection 15.20.030.3 shall be one calendar year from the date of renewal. The permit may be renewed for each calendar year thereafter provided that all requirements of A, B, and C as stated in subsection 15.20.030.3 are met.

4. Extension of an unexpired permit. For an extension of an unexpired permit, the permittee may apply for an extension of the time within which work under that permit may be continued when for good and satisfactory reasons, as determined by the Authority Having Jurisdiction in his or her sole discretion, the permittee is unable to continue work within the time required by section 15.20.030. The Authority Having Jurisdiction may extend the time for action by the permittee for a period not exceeding six calendar months beyond the expiration date in effect at the time of the extension application, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

5. Permits issued where the permittee has been deployed to a foreign country, may be held in abeyance until six months after the return of the permittee from his/her deployment if necessary, upon application for such relief by the permittee.

15.20.035 Chapter 1, Division II, Section 103 "Permits and Inspections", Subsection 103.3.5 "Permit denial" – Added. Section 103.3.5 is added to the 2013 California Plumbing Code is to read as follows:

103.3.5 *Permit denial.* The Authority Having Jurisdiction may deny the issuance of a plumbing permit on any property where there exists an unsafe or a substandard building as provided in the Chapters 15.10 and 15.16 of the National City Municipal Code, or where there exists unlawful construction, or where there exists a violation of the National City Municipal Code.

15.20.040 Chapter 1, Division II, Section 103 "Permits and Inspections", Subsection 103.4 "Fees" – Amended. Section 103.4 of the 2013 California Plumbing Code is amended to read as follows:

Section 103.4 *Fees.* Fees shall be assessed in accordance with the current City of National City Fee Schedule.

15.20.042 Placement of permit – Added. The building permit or a copy, the inspection record, and the approved plans shall all be kept on site until the completion of the project. The inspection record is to be kept on the job unless removed by the building official.

15.20.045 Chapter 1, Division II, Section 103 "Permits and Inspections", Subsection 103.4.1 "Plan review fees" – Amended. Section 103.4.1 of the 2013 California Plumbing Code is amended to read as follows:

103.4.1 *Plan Review Fees.* When a plan or other data are required to be submitted by 103.2.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for plumbing work shall be assessed in accordance with the current City of National City Fee Schedule . When plans are incomplete or changed so as to require an additional plan review

fee, the fee shall be assessed in accordance with the current City of National City Fee Schedule.

15.20.050 Chapter 1, Division II, Section 103 "Permits and Inspections", Subsection 103.5.9 "Reinspections" – Amended. Section 103.5.9 of the 2013 California Plumbing Code is amended to read as follows:

Section 103.5.9 *Re-inspections*. A re-inspection fee may be assessed for each inspection or re-inspection when any of the following occurs:

1. The portion of work for which the inspection was called is not complete or the corrections previously required and called for are not made;
2. Calling for an inspection before the job is ready for such inspection or re-inspection;
3. The inspection record card or the approved plans are not posted or otherwise available to the inspector;
4. Failure to provide access on the date for which the inspection is requested; or,
5. Deviating from the approved plans when such deviation or change required approval of the building official.

To obtain a re-inspection, the permittee shall file an application in writing on a form provided for that purpose and pay the re-inspection fee in accordance with the current City of National City Fee Schedule. In instances where a re-inspection fee has been assessed, no further inspections shall be performed until the fees have been paid.

15.20.060 Chapter 1, Division II, Table 103.4 "Plumbing permits fees" – Deleted. Table 103.4 of Chapter 1, Division II of the 2013 California Plumbing Code, entitled "Plumbing Permit Fees", is deleted.

15.20.065 Table 422.1 "Minimum plumbing facilities" – Deleted. Table 422.1 of Chapter 4, of the 2013 California Plumbing Code, entitled "Minimum Plumbing Facilities", is deleted.

15.20.070 Table 2902.1 "Minimum number of required plumbing fixtures of the 2013 California Building Code" – Adopted. Table 2902.1 of the 2013 California Building Code is adopted. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Table 2902.1. Types of occupancies not shown in Table 2902.1 shall be considered individually by the Authority Having Jurisdiction. The number of occupants shall be determined by this code. Occupancy classification shall be determined in accordance with Chapter 3 of the 2013 California Building Code.

[SIGNATURE PAGE TO FOLLOW]

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

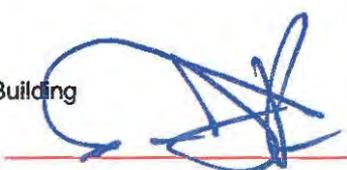
ITEM TITLE:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING VOLUMES I AND II AND APPENDICES C, G, H, AND I OF THE 2013 CALIFORNIA BUILDING CODE, AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.08 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

DEPARTMENT: Building

PHONE: 4214

APPROVED BY: 

EXPLANATION:

The Ordinance was introduced at the Council meeting on November 19th, 2013. A public hearing was held earlier this evening.

Adopting this Ordinance will finalize the Council's action

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Ordinance.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2013 – 2392

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING VOLUMES I AND II AND APPENDICES C, G, H, AND I OF THE 2013
CALIFORNIA BUILDING CODE, AMENDING CERTAIN SECTIONS OF THAT CODE,
AND AMENDING CHAPTER 15.08 OF THE NATIONAL CITY MUNICIPAL CODE

Section 1. The City Council of the City of National City hereby adopts Volumes I and II, and Appendices C, G, H, and I of the 2013 California Building Code.

Section 2. The City Council of the City of National City hereby deletes, adds, or modifies certain provisions of the 2013 California Building Code based on local climatic, topographic, or geological conditions that justify deviating from that code.

Section 3. The City Council of the City of National City amends Chapter 15.08 of the National City Municipal Code to read as follows:

CHAPTER 15.08

CALIFORNIA BUILDING CODE

Sections:

- 15.08.010 California Building Code – Adopted.
- 15.08.020 Chapter 2, Definitions – Amended.
- 15.08.025 Chapter 1, DIVISION II, Section 104 “Duties and Powers of Building Official”, Subsection 104.6 "Right of entry" – Amended.
- 15.08.030 Chapter 1, DIVISION II, Section 105 “Permits”, Subsection 105.2 "Work exempt from permit – Building” – Amended.
- 15.08.040 Chapter 1, DIVISION II, Section 105 “Permits”, Subsection 105.5 "Expiration" – Amended.
- 15.08.045 Chapter 1, DIVISION II, Section 105 “Permits”, Subsection 105.7 "Placement of permit" – Amended.
- 15.08.050 Chapter 1, DIVISION II, Section 105 “Permits”, Subsection 105.8 "Permit denial" – Added.
- 15.08.055 Chapter 1, DIVISION II, Section 109 “Fees”, Subsection 109.2 "Schedule of permit fees" – Amended.
- 15.08.056 Plan review fees—Added.
- 15.08.060 Chapter 1, DIVISION II, Section 109 “Fees”, Subsection 109.4 "Work commencing before permit issuance" – Amended.
- 15.08.065 Chapter 1, DIVISION II, Section 110 “Inspections”, Subsection 110.3.8.1 "Reinspections" – Added.
- 15.08.070 Chapter 1, DIVISION II, Section 111 “Certificate of Occupancy”, Subsection 111.3 "Temporary occupancy" – Amended.

- 15.08.075 Chapter 1, DIVISION II, Section 113 "Board of Appeals", Subsection 113.1 "General" – Amended.
- 15.08.080 Chapter 1, DIVISION II, Section 114 "Violations", Subsection 114.1 "Unlawful acts" – Amended.
- 15.08.085 Section 501 "General", Subsection 501.2 "Address identification" – Amended.
- 15.08.090 Table 1505.1 "Minimum roof covering classification for types of construction" – Amended.
- 15.08.092 Chapter 18, Division II, Section 1803 "Geotechnical Investigations", Subsection 1803.1.1.1.1 – Added.
- 15.08.093 Chapter 31, Division II, Section 3109 Swimming Pool Enclosures and Safety Devices, Subsection 3109.4.4.8(4) "Construction requirements for building a pool or spa" – Amended.
- 15.08.095 Section 3409 "Historic Buildings", Subsection 3409.1.1. "Historic buildings" – Added.
- 15.08.100 Appendix Chapters C, G, H and I – Adopted.

15.08.010 California Building Code – Adopted. The city council adopts, for the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height, area, fire resistance and maintenance of all buildings and/or structures, Volumes I and II of the 2013 California Building Code, including both Administration Divisions I and II, published in the California Building Standards Commission 2013 Edition, based on the International Building Code 2011 Edition, California Code of Regulations, Title 24, Part 2, Part 2.5 of Division 13 of the California Health and Safety Code beginning with section 18901, and Appendices C, G, H, and I, save and except such portions as are deleted, added, or modified. Copies of all the codes are filed in the office of the building official and are adopted and incorporated as fully set out in this chapter, and the provisions thereof shall be controlling within the city limits.

15.08.020 Chapter 2, Definitions – Amended. Section 202 of the 2013 California Building Code is amended by amending the following definition:

Building, Existing. An "existing building" is a building erected prior to the adoption of the 2013 California Building Code, or one for which a legal building permit has been issued. If more than fifty-percent of a structural roof or more than fifty-percent of all exterior walls are removed as part of a project, the building is not an existing building.

15.08.025 Chapter 1, DIVISION II, Section 104 "Duties and Powers of Building Official", Subsection 104.6 "Right of entry" – Amended. Section 104.6 of the 2013 California Building Code is amended to read as follows:

104.6 *Right of Entry.* When necessary to make an inspection to enforce any of the provisions of this code, or when the Authority Having Jurisdiction has

reasonable cause to believe that there exists a condition that makes such building or premises unsafe, dangerous or hazardous, the Authority Having Jurisdiction, or designee, may request entry as specified in Chapter 1.12 of the National City Municipal Code.

15.08.030 Chapter 1, DIVISION II, Section 105 "Permits", Subsection 105.2 "Work exempt from permit – Building" – Amended. Section 105.2 Building: Item 4 of the 2013 California Building Code is amended to read as follows:

Permits for retaining walls shall be as specified in the National City Municipal Code, Chapter 15.70.

Section 105.2 Building of the 2013 California Building Code is amended by adding the following items:

14. Playground, gymnastic and similar equipment and structures used for recreation and athletic activities accessory to Group R Division 3 structures.

15. Repairs to lawfully existing Group R Division 3 structures and Group U occupancy structures accessory to Group R Division 3 structures constructed pursuant to a building permit which involves only the replacement of component parts or existing work completed with similar materials only for the purpose of maintenance and do not affect any structural components or plumbing, mechanical or electrical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction. exit facilities or permanent fixtures or equipment. Specifically exempt from permit requirements are:

- 1) Painting and decorating including refinishing of exterior stucco finishes.
- 2) Installation of floor covering.
- 3) Cabinet work.
- 4) Outside paving on private property not within the public right-of-way.
- 5) Replacement of existing windows with no structural modification of the existing window opening.

16. Ground mounted satellite antennas not exceeding ten feet in diameter and roof mounted satellite antennas not exceeding eight feet in diameter.

17. Painted wall signs and styrofoam or other foam mounted wall signs.

15.08.040 Chapter 1, DIVISION II, Section 105 "Permits", Subsection 105.5 "Expiration" – Amended. Section 105.5 of the 2013 California Building Code is amended to read as follows:

Section 105.5 Expiration. Every permit issued by the Authority Having Jurisdiction under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced

within six calendar months from the date of such permit, or if the building or work authorized by such permit is stopped at any time after the work is commenced for a period of six calendar months, or if the building or work authorized by such permit exceeds three calendar years from the issuance date of the permit. Work shall be presumed to have commenced if the permittee has obtained a required inspection approval of work authorized by the permit by the Authority Having Jurisdiction within six calendar months of the date of permit issuance.

Work shall be presumed to be stopped if the permittee has not obtained a required inspection approval of work by the Authority Having Jurisdiction within each six-month period upon the initial commencement of work authorized by such permit.

Before such work can be recommenced, a new permit, or a renewal permit as specified below, shall be first obtained.

1. Permits where work has not commenced. For permits for which work has not commenced in the first six calendar months from the date of issuance, a renewal permit may be obtained provided that:

A. No changes have been made or will be made in the original plans and specifications for such work;

B. The expiration has not exceeded three years from the original issuance date;

C. The same edition of the California codes is in effect as used in the initial plan check;

D. A fee equal to one-half the amount required for a new permit is paid; and

E. The renewal permit shall expire three calendar years from the date of initial permit issuance.

Where later editions of the California codes have been adopted than used in the initial plan check, such applications for renewal shall be considered as a new plan check submittal. Accordingly, plans shall reflect the requirements of the current codes in effect, a full new plan check is required, and a full new plan check fee shall be paid. Upon completion of a new plan check, the permit may be renewed upon payment of a permit fee equal to one-half the amount required for a new permit.

2. Permits where work has commenced. For permits where work has commenced and was subsequently stopped as defined herein, a renewal permit may be obtained provided that:

A. No changes have been made or will be made in the original plans and specifications for such work;

B. The expiration has not exceeded three years from the original issuance date;

C. A fee equal to one-half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point of requiring only a final inspection, a fee equal to one quarter the amount required for a new permit shall be paid; and

D. A renewal permit shall expire three calendar years from the date of initial permit issuance.

3. Permits that have exceeded three years. For permits that have exceeded three years beyond the issuance date, a renewed permit may be obtained provided that:

A. Construction in reliance upon the building permit has commenced and has been approved;

B. No changes have been made or will be made in the original plans and specifications for such work; and

C. A fee equal to the full amount required for a new permit is paid except that where the Authority Having Jurisdiction determines that construction has progressed to the point that a lesser fee is warranted, such lesser fee shall be paid.

The maximum life of a permit renewal in accordance with subsection 15.08.040.3 shall be one calendar year from the date of renewal. The permit may be renewed for each calendar year thereafter provided that all requirements of A, B and C as stated in subsection 15.08.040.3 are met.

4. Extension of an unexpired permit. For an extension of an unexpired permit, the permittee may apply for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons as determined by the Authority Having Jurisdiction in his or her sole discretion, the permittee is unable to continue work within the time required by section 15.08.040. The Authority Having Jurisdiction may extend the time for action by the permittee for a period not exceeding six calendar months beyond the expiration date in effect at the time of the extension application, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

5. Permits issued where the permittee has been deployed to a foreign country, may be held in abeyance until six months after the return of the permittee from his/her deployment if necessary, upon application for such relief by the permittee.

15.08.045 Chapter 1, DIVISION II, Section 105 "Permits", Subsection 105.7 "Placement of permit" – Amended. Section 105.7 of the 2013 California Building Code is amended to read as follows:

Section 105.7 *Placement of permit*. The building permit or a copy, the inspection record, and the approved plans shall all be kept on site until the completion of the project. The inspection record is to be kept on the job unless removed by the building official.

15.08.050 Chapter 1, DIVISION II, Section 105 "Permits", Subsection 105.8 "Permit denial" – Added. Section 105.8 is added to the 2013 California Building Code to read as follows:

Section 105.8 *Permit denial*. The Authority Having Jurisdiction may deny the issuance of a building permit on any property where there exists an unsafe or a substandard building as provided in Chapter 15.10 and 15.16 of the National City

Municipal Code, or where there exists unlawful construction, or where there exists a violation of the National City Municipal Code.

15.08.055 Chapter 1, DIVISION II, Section 109 "Fees", Subsection 109.2 "Schedule of permit fees" – Amended. Section 109.2 of the 2013 California Building Code is amended to read as follows:

Section 109.2 Schedule of permit fees. Permit fees, including plan review fees, shall be assessed in accordance with the current City of National City Fee Schedule.

15.08.056 Plan review fees – Added. When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged in accordance with the current City of National City Fee Schedule.

15.08.060 Chapter 1, DIVISION II, Section 109 "Fees", Subsection 109.4 "Work commencing before permit issuance" – Amended. Section 109.4 of the 2013 California Building Code is amended to read as follows:

Section 109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an administrative penalty equal to the inspection fee portion the permit fee that would be required by this code if a permit were to be issued. The administrative penalty is in addition to a permit fee.

When a plan review is required for issuance of such permit, the plan review fee portion will not be subject to said penalty. The payment of such administrative penalty shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

15.08.065 Chapter 1, DIVISION II, Section 110 "Inspections", Subsection 110.3.8.1 "Re-inspections" – Added. Section 110.3.8.1 is added to the 2013 California Building Code to read as follows:

Section 110.3.8.1 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when any of the following occurs:

1. The portion of work for which the inspection was called is not complete or the corrections previously required and called for are not made;
2. Calling for an inspection before the job is ready for such inspection or re-inspection;
3. The inspection record card or the approved plans are not posted or otherwise available to the inspector;
4. Failure to provide access on the date for which the inspection is requested; or
5. Deviating from the approved plans when such deviation or change required approval of the building official.

To obtain a re-inspection, the permittee shall file an application in writing on a form provided for that purpose and pay the re-inspection fee in accordance with the current City of National City Fee Schedule. In instances where a re-inspection fee has been assessed, no further inspections shall be performed until the fees have been paid.

15.08.070 Chapter 1, DIVISION II, Section 111 "Certificate of Occupancy", Subsection 111.3 "Temporary occupancy" – Amended. Section 111.3 of the 2013 California Building Code is amended to read as follows:

Section 111.3 Temporary Certificate of Occupancy. Where a project or a major portion thereof is substantially complete and can be safely occupied, but practical difficulties delay completion of work, the building official may issue a Temporary Certificate of Occupancy for the use of a portion or portions of the building or structure prior to the completion of the entire project.

Prior to issuance of a Temporary Certificate of Occupancy, the premises shall be inspected by all affected city departments who shall prepare a list of work required to be completed and shall forward the list along with a recommendation for approval or disapproval of the issuance of a Temporary Certificate of Occupancy to the building official.

Upon receipt of a recommendation for approval from all affected City departments, the building official may prepare a Temporary Certificate of Occupancy granting temporary occupancy that shall include the following:

1. Work yet to be completed;
2. Maximum time allotted for completion of said work;
3. Property owner's signature and the signature of the contractor agreeing to complete the work within the prescribed time or vacate the premises upon order of the building official until such work is completed;
4. Evidence that a faithful performance bond has been posted if required by any affected city department; and
5. A copy of the Temporary Certificate of Occupancy granting temporary occupancy shall be provided to all affected city departments.

15.08.075 Chapter 1, DIVISION II, Section 113 "Board of Appeals", Subsection 113.1 "General" – Amended. Section 113.1 of the 2013 California Building Code is amended to read as follows:

Section 113.1 Board of Appeals. The City Council, pursuant to National City Municipal Code Chapter 15.04, shall have jurisdiction to review the items as enumerated in Chapter 15.08 of the National City Municipal Code.

15.08.080 Chapter 1, DIVISION II, Section 114 "Violations", Subsection 114.1 "Unlawful acts" – Amended. Section 114.1 of the 2013 California Building Code is amended to read as follows:

Section 114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove,

convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

Violation of any provision of this code shall be punishable as a misdemeanor and shall carry the penalties as prescribed in Chapter 1.20 of the National City Municipal Code.

15.08.085 Section 501 "General", Subsection 501.2 "Address identification" – Amended. Section 501.2 of the 2013 California Building Code is amended to read as follows:

Section 501.2 Address numbers. Every principal building or structure within the incorporated limits of the City of National City shall be identified by a designated street number as issued by the National City Fire Department.

Approved numbers or addresses shall be placed on all new and existing buildings, adjacent to the principal entrance to the premises or at a point that is highly visible and legible from the street. If necessary, directional signs shall be posted showing proper access to the given address from a point where the Fire Department access roadway leaves the dedicated street, to the entrance of each addressed building. All such numbers shall be Arabic numerals or alphabetical letters and shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inches (12.7mm), and shall be placed on a contrasting background.

15.08.090 Table 1505.1 "Minimum roof covering classification for types of construction" – Amended. Table 1505.1 of the 2013 California Building Code is amended to read as follows:

Due to climatic and geographical conditions within the City of National City, Table 1505.1 is amended as follows:

Table 1505.1
Minimum Roof Covering Classification
For Types of Construction

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

15.08.092 Chapter 18, Division II, Section 1803 "Geotechnical Investigations", Subsection 1803.1.1.1.1 – Added. Chapter 18, Division II, Section 1803 Geotechnical Investigations, Subsection 1803.1.1.1.1 is added to the 2013 California Building Code to read as follows:

Subsection 1803.1.1.1.1. A geotechnical investigation shall be submitted with each application for a building permit for a new building or addition 500 square feet and larger. The investigation and report shall comply with the requirements of Section 1803.

15.08.093 Chapter 31, Division II, Section 3109 Swimming Pool Enclosures and Safety Devices, Subsection 3109.4.4.8(4) "Construction requirements for building a pool or spa" – Amended. Section 3109.4.4.8 (4) of the 2013 California Building Code is amended to read as follows:

Section 3109.4.4.8 (4) *Construction requirements for building a pool or spa.* Whenever any building permit is issued and there is an existing swimming pool, toddler pool or spa, the permit shall require that the suction outlet of the existing swimming pool, toddler pool or spa be updated so as to be equipped with an anti-entrapment cover meeting current standards of the American Society for Testing and Materials (ASTM) or the American Society of Mechanical Engineers (ASME).

15.08.095 Section 3409 "Historical Buildings", Subsection 3409.1.1 "Historic buildings"—Added. Section 3409.1.1 is added to the 2013 California Building Code to read as follows:

Section 3409.1.1 *Historic Buildings.* The repair, alteration, enlargement, maintenance and moving of historic buildings which are designated as historic pursuant to National City Municipal Code Chapter 18.139 shall comply with the provisions of the State Historical Building Code (Part 8, Title 24, California Code of Regulations) and shall be subject to the review of permit requirements of National City Municipal Code Chapter 18.12.

15.08.100 Appendix Chapters C, G, H, and I – Adopted. Appendix Chapters C, G, H and I of the 2013 California Building Code are adopted.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

Michael R. Dalla, City Clerk

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

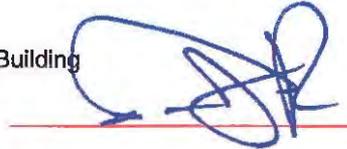
ITEM TITLE:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING THE 2013 CALIFORNIA RESIDENTIAL CODE, AMENDING CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.79 OF THE NATIONAL CITY MUNICIPAL CODE

PREPARED BY: Luis Sainz, Building Official

PHONE: 4214

DEPARTMENT: Building

APPROVED BY: 

EXPLANATION:

The Ordinance was introduced at the Council meeting on November 19th, 2013. A public hearing was held earlier this evening.

Adopting this Ordinance will finalize the Council's action

FINANCIAL STATEMENT:

ACCOUNT NO.

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE:

INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Ordinance.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2013 – 2393

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
ADOPTING THE 2013 CALIFORNIA RESIDENTIAL CODE, AMENDING
CERTAIN SECTIONS OF THAT CODE, AND AMENDING CHAPTER 15.79
OF THE NATIONAL CITY MUNICIPAL CODE

The City Council of the City of National City does ordain as follows:

Section 1. The City Council of the City of National City hereby adopts the 2013 California Residential Code, California Code of Regulations, Title 24, Part 2.5.

Section 2. The City Council of the City of National City hereby amends, adds, and deletes certain sections of the 2013 California Residential Code.

Section 3. The City Council of the City of National City amends Chapter 15.79 of the National City Municipal Code to read as follows:

CHAPTER 15.79

CALIFORNIA RESIDENTIAL CODE

Sections:

- 15.79.010 2013 California Residential Code adopted.
- 15.79.025 Chapter 1, DIVISION II, Section R104 "Duties and Powers of the Building Official", Subsection R104.6 "Right of entry" – Amended.
- 15.79.030 Chapter 1, DIVISION II, Section R105 "Permits", Subsection R105.2 "Work exempt from permit – Building" – Amended.
- 15.79.040 Chapter 1, DIVISION II, Section R105 "Permits", Subsection R105.5 "Expiration" – Amended.
- 15.79.045 Chapter 1, DIVISION II, Section R105 "Permits", Subsection R105.7 "Placement of permit" – Amended.
- 15.79.050 Chapter 1, DIVISION II, Section R105 "Permits", Subsection R105.8.1 "Permit denial" – Added.
- 15.79.055 Chapter 1, DIVISION II, Section R108 "Fees", Subsection R108.2 "Schedule of permit fees" – Amended.
- 15.79.060 Chapter 1, DIVISION II, Section R108 "Fees", Subsection R108.6 "Work commencing before permit issuance" – Amended.
- 15.79.065 Chapter 1, DIVISION II, Section R109 "Inspections", Subsection 109.3.1 "Reinspections" – Added.
- 15.79.070 Chapter 1, DIVISION II, Section R110 "Certificate of Occupancy", Subsection R110.4 "Temporary occupancy " – Amended.

- 15.79.075 Chapter 1, DIVISION II, Section R112 “Board of Appeals”, Subsection R112.1 "General" – Amended.
- 15.79.080 Chapter 1, DIVISION II, Section R113 “Violations”, Subsection R113.1 "Unlawful acts" – Amended.
- 15.79.082 Section 202 Definitions “Building Existing” – Amended.
- 15.79.085 Chapter 1, DIVISION II, Section R319 “Site Addresses”, Subsection R319.1 "Address numbers" – Amended.
- 15.72.090 Chapter 1, DIVISION II, Section R902 “Roof Classification”, Subsection R902.1.3 "Roofing Coverings in all other areas " – Amended.
- 15.79.095 Plan review fees.

15.79.010 California Residential Code adopted. The city council adopts, for the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height, area, fire resistance and maintenance of one- and two-family dwellings and townhouses not more than three stories above grade, the 2013 California Residential Code, published by the California Building Standards Commission based on the International Residential Code 2012 Edition, including specified Appendices, including Administration Divisions I and II, California Code of Regulations Title 24, and Part 2.5 of the California Health and Safety Code beginning with Section 18901, and save and except such portions as are deleted, added, or modified based on the climatic, topographic, or geologic conditions. Copies of the codes are filed in the office of the building official, and are adopted and incorporated as fully set out in this chapter, and the provisions thereof shall be controlling within the city limits.

15.79.025 Chapter 1, DIVISION II, Section R-104 “Duties and powers of the Building Official”, Subsection R104.6 "Right of entry" – Amended. Section R104.6 of the 2013 California Residential Code is amended to read as follows:

R104.6 *Right of Entry.* When necessary to make an inspection to enforce any of the provision of this code, or when the Authority Having Jurisdiction has reasonable cause to believe that there exists in any building or upon any premises a condition or code violation which make such building or premises unsafe, dangerous or hazardous, the Authority Having Jurisdiction, or designee, may request entry as specified in Chapter 1.12 of the National City Municipal Code.

15.79.030 Chapter 1, DIVISION II, Section R105 “Permits”, Subsection R105.2 "Work exempt from permit - Building" – Amended. Chapter 1, DIVISION II, Section R105.2 of the 2013 California Residential Code is amended by adding the following:

- 11. Playground, gymnastic and similar equipment and structures used for recreation and athletic activities accessory to Group R Division 3 structures.
- 12. Repairs to lawfully existing Group R Division 3 structures and Group U occupancy structures accessory to Group R Division 3 structures constructed

pursuant to a building permit which involves only the replacement of component parts or existing work completed with similar materials only for the purpose of maintenance and do not affect any structural components or plumbing, mechanical or electrical installations. Repairs exempt from permit requirements shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Specifically exempt from permit requirements are:

- A) Painting and decorating including refinishing of exterior stucco finishes.
 - B) Installation of floor covering.
 - C) Cabinet work.
 - D) Outside paving on private property not within the public right-of-way.
 - E) Replacement of existing windows with no structural modification of the existing window opening.
13. Ground mounted satellite antennas not exceeding ten feet in diameter and roof mounted satellite antennas not exceeding eight feet in diameter.
14. Painted wall signs and styrofoam or other foam mounted wall signs.

15.79.040 Chapter 1, DIVISION II, Section R105 "Permits", Subsection R105.5 "Expiration" – Amended. Section R105.5 of the 2013 California Residential Code is amended to read as follows:

Section R105.5 Expiration. Every permit issued by the Authority Having Jurisdiction under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within six calendar months from the date of such permit, or if the building or work authorized by such permit is stopped at any time after the work is commenced for a period of six calendar months, or if the building or work authorized by such permit exceeds three calendar years from the issuance date of the permit. Work shall be presumed to have commenced if the permittee has obtained a required inspection approval of work authorized by the permit by the Authority Having Jurisdiction within six calendar months of the date of permit issuance.

Work shall be presumed to be stopped if the permittee has not obtained a required inspection approval of work by the Authority Having Jurisdiction within each six-month period upon the initial commencement of work authorized by such permit.

Before such work can be recommenced, a new permit, or a renewal permit as specified below, shall be first obtained.

1. Permits where work has not commenced. For permits for which work has not commenced in the first six calendar months from the date of issuance, a renewal permit may be obtained provided that:

- A. No changes have been made or will be made in the original plans and specifications for such work;
- B. The expiration has not exceeded three years from the original issuance date;

C. The same edition of the California codes is in effect as used in the initial plan check;

D. A fee equal to one-half the amount required for a new permit is paid; and

E. The renewal permit shall expire three calendar years from the date of initial permit issuance.

Where later editions of the California codes have been adopted than used in the initial plan check, such applications for renewal shall be considered as a new plan check submittal. Accordingly, plans shall reflect the requirements of the current codes in effect, a full new plan check is required, and a full new plan check fee shall be paid. Upon completion of a new plan check, the permit may be renewed upon payment of a permit fee equal to one-half the amount required for a new permit.

2. Permits where work has commenced. For permits where work has commenced and was subsequently stopped as defined herein, a renewal permit may be obtained provided that:

A. No changes have been made or will be made in the original plans and specifications for such work;

B. The expiration has not exceeded three years from the original issuance date;

C. A fee equal to one-half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point of requiring only a final inspection, a fee equal to one quarter the amount required for a new permit shall be paid;

D. A renewal permit shall expire three calendar years from the date of initial permit issuance.

3. Permits that have exceeded three years. For permits that have exceeded three years beyond the issuance date, a renewed permit may be obtained provided that:

A. Construction in reliance upon the building permit has commenced and has been approved;

B. No changes have been made or will be made in the original plans and specifications for such work;

C. A fee equal to the full amount required for a new permit is paid except that where the Authority Having Jurisdiction determines that construction has progressed to the point that a lesser fee is warranted, such lesser fee shall be paid.

The maximum life of a permit renewal in accordance with subsection 15.70.040.3 shall be one calendar year from the date of renewal. The permit may be renewed for each calendar year thereafter provided that all requirements of A, B, and C as stated in subsection 15.70.040.3 are met.

4. Extension of an unexpired permit. For an extension of an unexpired permit, the permittee may apply for an extension of the time within which work under that permit may be continued when for good and satisfactory reasons, as determined by the Authority Having Jurisdiction, in his or her sole discretion, the permittee is unable to continue work within the time required by section 15.79.040.

The Authority Having Jurisdiction may extend the time for action by the permittee for a period not exceeding six calendar months beyond the expiration date in effect at the time of the extension application, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

5. Permits issued where the permittee has been deployed to a foreign country, may be held in abeyance until six months after the return of the permittee from his/her deployment if necessary, upon application for such relief by the permittee.

15.79.045 Chapter 1, DIVISION II, Section R105 "Permits", Subsection R105.7 "Placement of permit" – Amended. Section R105.7 of the 2013 California Residential Code is amended to read as follows:

Section R105.7 *Placement of permit*. The building permit or a copy, the inspection record, and the approved plans shall all be kept on site until the completion of the project. The inspection record is to be kept on the job unless removed by the building official.

15.79.050 Chapter 1, DIVISION II, Section R105 "Permits", Subsection R105.8.1 "Permit denial" – Added. Section R105.8.1 is added to the 2013 California Residential Code to read as follows:

Section R105.8.1 *Permit denial*. The Authority Having Jurisdiction may deny the issuance of a building permit on any property where there exists an unsafe or a substandard building as provided in the Chapters 15.10 and 15.16 of the National City Municipal Code, or where there exists unlawful construction, or where there exists a violation of the National City Municipal Code.

15.79.055 Chapter 1, DIVISION II, Section R108 "Fees", Subsection R108.2 – "Schedule of permit fees" – Amended. Section R108.2 of the 2013 California Residential Code is amended to read as follows:

Section R108.2 *Schedule of permit fees*. Permit fees, including plan review fees, shall be assessed in accordance with the current City of National City Fee Schedule.

15.79.060 Chapter 1, DIVISION II, Section R108 "Fees", Subsection R108.6 "Work commencing before permit issuance" – Amended. Section R108.6 of the 2013 California Residential Code is amended to read as follows:

Section R108.6 *Work commencing before permit issuance*. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an administrative penalty equal to the inspection fee portion the permit fee that would be required by this code if a permit were to be issued. The administrative penalty

is in addition to a permit fee. When a plan review is required for issuance of such permit, the plan review fee portion will not be subject to said penalty. The payment of such administrative penalty shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

15.79.065 Chapter 1, DIVISION II, Section R109 "Inspections", Subsection 109.3.1 "Re-inspections" – Added. Chapter 1, DIVISION II, Section R109.3.1 is added to the 2013 California Residential Code to read as follows:

Section R109.3.1 Reinspections. A reinspection fee may be assessed for each inspection or re-inspection when any of the following occurs:

1. The portion of work for which the inspection was called is not complete or the corrections previously required and called for are not made;
2. Calling for an inspection before the job is ready for such inspection or re-inspection;
3. The inspection record card or the approved plans are not posted or otherwise available to the inspector;
4. Failure to provide access on the date for which the inspection is requested; or,
5. Deviating from the approved plans when such deviation or change required approval of the building official.

To obtain a re-inspection, the permittee shall file an application in writing on a form provided for that purpose and pay the re-inspection fee in accordance with the current City of National City Fee Schedule. In instances where a re-inspection fee has been assessed, no further inspections shall be performed until the fees have been paid.

15.79.070 Chapter 1, DIVISION II, Section R110 "Certificate of Occupancy", Subsection R110.4 "Temporary occupancy" – Amended. Section R110.4 of the 2013 California Residential Code is amended to read as follows:

Section R110.4. Temporary Certificate of Occupancy. Where a project or a major portion thereof is substantially complete and can be safely occupied, but practical difficulties delay completion of work, the building official may issue a Temporary Certificate of Occupancy for the use of a portion or portions of the building or structure prior to the completion of the entire project.

Prior to issuance of a Temporary Certificate of Occupancy, the premises shall be inspected by all affected city departments who shall prepare a list of work required to be completed and shall forward the list along with a recommendation for approval or disapproval of the issuance of a Temporary Certificate of Occupancy to the building official.

Upon receipt of a recommendation for approval from all affected city departments. the building official may prepare a Temporary Certificate of Occupancy granting temporary occupancy that shall include the following:

1. Work yet to be completed;
2. Maximum time allotted for completion of said work;

3. Property owner's signature and the signature of the contractor agreeing to complete the work within the prescribed time or vacate the premises upon order of the building official until such work is completed;

4. Evidence that a faithful performance bond has been posted if required by any affected city department; and

5. A copy of the Temporary Certificate of Occupancy granting temporary occupancy shall be provided to all affected city departments.

15.79.075 Chapter 1, DIVISION II, Section R112 "Board of Appeals", Subsection R112.1 "General" – Amended. Section R112.1 of the 2013 California Residential Code is amended to read as follows:

Section R112.1 *Board of Appeals*. The City Council, pursuant to National City Municipal Code Chapter 15.04, shall have jurisdiction to review the items as enumerated in Chapter 15.79 of the National City Municipal Code.

15.79.080 Chapter 1, DIVISION II, Section R113 "Violations", Subsection R113.1 "Unlawful acts" – Amended. Section R113.1 of the 2013 California Residential Code is amended to read as follows:

Section R113.1 *Unlawful acts*. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

Violation of any provision of this code shall be punishable as a misdemeanor and shall carry the penalties as prescribed in Chapter 1.20 of the National City Municipal Code.

15.79.082 Section 202 Definitions "Building Existing" – Amended. Section 202 Definitions "Building, Existing" of the 2013 California Residential Code is amended to read:

Building, Existing. An "existing building" is a building erected prior to the adoption of the 2013 California Residential Code, or one for which a legal building permit has been issued. If more than fifty-percent of a structural roof or more than fifty-percent of all exterior walls are removed as part of a project, the building is not an existing building.

15.79.085 Chapter 1, DIVISION II, Section R319 "Site Addresses", Subsection R319.1 "Address numbers" – Amended. Section R319.1 of the 2013 California Residential Code is amended to read as follows:

Section R319.1 *Address numbers*. Every principal building or structure within the incorporated limits of the City of National City shall be identified by a designated street number as issued by the National City Fire Department.

Approved numbers or addresses shall be placed on all new and existing buildings, adjacent to the principal entrance to the premises or at a point that is

highly visible and legible from the street. If necessary, directional signs shall be posted showing proper access to the given address from a point where the Fire Department access roadway leaves the dedicated street, to the entrance of each addressed building. All such numbers shall be Arabic numerals or alphabetical letters and shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inches (12.7mm), and shall be placed on a contrasting background.

15.72.090 Chapter 1, DIVISION II, Section R902 "Roof Classification", Subsection R902.1.3 "Roofing Coverings in all other areas" – Amended. Section R902.1.3 of the 2013 California Residential Code is amended to read as follows:

Section R902.1.3 Roof Coverings in all other areas. The entire roof covering of every existing structure where more than fifty percent (50%) of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

15.79.095 Plan review fees. When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged in accordance with the current City of National City Fee Schedule.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

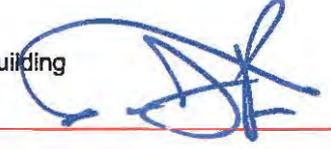
MEETING DATE: December 3rd, 2013

AGENDA ITEM NO.

ITEM TITLE:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING CHAPTER 15.04 OF THE NATIONAL CITY MUNICIPAL CODE BY AMENDING SECTION 15.04.010 PERTAINING TO THE CITY COUNCIL'S AUTHORITY UNDER TITLE 15

PREPARED BY: Luis Sainz, Building Official 

DEPARTMENT: Building 

PHONE: 4214

APPROVED BY: _____

EXPLANATION:

The Ordinance was introduced at the Council meeting on November 19th, 2013. A public hearing was held earlier this evening.

Adopting this Ordinance will finalize the Council's action

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt the Ordinance.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2013 – 2394

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AMENDING CHAPTER 15.04 OF THE NATIONAL CITY MUNICIPAL CODE
BY AMENDING SECTION 15.04.010 PERTAINING TO
THE CITY COUNCIL'S AUTHORITY UNDER TITLE 15

The City Council of the City of National City does ordain as follows:

Section 1. Chapter 15.04 of the National City Municipal Code is amended by amending Section 15.04.010 to read as follows:

15.04.010 City Council's Authority Under Title 15.

A. In matters pertaining to Title 15 of the Municipal Code, the city council shall have final authority in the following matters:

1. Alternate Materials and Method of Construction. The city council may approve alternate materials and/or method of construction provided they find that the proposed materials and/or method of construction, for the purpose intended, at least equivalent of that prescribed in the code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

2. Refusal to Issue Permits. The refusal of the building official to issue any permit required by the city may be appealed by the applicant to the city council.

3. Notice to Abate Public Nuisances. The action of the building official in issuing a correction notice or a notice to abate a public nuisance may be appealed to the city council.

4. Interpretation of City Codes. The decision of the building official in interpreting provisions of the building code, housing code, electrical code, plumbing code, mechanical code, energy code, green buildings standards code, uniform code for the abatement of dangerous buildings, uniform swimming pool, spa and hot tub code, and residential code of the city may be appealed to the city council.

5. Disabled Access Regulations. All appeals regarding the interpretation or application of the disabled access regulations contained in Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code pursuant to Health and Safety Code Section 19957.5 and the disabled access regulations contained in Title 24 of the California Code of Regulations shall be heard by the city council.

6. Decision of the City Council to be Final. In deciding the matters enumerated in subsections 1 through 5 of this section, the decision of the city council shall be final.

B. Definitions. The following definitions apply to Chapter 15:

For the purposes of Chapters 15.08, 15.10, 15.14, 15.16, 15.20, 15.22, 15.24, 15.34, 15.75, 15.78, and 15.79, "Authority Having Jurisdiction" means the building official of the City of National City.

--- Signature Page to Follow ---

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

**CITY OF NATIONAL CITY, CALIFORNIA
CITY COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO. _____

ITEM TITLE:

Resolution of the City Council of the City of National City ordering the affirmative termination by amortization of the nonconforming land use located at 1732 Coolidge Avenue, and ordering a reasonable amount of time in which such use shall be ordered terminated (Steve's West Coast Automotive)

PREPARED BY: Raymond Pe, Principal Planner
PHONE: 336-4421

DEPARTMENT: Planning Division
APPROVED BY: _____

EXPLANATION:

Pursuant to Municipal Code Section 18.11.100(D), the City Council may order a nonconforming use to be terminated within a reasonable amount of time upon recommendation of the Planning Commission. The Planning Commission conducted a public hearing on August 19, 2013 after written notice was provided to the owner of the subject nonconforming use. Oral and documentary evidence was received by the Commission at the hearing, and a reasonable amortization period was recommended for the subject nonconforming use based upon that evidence. On September 16, 2013, the Planning Commission adopted a resolution recommending that the City Council order the affirmative termination by amortization of the nonconforming land use. On November 5, 2013, the City Council considered the Planning Commission's resolution, the administrative record, the staff report, and other oral and documentary evidence, and thereafter directed staff to prepare a resolution ordering the affirmative termination of the nonconforming land use and setting forth the amortization period for the business. The amortization periods would commence on the date of final action by the City Council by adoption of the resolution. Failure to comply with an order to terminate would constitute a violation of the Municipal Code and a public nuisance subject to abatement.

FINANCIAL STATEMENT: Not applicable.

APPROVED: _____ **Finance**

ACCOUNT NO.

ENVIRONMENTAL REVIEW: Not applicable.

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION: Adopt the resolution.

BOARD / COMMISSION RECOMMENDATION: On September 16, 2013, the Planning Commission adopted a Resolution No. 22-2013 recommending that the City Council order the affirmative termination by amortization of the nonconforming land use within a reasonable amount of time.

ATTACHMENTS:

RESOLUTION NO. 2013 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NATIONAL CITY ORDERING THE AFFIRMATIVE TERMINATION BY
AMORTIZATION OF THE NONCONFORMING LAND USE LOCATED AT
1732 COOLIDGE AVENUE, AND ORDERING A REASONABLE AMOUNT
OF TIME IN WHICH SUCH USE SHALL BE ORDERED TERMINATED
(STEVE'S WEST COAST AUTOMOTIVE)

WHEREAS, prior to March 10, 2010, the real property commonly known as 1732 Coolidge Avenue was located in the Light Manufacturing-Residential (MLR) zone, and was devoted to general automotive repair, which was an allowed use in said zone; and

WHEREAS, on March 10, 2010, the City Council of the City of National City adopted Resolution No. 2010-44, approving a General Plan amendment to change the land use designations for the Westside Specific Plan Area from Light Manufacturing Residential (MLR), Civic Institutional – Open Space (IC-OS), Light Manufacturing – Planned Development (ML-PD), Tourist Commercial – Planned Development (CT-PD), and Heavy Commercial (CH) to Open Space Reserve (OSR), Residential – Single Family (RS-4), Mixed Use Commercial – Residential (MCR-1), Mixed Use Commercial – Residential (MCR-2), Limited Commercial (CL), and Civic Institutional (IC) within the Westside Specific Plan area east of I-5, west of National City Boulevard, north of Mile of Cars Way, and south of Plaza Boulevard; and

WHEREAS, also on March 10, 2010, the City Council adopted Resolution No. 2010-45, adopting the Westside Specific Plan for an area located east of I-5, west of National City Boulevard, north of Mile of Cars Way, and south of Plaza Boulevard; and

WHEREAS, on August 3, 2010, the City Council adopted Ordinance No. 2010-2344, amending Chapters 18.10, 18.14, 18.16, 18.50, 18.58, 18.62, 18.88, 18.104, 18.108, and 18.140 of the National City Municipal Code to provide standards implementing the approved Westside Specific Plan; and

WHEREAS, the real property commonly known as 1732 Coolidge Avenue is located in the Westside Specific Plan area; and

WHEREAS, as a result of the City Council's adoption of Resolution No. 2010-44, approving a General Plan amendment, and of Resolution No. 2010-45, approving the Westside Specific Plan, and of Ordinance No. 2010-2344, amending the Municipal Code to provide standards to implement the Westside Specific Plan, the real property commonly known as 1732 Coolidge Avenue was rezoned to the Mixed-Use Commercial-Residential (MCR-1) zone; and

WHEREAS, pursuant to Section 18.11.010 of the National City Municipal Code, a nonconforming land use occurs when the land use was lawful before a zoning regulation under the Land Use Code was enacted or amended, but that land use becomes prohibited after the regulation is enacted or amended; and

WHEREAS, because general automotive repair is not a permitted use in the Mixed-Use Commercial-Residential (MCR-1) zone, upon the effective date of Resolution No. 2010-44, Resolution 2010-45, and Ordinance No. 2010-2344, said use became a nonconforming use on the real property commonly known as 1732 Coolidge Avenue; and

WHEREAS, Section 18.11.100 of the National City Municipal Code, titled *Affirmative Termination by Amortization*, was enacted in 2006. Subsection (D)(1) of Section

18.11.100 provides, in relevant part, that the City Council may order a nonconforming use to be terminated within a reasonable amount of time, upon recommendation of the Planning Commission; that the Planning Commission shall conduct a public hearing after 10 days' written notice to the nonconforming user; and that in making its recommendation to terminate a nonconforming use and in recommending a reasonable amount of time in which such use shall be terminated, the Planning Commission shall consider the following:

- a) The total cost of the land and improvements;
- b) The length of time the use has existed;
- c) Adaptability of the land and improvements;
- d) The cost of moving and reestablishing the use elsewhere;
- e) Whether the use is significantly nonconforming;
- f) Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
- g) The possible threat to the public health, safety, or welfare;
- h) Any other relevant factors; and

WHEREAS, in 2010, the City was awarded a technical assistance grant from the United States Environmental Protection Agency (EPA). The grant allowed the EPA and its consultant to develop a process to rank nonconforming uses in the Westside Specific Plan area using a set of objective criteria that were applied to each property and land use within the Specific Plan area. The ranking process was intended for the purpose of ranking properties with nonconforming uses within the Specific Plan area, and as a means to prioritize those properties, with those properties with the highest priority being the first to be considered for affirmative termination through amortization, subject to consideration of the factors set forth in Section 18.11.100 (D)(1) of the Municipal Code; and

WHEREAS, on July 17, 2013, pursuant to Section 18.11.100 (D)(1) of the Municipal Code, the City served a written notice of public hearing upon the owners of Steve's West Coast Automotive, the owners of the nonconforming automotive repair business at 1732 Coolidge Avenue. Also on July 17, 2013, said notice was served upon the owners of the real property upon which the nonconforming automotive repair business is located. The notice advised the owners that the Planning Commission would hold a public hearing on August 19, 2013, after the hour of 6:00 p.m., in the City Council Chambers at 1243 National City Boulevard, to consider a recommendation on the affirmative termination by amortization of the nonconforming automotive repair business at 1732 Coolidge Avenue; and

WHEREAS, at the regular meeting of the Planning Commission on August 19, 2013, after the hour of 6:00 p.m., the Planning Commission held a hearing in the City Council Chambers at 1243 National City Boulevard, at which time the Commission considered a recommendation on the affirmative termination by amortization, and on the reasonable amount of time in which such amortization should occur, concerning the automotive repair business at 1732 Coolidge Avenue. At said hearing, the Commission considered the Staff Report and other oral and documentary evidence, including the testimony of Brian P. Brinig, a business valuation consultant; the testimony of Raymond Pe, Principal Planner for the City; and the testimony of Michael Garcia, a land use consultant; and

WHEREAS, at the regular meeting of the Planning Commission on September 16, 2013, the Planning Commission adopted Resolution No. 22-2013, *Resolution of the Planning Commission of the City of National City Recommending that the City Council Order the Affirmative Termination by Amortization of the Nonconforming Land Use Located at 1732 Coolidge Avenue, and Recommending a Reasonable Amount of Time in which Such Use Shall Be Ordered Terminated*. Pursuant to Resolution No. 22-2013, the Planning Commission recommended to the City Council that the City Council order the termination of the nonconforming automotive repair use located at 1732 Coolidge Avenue, and further recommended to the City Council that the City Council order the nonconforming automotive repair use located at 1732 Coolidge Avenue cease its current operations no later than 1.69 years (1 year and 252 days) from the date of final action by the City Council; and

WHEREAS, on September 23, 2013, the City served written notice upon the owners of Steve's West Coast Automotive, the owners of the nonconforming automotive repair business located at 1732 Coolidge Avenue, and upon the owners of the real property upon which the nonconforming automotive repair business is located. The notice advised the owners that the City Council would consider the recommendation of the Planning Commission on the affirmative termination by amortization of said nonconforming automotive repair business at the regular meeting of the City Council on November 5, 2013, after the hour of 6:00 p.m. in the City Council Chambers at 1243 National City Boulevard; and

WHEREAS, on November 5, 2013, after the hour of 6:00 p.m., at a regular meeting of the City Council, the City Council did in open session consider the recommendation of the Planning Commission on the affirmative termination by amortization, and on the reasonable amount of time in which such amortization should occur, concerning the nonconforming automotive repair business known as Steve's West Coast Automotive, located at 1732 Coolidge Avenue. During said meeting the City Council considered the Administrative Record of the August 19, 2013 hearing before the Planning Commission, including the Staff Report for the hearing; the hearing transcript, and Planning Commission Resolution No. 22-2013, and considered additional oral and documentary evidence, including the Staff Report for the November 5, 2013 meeting of the City Council, the testimony of Brian Brinig, a business valuation consultant; the testimony of Raymond Pe, Principal Planner for the City; and the testimony of Michael Garcia, a land use consultant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of National City as follows:

1. That based upon the Administrative Record of the August 19, 2013 hearing before the Planning Commission, and upon Planning Commission Resolution No. 22-2013, the Staff Report for the November 5, 2013 meeting of the City Council, and other oral and documentary evidence received at the time of the November 5, 2013 meeting of the City Council, the City Council makes the following findings pursuant to Section 18.11.100 (D)(1)(a)-(h) of the Municipal Code:
 - a) The total cost of the land and improvements.
 - (1) The term of the business owners' existing lease ends in February, 2014, with a current rent of \$2,400 per month.

- (2) The assessed value of the land and improvements was obtained from the San Diego County Assessor's Office, and was considered as being potentially relevant to the analysis. However, a business enterprise that operates under a real property lease does not own the land or real property improvements from which it operates. Consequently, the historical cost of the land and improvements are not relevant to the analysis in this case.
- b) The length of time the use has existed.
- (1) According to the City's business license records, the current automotive repair use has existed at this location since April 26, 2004.
 - (2) The location has had a series of businesses utilizing the "West Coast" name since 1999.
 - (3) Because the owners of Steve's West Coast Automotive have operated at this location since 2004, the owners have operated longer than the period necessary to recover their investment.
- c) Adaptability of the land and improvements to a currently permitted use.
- (1) The land area exceeds the minimum required by the Mixed Use Commercial Residential zone.
 - (2) The building size exceeds the minimum required by the Mixed Use Commercial Residential zone.
 - (3) The building meets the minimum setbacks required by the Mixed Use Commercial Residential zone.
 - (4) The building floor area meets the Floor Area Ratio requirements of the Mixed Use Commercial Residential zone.
 - (5) The building does not exceed the maximum height allowed by the Mixed Use Commercial Residential zone.
 - (6) The property meets the parking requirements of the Mixed Use Commercial Residential zone.
 - (7) The building would require major, costly rehabilitation to convert it to a type suitable for use in the Mixed Use Commercial Residential zone.
- d) The cost of moving and reestablishing the use elsewhere.
- (1) Several cars, three hydraulic lifts, and various materials, tools, and office equipment used by this type of automotive repair business have been observed on this site.
 - (2) Based on an analysis of this use, its relocation would require labor for packing, moving, and unpacking, rental of a forklift, and the towing of several cars.
 - (3) To reestablish this use elsewhere would require searching for the new location; securing the new site (e.g., security deposit); reestablishing phone, internet, business cards, and letterhead; marketing; and making tenant improvements (e.g., flooring, storage, shelving, lifts, electrical upgrades).
 - (4) The estimated relocation cost for this use is \$15,600.
 - (5) The estimated cost to reestablish this use is \$9,300.

- e) Whether the use is significantly nonconforming.
 - (1) This automotive repair use is a significantly nonconforming use in the Mixed Use Commercial Residential zone.
 - (2) The automotive repair use could be converted to a mixed residential over retail or office use as allowed in the Mixed Use Commercial Residential zone after significant investment in building rehabilitation.

- f) Compatibility with the existing land use patterns and densities of the surrounding neighborhood.
 - (1) The automotive repair use is compatible with some of the adjacent, existing land use patterns, namely, other automotive repair uses; however, these other uses are not in conformance with the land uses allowed by the Westside Specific Plan.
 - (2) The use is in close proximity to residential uses.

- g) The possible threat to the public health, safety, or welfare.
 - (1) Notices of violation have been issued and have been resolved.
 - (2) The use has all required permits.
 - (3) Notices of unlawful discharges into the stormwater system have been issued but have been resolved.
 - (4) Hazardous materials are stored on-site.
 - (5) Open storage of hazardous materials occurs on the site.
 - (6) Security measures such as fencing are in place on the site.
 - (7) The use is located within 100 feet of Kimball Elementary School, which is considered a sensitive use.
 - (8) The use performs work off-site and in the public right of way. Cars are parked on sidewalks, which forces elementary school children to walk in the street when going to and from school.
 - (9) Testimony from four physicians with experience providing health care services in various programs in National City established that automotive-related businesses are notorious for their use of volatile organic compounds, which are known to cause a variety of health problems from headaches to damage to the central nervous system; that automotive-related business are one of the most significant sources of toxins in the Westside area of National City; that children are particularly susceptible to the effects of environmental toxins; that automotive-related businesses use products containing toxic metals and organic solvents that become air pollutants; that although everyone exposed to environmental toxics is at risk, infants and children, pregnant women, the elderly and people with chronic health problems are especially vulnerable; that the negative health impacts linked to the use of chemical products commonly used in these commercial activities include diminished lung function in children, infertility, miscarriages, birth defects, nervous system problems, cancer, and heart and lung disease; that there are incidents of children in this area of the City who are hospitalized with asthma, and suffer

multiple asthma attacks month after month, which is caused by the toxic chemicals, inhalants, and carcinogens that are produced by some of the businesses in the area; that the residents suffer from the noise generated, sometimes after hours, by the automotive-related businesses in this area of the City.

h) Any other relevant factors.

- (1) The Price/Earnings Ratio (P/E Ratio) was determined by the City's business valuation consultant, because the P/E Ratio indicates the number of years of earnings that it takes to recover the value of the business. Using the nationally recognized standard business valuation sources, Pratt Stats Business Comps, and The Institute of Business Appraisers database, P/E Ratio was determined to be in the range of 1.69 to 2.19. By converting the P/E Ratio into years, the business owners are allowed to earn the business's net income for that number of years, thereby recovering the fair market value of their investment. Accordingly, the reasonable amortization period that would allow for the recovery of the business owners' investment, based upon the analysis of the City's business valuation consultant, is in the range of 1.69 to 2.19 years.
 - (2) Underlying information about the business was collected through meetings with the business owners, and by observation of equipment and furniture, machinery, and other types of implements used in the operation of the business.
2. That based upon the above findings, and in particular, the findings that the historical cost of the land and improvements at 1732 Coolidge Avenue is irrelevant in determining a reasonable amortization period for the business at that location, that the automotive repair business has been operated at this location longer than the period necessary for the owners to recover their investment, that the use is significantly nonconforming with the uses allowed in the Mixed Use Commercial Residential zone, that the use is not compatible with the uses allowed in the Mixed Use Commercial Residential zone, and that the automotive repair use at this location presents a threat to the public health, safety, and welfare, the City Council further finds and determines that the automotive repair use at 1732 Coolidge Avenue should be terminated.
 3. That based upon the above findings, and in particular, the findings that the historical cost of the land and improvements at 1732 Coolidge Avenue is irrelevant in determining a reasonable amortization period for the business at this location, that the automotive repair business has been operated at this location longer than the period necessary for the owners to recover their investment, that the use is significantly nonconforming with the uses allowed in the Mixed Use Commercial Residential zone, that the use is not compatible with the uses allowed in the Mixed Use Commercial Residential zone, and that the automotive repair use at this location presents a threat to the public health, safety, and welfare, the City Council further finds and determines that the reasonable time

within which the nonconforming automotive repair use at 1732 Coolidge Avenue should be terminated is 1.69 years (1 year and 252 days) from the date of this Resolution.

BE IT FURTHER RESOLVED that the City Council hereby orders the termination of the nonconforming automotive repair use located at 1732 Coolidge Avenue.

BE IT FURTHER RESOLVED that the City Council hereby orders that the time period within which the nonconforming automotive repair use located at 1732 Coolidge Avenue shall cease its current operations is 1.69 years (1 year and 252 days) from the date of this Resolution.

BE IT FURTHER RESOLVED that the nonconforming automotive repair use known as Steve's West Coast Transmission, located at 1732 Coolidge Avenue, shall terminate its current nonconforming use no later than 1.69 years (1 year and 252 days) from the date of this Resolution, as set forth in the Order attached hereto as Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the Mayor to execute the Order attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that this action is not considered a project as defined in the California Environmental Quality Act since it does not have the potential to result in either a direct or a reasonably foreseeable indirect physical change in the environment, and is thereby not subject to the California Environmental Quality Act.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

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CITY COUNCIL
FOR THE CITY OF NATIONAL CITY

In re: 1732 Coolidge Avenue – Steve’s West
Coast Automotive

**ORDER AFTER AMORTIZATION
HEARING TO TERMINATE THE
NONCONFORMING USE, TO WIT:
AUTOMOTOVE REPAIR LOCATED AT
1732 COOLIDGE AVENUE, CURRENTLY
BEING OPERATED AS STEVE’S WEST
COAST AUTOMOTIVE**

Date: December 3, 2013

The City Council of the City of National City heard and considered the above-entitled matter on November 5, 2013. After having read and considered the Administrative Record of the August 19, 2013 Planning Commission hearing, Planning Commission Resolution No. 22-2013, the Staff Report for the November 5, 2013 meeting of the City Council, and other oral and documentary evidence received at the time of the November 5, 2013 meeting of the City Council, the City Council orders as follows:

1. The nonconforming use of automotive repair located at 1732 Coolidge Avenue, currently operated as Steve’s West Coast Automotive, shall cease 1.69 years (1 year and 252 days) from the date of this order.

IT IS SO ORDERED.

DATED: December 3, 2013

Mayor Ron Morrison

EXHIBIT "A"

18.11.100 provides, in relevant part, that the City Council may order a nonconforming use to be terminated within a reasonable amount of time, upon recommendation of the Planning Commission; that the Planning Commission shall conduct a public hearing after 10 days' written notice to the nonconforming user; and that in making its recommendation to terminate a nonconforming use and in recommending a reasonable amount of time in which such use shall be terminated, the Planning Commission shall consider the following:

- a) The total cost of the land and improvements;
- b) The length of time the use has existed;
- c) Adaptability of the land and improvements;
- d) The cost of moving and reestablishing the use elsewhere;
- e) Whether the use is significantly nonconforming;
- f) Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
- g) The possible threat to the public health, safety, or welfare;
- h) Any other relevant factors; and

WHEREAS, in 2010, the City was awarded a technical assistance grant from the United States Environmental Protection Agency (EPA). The grant allowed the EPA and its consultant to develop a process to rank nonconforming uses in the Westside Specific Plan area using a set of objective criteria that were applied to each property and land use within the Specific Plan area. The ranking process was intended for the purpose of ranking properties with nonconforming uses within the Specific Plan area, and as a means to prioritize those properties, with those properties with the highest priority being the first to be considered for affirmative termination through amortization, subject to consideration of the factors set forth in Section 18.11.100 (D)(1) of the Municipal Code; and

WHEREAS, on July 17, 2013, pursuant to Section 18.11.100 (D)(1) of the Municipal Code, the City served a written notice of public hearing upon the owners of Steve's West Coast Automotive, the owners of the nonconforming automotive repair business at 1732 Coolidge Avenue. Also on July 17, 2013, said notice was served upon the owners of the real property upon which the nonconforming automotive repair business is located. The notice advised the owners that the Planning Commission would hold a public hearing on August 19, 2013, after the hour of 6:00 p.m., in the City Council Chambers at 1243 National City Boulevard, to consider a recommendation on the affirmative termination by amortization of the nonconforming automotive repair business at 1732 Coolidge Avenue; and

WHEREAS, at the regular meeting of the Planning Commission on August 19, 2013, after the hour of 6:00 p.m., the Planning Commission held a hearing in the City Council Chambers at 1243 National City Boulevard, at which time the Commission considered a recommendation on the affirmative termination by amortization, and on the reasonable amount of time in which such amortization should occur, concerning the automotive repair business at 1732 Coolidge Avenue. At said hearing, the Commission considered the Staff Report and other oral and documentary evidence, including the testimony of Brian P. Brinig, a business valuation consultant; the testimony of Raymond Pe, Principal Planner for the City; and the testimony of Michael Garcia, a land use consultant; and

WHEREAS, at the regular meeting of the Planning Commission on September 16, 2013, the Planning Commission adopted Resolution No. 22-2013, *Resolution of the Planning Commission of the City of National City Recommending that the City Council Order the Affirmative Termination by Amortization of the Nonconforming Land Use Located at 1732 Coolidge Avenue, and Recommending a Reasonable Amount of Time in which Such Use Shall Be Ordered Terminated*. Pursuant to Resolution No. 22-2013, the Planning Commission recommended to the City Council that the City Council order the termination of the nonconforming automotive repair use located at 1732 Coolidge Avenue, and further recommended to the City Council that the City Council order the nonconforming automotive repair use located at 1732 Coolidge Avenue cease its current operations no later than 1.69 years (1 year and 252 days) from the date of final action by the City Council; and

WHEREAS, on September 23, 2013, the City served written notice upon the owners of Steve's West Coast Automotive, the owners of the nonconforming automotive repair business located at 1732 Coolidge Avenue, and upon the owners of the real property upon which the nonconforming automotive repair business is located. The notice advised the owners that the City Council would consider the recommendation of the Planning Commission on the affirmative termination by amortization of said nonconforming automotive repair business at the regular meeting of the City Council on November 5, 2013, after the hour of 6:00 p.m. in the City Council Chambers at 1243 National City Boulevard; and

WHEREAS, on November 5, 2013, after the hour of 6:00 p.m., at a regular meeting of the City Council, the City Council did in open session consider the recommendation of the Planning Commission on the affirmative termination by amortization, and on the reasonable amount of time in which such amortization should occur, concerning the nonconforming automotive repair business known as Steve's West Coast Automotive, located at 1732 Coolidge Avenue. During said meeting the City Council considered the Administrative Record of the August 19, 2013 hearing before the Planning Commission, including the Staff Report for the hearing; the hearing transcript, and Planning Commission Resolution No. 22-2013, and considered additional oral and documentary evidence, including the Staff Report for the November 5, 2013 meeting of the City Council, the testimony of Brian Brinig, a business valuation consultant; the testimony of Raymond Pe, Principal Planner for the City; and the testimony of Michael Garcia, a land use consultant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of National City as follows:

1. That based upon the Administrative Record of the August 19, 2013 hearing before the Planning Commission, and upon Planning Commission Resolution No. 22-2013, the Staff Report for the November 5, 2013 meeting of the City Council, and other oral and documentary evidence received at the time of the November 5, 2013 meeting of the City Council, the City Council makes the following findings pursuant to Section 18.11.100 (D)(1)(a)-(h) of the Municipal Code:
 - a) The total cost of the land and improvements.
 - (1) The term of the business owners' existing lease ends in February, 2014, with a current rent of \$2,400 per month.

- (2) The assessed value of the land and improvements was obtained from the San Diego County Assessor's Office, and was considered as being potentially relevant to the analysis. However, a business enterprise that operates under a real property lease does not own the land or real property improvements from which it operates. Consequently, the historical cost of the land and improvements are not relevant to the analysis in this case.
- b) The length of time the use has existed.
- (1) According to the City's business license records, the current automotive repair use has existed at this location since April 26, 2004.
 - (2) The location has had a series of businesses utilizing the "West Coast" name since 1999.
 - (3) Because the owners of Steve's West Coast Automotive have operated at this location since 2004, the owners have operated longer than the period necessary to recover their investment.
- c) Adaptability of the land and improvements to a currently permitted use.
- (1) The land area exceeds the minimum required by the Mixed Use Commercial Residential zone.
 - (2) The building size exceeds the minimum required by the Mixed Use Commercial Residential zone.
 - (3) The building meets the minimum setbacks required by the Mixed Use Commercial Residential zone.
 - (4) The building floor area meets the Floor Area Ratio requirements of the Mixed Use Commercial Residential zone.
 - (5) The building does not exceed the maximum height allowed by the Mixed Use Commercial Residential zone.
 - (6) The property meets the parking requirements of the Mixed Use Commercial Residential zone.
 - (7) The building would require major, costly rehabilitation to convert it to a type suitable for use in the Mixed Use Commercial Residential zone.
- d) The cost of moving and reestablishing the use elsewhere.
- (1) Several cars, three hydraulic lifts, and various materials, tools, and office equipment used by this type of automotive repair business have been observed on this site.
 - (2) Based on an analysis of this use, its relocation would require labor for packing, moving, and unpacking, rental of a forklift, and the towing of several cars.
 - (3) To reestablish this use elsewhere would require searching for the new location; securing the new site (e.g., security deposit); reestablishing phone, internet, business cards, and letterhead; marketing; and making tenant improvements (e.g., flooring, storage, shelving, lifts, electrical upgrades).
 - (4) The estimated relocation cost for this use is \$15,600.
 - (5) The estimated cost to reestablish this use is \$9,300.

- e) Whether the use is significantly nonconforming.
 - (1) This automotive repair use is a significantly nonconforming use in the Mixed Use Commercial Residential zone.
 - (2) The automotive repair use could be converted to a mixed residential over retail or office use as allowed in the Mixed Use Commercial Residential zone after significant investment in building rehabilitation.

- f) Compatibility with the existing land use patterns and densities of the surrounding neighborhood.
 - (1) The automotive repair use is compatible with some of the adjacent, existing land use patterns, namely, other automotive repair uses; however, these other uses are not in conformance with the land uses allowed by the Westside Specific Plan.
 - (2) The use is in close proximity to residential uses.

- g) The possible threat to the public health, safety, or welfare.
 - (1) Notices of violation have been issued and have been resolved.
 - (2) The use has all required permits.
 - (3) Notices of unlawful discharges into the stormwater system have been issued but have been resolved.
 - (4) Hazardous materials are stored on-site.
 - (5) Open storage of hazardous materials occurs on the site.
 - (6) Security measures such as fencing are in place on the site.
 - (7) The use is located within 100 feet of Kimball Elementary School, which is considered a sensitive use.
 - (8) The use performs work off-site and in the public right of way. Cars are parked on sidewalks, which forces elementary school children to walk in the street when going to and from school.
 - (9) The use is not located in close proximity to residential uses.
 - (10) The use performs no work off-site or in the public right of way.
 - (11) Testimony from four physicians with experience providing health care services in various programs in National City established that automotive-related businesses are notorious for their use of volatile organic compounds, which are known to cause a variety of health problems from headaches to damage to the central nervous system; that automotive-related business are one of the most significant sources of toxins in the Westside area of National City; that children are particularly susceptible to the effects of environmental toxins; that automotive-related businesses use products containing toxic metals and organic solvents that become air pollutants; that although everyone exposed to environmental toxics is at risk, infants and children, pregnant women, the elderly and people with chronic health problems are especially vulnerable; that the negative health impacts linked to the use of chemical products commonly used in these commercial activities include diminished lung function in children, infertility, miscarriages, birth defects, nervous system problems, cancer, and

heart and lung disease; that there are incidents of children in this area of the City who are hospitalized with asthma, and suffer multiple asthma attacks month after month, which is caused by the toxic chemicals, inhalants, and carcinogens that are produced by some of the businesses in the area; that the residents suffer from the noise generated, sometimes after hours, by the automotive-related businesses in this area of the City.

h) Any other relevant factors.

- (1) The Price/Earnings Ratio (P/E Ratio) was determined by the City's business valuation consultant, because the P/E Ratio indicates the number of years of earnings that it takes to recover the value of the business. Using the nationally recognized standard business valuation sources, Pratt Stats Business Comps, and The Institute of Business Appraisers database, P/E Ratio was determined to be in the range of 1.64 to 2.77. By converting the P/E Ratio into years, the business owners are allowed to earn the business's net income for that number of years, thereby recovering the fair market value of their investment. Accordingly, the reasonable amortization period that would allow for the recovery of the business owners' investment, based upon the analysis of the City's business valuation consultant, is in the range of 1.64 to 2.77 years.
- (2) Underlying information about the business was collected through meetings with the business owners, and by observation of equipment and furniture, machinery, and other types of implements used in the operation of the business.

2. That based upon the above findings, and in particular, the findings that the historical cost of the land and improvements at 1732 Coolidge Avenue is irrelevant in determining a reasonable amortization period for the business at that location, that the automotive repair business has been operated at this location longer than the period necessary for the owners to recover their investment, that the use is significantly nonconforming with the uses allowed in the Mixed Use Commercial Residential zone, that the use is not compatible with the uses allowed in the Mixed Use Commercial Residential zone, and that the automotive repair use at this location presents a threat to the public health, safety, and welfare, the City Council further finds and determines that the automotive repair use at 1732 Coolidge Avenue should be terminated.
3. That based upon the above findings, and in particular, the findings that the historical cost of the land and improvements at 1732 Coolidge Avenue is irrelevant in determining a reasonable amortization period for the business at this location, that the automotive repair business has been operated at this location longer than the period necessary for the owners to recover their investment, that the use is significantly nonconforming with the uses allowed in the Mixed Use Commercial Residential zone, that the use is not compatible with the uses allowed in the Mixed Use Commercial Residential zone, and that the automotive repair use at this location presents a threat to the public health, safety, and

welfare, the City Council further finds and determines that the reasonable time within which the nonconforming automotive repair use at 1732 Coolidge Avenue should be terminated is 1.69 years (1 year and 252 days) from the date of this Resolution.

BE IT FURTHER RESOLVED that the City Council hereby orders the termination of the nonconforming automotive repair use located at 1732 Coolidge Avenue.

BE IT FURTHER RESOLVED that the City Council hereby orders that the time period within which the nonconforming automotive repair use located at 1732 Coolidge Avenue shall cease its current operations is 1.69 years (1 year and 252 days) from the date of this Resolution.

BE IT FURTHER RESOLVED that the nonconforming automotive repair use known as Steve's West Coast Transmission, located at 1732 Coolidge Avenue, shall terminate its current nonconforming use no later than 1.69 years (1 year and 252 days) from the date of this Resolution, as set forth in the Order attached hereto as Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the Mayor to execute the Order attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that this action is not considered a project as defined in the California Environmental Quality Act since it does not have the potential to result in either a direct or a reasonably foreseeable indirect physical change in the environment, and is thereby not subject to the California Environmental Quality Act.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

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CITY COUNCIL
FOR THE CITY OF NATIONAL CITY

In re: 1732 Coolidge Avenue – Steve’s West
Coast Automotive

**ORDER AFTER AMORTIZATION
HEARING TO TERMINATE THE
NONCONFORMING USE, TO WIT:
AUTOMOTOVE REPAIR LOCATED AT
1732 COOLIDGE AVENE, CURRENTLY
BEING OPERATED AS STEVE’S WEST
COAST AUTOMOTIVE**

Date: December 3, 2013

The City Council of the City of National City heard and considered the above-entitled matter on November 5, 2013. After having read and considered the Administrative Record of the August 19, 2013 Planning Commission hearing, Planning Commission Resolution No. 22-2013, the Staff Report for the November 5, 2013 meeting of the City Council, and other oral and documentary evidence received at the time of the November 5, 2013 meeting of the City Council, the City Council orders as follows:

1. The nonconforming use of automotive repair located at 1732 Coolidge Avenue, currently operated as Steve’s West Coast Automotive, shall cease 1.64 years (1 year and 234 days) from the date of this order.

IT IS SO ORDERED.

DATED: December 3, 2013

Mayor Ron Morrison

EXHIBIT "A"

**CITY OF NATIONAL CITY, CALIFORNIA
CITY COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO. _____

ITEM TITLE:

Resolution of the City Council of the City of National City ordering the affirmative termination by amortization of the nonconforming land use located at 108 W. 18th Street, and ordering a reasonable amount of time in which such use shall be ordered terminated (Jose's Auto Electric)

PREPARED BY: Raymond Pe, Principal Planner
PHONE: 336-4421

DEPARTMENT: Planning Division
APPROVED BY: _____

EXPLANATION:

Pursuant to Municipal Code Section 18.11.100(D), the City Council may order a nonconforming use to be terminated within a reasonable amount of time upon recommendation of the Planning Commission. The Planning Commission conducted a public hearing on August 19, 2013 after written notice was provided to the owner of the subject nonconforming use. Oral and documentary evidence was received by the Commission at the hearing, and a reasonable amortization period was recommended for the subject nonconforming use based upon that evidence. On September 16, 2013, the Planning Commission adopted a resolution recommending that the City Council order the affirmative termination by amortization of the nonconforming land use. On November 5, 2013, the City Council considered the Planning Commission's resolution, the administrative record, the staff report, and other oral and documentary evidence, and thereafter directed staff to prepare a resolution ordering the affirmative termination of the nonconforming land use and setting forth the amortization period for the business. The amortization periods would commence on the date of final action by the City Council by adoption of the resolution. Failure to comply with an order to terminate would constitute a violation of the Municipal Code and a public nuisance subject to abatement.

FINANCIAL STATEMENT: Not applicable.

APPROVED: _____ Finance

ACCOUNT NO.

ENVIRONMENTAL REVIEW: Not applicable.

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION: Adopt the resolution.

BOARD / COMMISSION RECOMMENDATION: On September 16, 2013, the Planning Commission adopted a Resolution No. 23-2013 recommending that the City Council order the affirmative termination by amortization of the nonconforming land use within a reasonable amount of time.

ATTACHMENTS:

RESOLUTION NO. 2013 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NATIONAL CITY ORDERING THE AFFIRMATIVE TERMINATION
BY AMORTIZATION OF THE NONCONFORMING LAND USE LOCATED
AT 108 WEST 18TH STREET, AND ORDERING A REASONABLE
AMOUNT OF TIME IN WHICH SUCH USE SHALL BE TERMINATED
(JOSE'S AUTO ELECTRIC)

WHEREAS, prior to March 10, 2010, the real property commonly known as 108 WEST 18th Street was located in the Light Manufacturing-Residential (MLR) zone, and was devoted to automotive repair, specializing in tune-ups and brake repair, which was an allowed use in said zone; and

WHEREAS, on March 10, 2010, the City Council of the City of National City adopted Resolution No. 2010-44, approving a General Plan amendment to change the land use designations for the Westside Specific Plan Area from Light Manufacturing Residential (MLR), Civic Institutional – Open Space (IC-OS), Light Manufacturing – Planned Development (ML-PD), Tourist Commercial – Planned Development (CT-PD), and Heavy Commercial (CH) to Open Space Reserve (OSR), Residential – Single Family (RS-4), Mixed Use Commercial – Residential (MCR-1), Mixed Use Commercial – Residential (MCR-2), Limited Commercial (CL), and Civic Institutional (IC) within the Westside Specific Plan area east of I-5, west of National City Boulevard, north of Mile of Cars Way, and south of Plaza Boulevard; and

WHEREAS, also on March 10, 2010, the City Council adopted Resolution No. 2010-45, adopting the Westside Specific Plan for an area located east of I-5, west of National City Boulevard, north of Mile of Cars Way, and south of Plaza Boulevard; and

WHEREAS, on August 3, 2010, the City Council adopted Ordinance No. 2010-2344, amending Chapters 18.10, 18.14, 18.16, 18.50, 18.58, 18.62, 18.88, 18.104, 18.108, and 18.140 of the National City Municipal Code to provide standards implementing the approved Westside Specific Plan; and

WHEREAS, the real property commonly known as 108 West 18th Street is located in the Westside Specific Plan area; and

WHEREAS, as a result of the City Council's adoption of Resolution No. 2010-44, approving a General Plan amendment, and of Resolution No. 2010-45, approving the Westside Specific Plan, and of Ordinance No. 2010-2344, amending the Municipal Code to provide standards to implement the Westside Specific Plan, the real property commonly known as 108 West 18th Street was rezoned to the Limited Commercial (CL) zone; and

WHEREAS, pursuant to Section 18.11.010 of the National City Municipal Code, a nonconforming land use occurs when the land use was lawful before a zoning regulation under the Land Use Code was enacted or amended, but that land use becomes prohibited after the regulation is enacted or amended; and

WHEREAS, because specialized automotive repair is not a permitted use in the Limited Commercial zone, upon the effective date of Resolution No. 2010-44, Resolution 2010-45, and Ordinance No. 2010-2344, said use became a nonconforming use on the real property commonly known as 108 West 18th Street; and

WHEREAS, Section 18.11.100 of the National City Municipal Code, titled *Affirmative Termination by Amortization*, was enacted in 2006. Subsection (D)(1) of Section 18.11.100 provides, in relevant part, that the City Council may order a nonconforming use to be terminated within a reasonable amount of time, upon recommendation of the Planning Commission; that the Planning Commission shall conduct a public hearing after 10 days' written notice to the nonconforming user; and that in making its recommendation to terminate a nonconforming use and in recommending a reasonable amount of time in which such use shall be terminated, the Planning Commission shall consider the following:

- a) The total cost of the land and improvements;
- b) The length of time the use has existed;
- c) Adaptability of the land and improvements;
- d) The cost of moving and reestablishing the use elsewhere;
- e) Whether the use is significantly nonconforming;
- f) Compatibility with the existing land use patterns and densities of the surrounding neighborhood;
- g) The possible threat to the public health, safety, or welfare;
- h) Any other relevant factors; and

WHEREAS, in 2010, the City was awarded a technical assistance grant from the United States Environmental Protection Agency (EPA). The grant allowed the EPA and its consultant to develop a process to rank nonconforming uses in the Westside Specific Plan area using a set of objective criteria that were applied to each property and land use within the Specific Plan area. The ranking process was intended for the purpose of ranking properties with nonconforming uses within the Specific Plan area, and as a means to prioritize those properties, with those properties with the highest priority being the first to be considered for affirmative termination through amortization, subject to consideration of the factors set forth in Section 18.11.100 (D)(1) of the Municipal Code; and

WHEREAS, on July 17, 2013, pursuant to Section 18.11.100 (D)(1) of the Municipal Code, the City served a written notice of public hearing upon the owners of Jose's Auto Electric, the owners of the nonconforming specialized automotive repair business at 108 West 18th Street. Also on July 17, 2013, said notice was served upon the owners of the real property upon which the nonconforming automotive repair business is located. The notice advised the owners that the Planning Commission would hold a public hearing on August 19, 2013, after the hour of 6:00 p.m., in the City Council Chambers at 1243 National City Boulevard, to consider a recommendation to the City Council on the affirmative termination by amortization of the nonconforming specialized automotive repair business at 108 West 18th Street; and

WHEREAS, at the regular meeting of the Planning Commission on August 19, 2013, after the hour of 6:00 p.m., the Planning Commission held a hearing in the City Council Chambers at 1243 National City Boulevard, at which time the Commission considered recommendations on the affirmative termination by amortization, and on the reasonable amount of time in which such amortization should occur, concerning the specialized automotive repair business known as Jose's Auto Electric, located at 108 West 18th Street. At said hearing, the Commission considered the Staff Report and other oral and documentary evidence, including the testimony of Brian P. Brinig, a business valuation consultant; the testimony of Raymond Pe, Principal Planner for the City; and the testimony of Michael Garcia, a land use consultant; and

WHEREAS, at the regular meeting of the Planning Commission on September 16, 2013, the Planning Commission adopted Resolution No. 23-2013, *Resolution of the Planning Commission of the City of National City Recommending that the City Council Order the Affirmative Termination by Amortization of the Nonconforming Land Use Located at 108 West 18th Street, and Recommending a Reasonable Amount of Time in which Such Use Shall Be Terminated*. Pursuant to Resolution No. 23-2013, the Planning Commission recommended to the City Council that the City Council order the termination of the nonconforming specialized automotive repair use located at 108 West 18th Street, and further recommended to the City Council that the City Council order the nonconforming specialized automotive repair use located at 108 West 18th Street to cease its nonconforming operations no later than 1.64 years (1 year and 234 days) from the date of final action by the City Council; and

WHEREAS, on September 23, 2013, the City served written notice upon the owners of Jose's Auto Electric, the owners of the nonconforming specialized automotive repair business located at 108 West 18th Street, and upon the owners of the real property upon which the nonconforming automotive repair business is located. The notice advised the owners that the City Council would consider the recommendation of the Planning Commission on the affirmative termination by amortization of said nonconforming specialized automotive repair business at the regular meeting of the City Council on November 5, 2013, after the hour of 6:00 p.m. in the City Council Chambers at 1243 National City Boulevard; and

WHEREAS, on November 5, 2013, after the hour of 6:00 p.m., at a regular meeting of the City Council, the City Council did in open session consider the recommendation of the Planning Commission on the affirmative termination by amortization, and on the reasonable amount of time in which such amortization should occur, concerning the nonconforming specialized automotive repair business known as Jose's Auto Electric, located at 108 West 18th Street. During said meeting, the City Council considered the Administrative Record of the August 19, 2013 hearing before the Planning Commission, including the Staff Report for the hearing, the hearing transcript, and Planning Commission Resolution No. 23-2013, and considered additional oral and documentary evidence, including the Staff Report for the November 5, 2013 meeting of the City Council; the testimony of Brian Brinig, a business valuation consultant; the testimony of Raymond Pe, Principal Planner for the City; and the testimony of Michael Garcia, a land use consultant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of National City as follows:

1. That based upon the Administrative Record of the August 19, 2013 hearing before the Planning Commission, and upon Planning Commission Resolution No. 23-2013, the Staff Report for the November 5, 2013 meeting of the City Council, and other oral and documentary evidence received at the time of the November 5, 2013 meeting of the City Council, the City Council makes the following findings pursuant to Section 18.11.100 (D)(1)(a)-(h) of the Municipal Code:
 - a) The total cost of the land and improvements.
 - (1) The term of the business owners' existing lease ends on November 30, 2018, with a current rent of \$2,200 per month. The business owners have an option to extend the lease term for two additional years at the same monthly rent.

- (2) The assessed value of the land and improvements was obtained from the San Diego County Assessor's Office, and was considered as being potentially relevant to the analysis. However, a business enterprise that operates under a real property lease does not own the land or real property improvements from which it operates. Consequently, the historical cost of the land and improvements are not relevant to the analysis in this case.
- b) The length of time the use has existed.
- (1) According to the City's business license records, the current specialized automotive repair use has existed at this location since October 30, 2008.
 - (2) The business relocated from 140 West 18th Street, where it had been located since 2006.
 - (3) Because the owners of Jose's Auto Electric have operated at this location since October 30, 2008, the owners have operated longer than the period necessary to recover their investment.
- c) Adaptability of the land and improvements to a currently permitted use.
- (1) The land area exceeds the minimum required by the Limited Commercial zone.
 - (2) The building size exceeds the minimum required by the Limited Commercial zone.
 - (3) The building does not meet the minimum setbacks required by the Limited Commercial zone.
 - (4) The building floor area meets the Floor Area Ratio requirements of the Limited Commercial zone.
 - (5) The building does not exceed the maximum height allowed by the Limited Commercial zone.
 - (6) The property does not meet the parking requirements of the Limited Commercial zone.
 - (7) The building would require major, costly rehabilitation to convert it to a type suitable for use in the Limited Commercial zone.
 - (8) The site frequently experiences flooding from November through February, due to its location immediately adjacent to Paradise Creek, which would make conversion of the use to retail or office use difficult.
- d) The cost of moving and reestablishing the use elsewhere.
- (1) In addition to cars, various materials, tools, and office equipment used by this type of automotive repair business have been observed on this site.
 - (2) Based on an analysis of this use, its relocation would require labor for packing, moving, and unpacking, rental of a forklift, and the towing of cars.
 - (3) To reestablish this use elsewhere would require searching for the new location; securing the new site (e.g., security deposit); reestablishing phone, internet, business cards, and letterhead;

marketing; and making tenant improvements (e.g., flooring, storage, shelving, lifts, electrical upgrades).

- (4) The estimated relocation cost for this use is \$7,200.
- (5) The estimated cost to reestablish this use is \$5,900.

e) Whether the use is significantly nonconforming.

- (1) This automotive repair use is a significantly nonconforming use in the Limited Commercial zone.
- (2) The specialized automotive repair use could be converted to a retail or office use as allowed in the Limited Commercial zone after significant investment in building rehabilitation.

f) Compatibility with the existing land use patterns and densities of the surrounding neighborhood.

- (1) The specialized automotive repair use is compatible with some of the adjacent, existing land use patterns, namely, other automotive repair uses; however, these other uses are not in conformance with the land uses allowed by the Westside Specific Plan.
- (2) The use is not in close proximity to residential uses.

g) The possible threat to the public health, safety, or welfare.

- (1) Notices of violation have been issued and have been resolved.
- (2) The use does not have all required permits.
- (3) No open violations of unlawful discharges into the stormwater system are on record.
- (4) Hazardous materials are stored on the site.
- (5) No open storage of hazardous materials occurs on the site.
- (6) Security measures such as fencing are in place on the site.
- (7) One of the parcels on which the business is located is within 100 feet of Paradise Creek Park, which is considered a sensitive area.
- (8) The use is located more than 100 feet from Kimball Elementary School.
- (9) The use is not located in close proximity to residential uses.
- (10) The use performs no work off-site or in the public right of way.
- (11) Testimony from four physicians with experience providing health care services in various programs in National City established that automotive-related businesses are notorious for their use of volatile organic compounds, which are known to cause a variety of health problems from headaches to damage to the central nervous system; that automotive-related businesses are one of the most significant sources of toxins in the Westside area of National City; that children are particularly susceptible to the effects of environmental toxins; that automotive-related businesses use products containing toxic metals and organic solvents that become air pollutants; that although everyone exposed to environmental toxics is at risk, infants and children, pregnant women, the elderly and people with chronic health problems are especially vulnerable; that the negative health impacts linked to the use of chemical products commonly used in these commercial

activities include diminished lung function in children, infertility, miscarriages, birth defects, nervous system problems, cancer, and heart and lung disease; that there are incidents of children in this area of the City who are hospitalized with asthma, and suffer multiple asthma attacks month after month, which is caused by the toxic chemicals, inhalants, and carcinogens that are produced by some of the businesses in the area; that the residents suffer from the noise generated, sometimes after hours, by the automotive-related businesses in this area of the City.

h) Any other relevant factors.

- (1) The Price/Earnings Ratio (P/E Ratio) was determined by the City's business valuation consultant, because the P/E Ratio indicates the number of years of earnings that it takes to recover the value of the business. Using the nationally recognized standard business valuation sources, Pratt Stats Business Comps, and The Institute of Business Appraisers database, P/E Ratio was determined to be in the range of 1.64 to 2.77. By converting the P/E Ratio into years, the business owners are allowed to earn the business's net income for that number of years, thereby recovering the fair market value of their investment. Accordingly, the reasonable amortization period that would allow for the recovery of the business owners' investment, based upon the analysis of the City's business valuation consultant, is in the range of 1.64 to 2.77 years.
- (2) Underlying information about the business was collected through meetings with the business owners, and by observation of equipment and furniture, machinery, and other types of implements used in the operation of the business.

2. That based upon the above findings, and in particular, the findings that the historical cost of the land and improvements is irrelevant in determining a reasonable amortization period for the business at that location, that the automotive repair business has been operated at this location longer than the period necessary for the owners to recover their investment, that the use is significantly nonconforming with the uses allowed in the Limited Commercial zone, that the use is not compatible with the uses allowed in the Limited Commercial zone, and that the specialized automotive repair use at this location presents a threat to the public health, safety, and welfare, the City Council further finds and determines that the specialized automotive repair use at 108 West 18th Street should be terminated.
3. That based upon the above findings, and in particular, the findings that the historical cost of the land and improvements at 108 West 18th Street is irrelevant in determining a reasonable amortization period for the business at this location, that the specialized automotive repair business has been operated at this location longer than the period necessary for the owners to recover their investment, that the use is significantly nonconforming with the uses allowed in the Limited Commercial zone, that the use is not compatible with the uses allowed in the Limited Commercial zone, and that the specialized automotive

repair use at this location presents a threat to the public health, safety, and welfare, the City Council further finds and determines that the reasonable time within which the nonconforming specialized automotive repair use at 108 West 18th Street should be terminated is 1.64 years (1 year and 234 days) from the date of this Resolution.

BE IT FURTHER RESOLVED that the City Council hereby orders the termination of the nonconforming specialized automotive repair use located at 108 West 18th Street.

BE IT FURTHER RESOLVED that the City Council hereby orders that the time period within which the nonconforming automotive repair use located at 108 West 18th Street shall cease its current operations is 1.64 years (1 year and 234 days) from the date of this Resolution.

BE IT FURTHER RESOLVED that the nonconforming specialized automotive repair use known as Jose's Auto Electric, located at 108 West 18th Street, shall terminate its current nonconforming use no later than 1.64 years (1 year and 234 days) from the date of this Resolution, as set forth in the Order attached hereto as Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the Mayor to execute the Order attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that this action is not considered a project as defined in the California Environmental Quality Act since it does not have the potential to result in either a direct or a reasonably foreseeable indirect physical change in the environment, and is thereby not subject to the California Environmental Quality Act.

PASSED and ADOPTED this 3rd day of December, 2013.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Claudia Gacitua Silva
City Attorney

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CITY COUNCIL
FOR THE CITY OF NATIONAL CITY

In re: 108 West 18th Street – Jose’s Auto
Electric

**ORDER AFTER AMORTIZATION
HEARING TO TERMINATE THE
NONCONFORMING USE, TO WIT:
AUTOMOTOVE REPAIR LOCATED AT
108 WEST 18TH STREET, CURRENTLY
BEING OPERATED AS JOSE’S AUTO
ELECTRIC**

Date: December 3, 2013

The City Council of the City of National City heard and considered the above-entitled matter on November 5, 2013. After having read and considered the Administrative Record of the August 19, 2013 Planning Commission hearing, Planning Commission Resolution No. 23-2013, the Staff Report for the November 5, 2013 meeting of the City Council, and other oral and documentary evidence received at the time of the November 5, 2013 meeting of the City Council, the City Council orders as follows:

1. The nonconforming use of automotive repair located at 108 West 18th Street, currently operated as Jose’s Auto Electric, shall cease 1.64 years (1 year and 234 days) from the date of this order.

IT IS SO ORDERED.

DATED: December 3, 2013

Mayor Ron Morrison

EXHIBIT "A"

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: | December 3, 2013 |

AGENDA ITEM NO.: |

ITEM TITLE:

Notice of Decision – Planning Commission approval of a Conditional Use Permit for alcohol sales at Redbird Market located at 2035 Highland Avenue. (Applicant: Laith Arabo) (Case File 2013-18 CUP)

PREPARED BY: ^{MC} Martin Reeder, AICP

DEPARTMENT: Planning

PHONE: 336-4313

APPROVED BY: 

EXPLANATION:

The property is at the northeast corner of Highland Avenue and East 21st Street in the Major Mixed-Use Corridor (MXC-2) zone. The site is developed with a two-story building consisting of Redbird market on the ground level with an apartment above. The business has a lawful non-conforming Type 20 (beer and wine) ABC license (California Department of Alcoholic Beverage Control). The applicant is requesting to sell distilled spirits for off-site consumption Monday to Friday from 8:00 a.m. to 10:00 p.m. and until 11:00 p.m. on Saturday. Distilled spirits would be stored in a secure cabinet located behind the cashier area.

Planning Commission conducted a public hearing on November 4, 2013. Commissioners asked questions regarding market conditions and business operations. Two community members spoke against the project, citing overconcentration of off-sale licenses. The Commission voted to approve the Conditional Use Permit based on required findings and subject to Conditions of Approval. At the November 18, 2013 meeting, when the resolution was adopted, two community members spoke against the project. A petition with 240 signatures was submitted opposing approval of the Conditional Use Permit.

The attached Planning Commission staff report describes the proposal in detail.

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

Not a project under CEQA

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

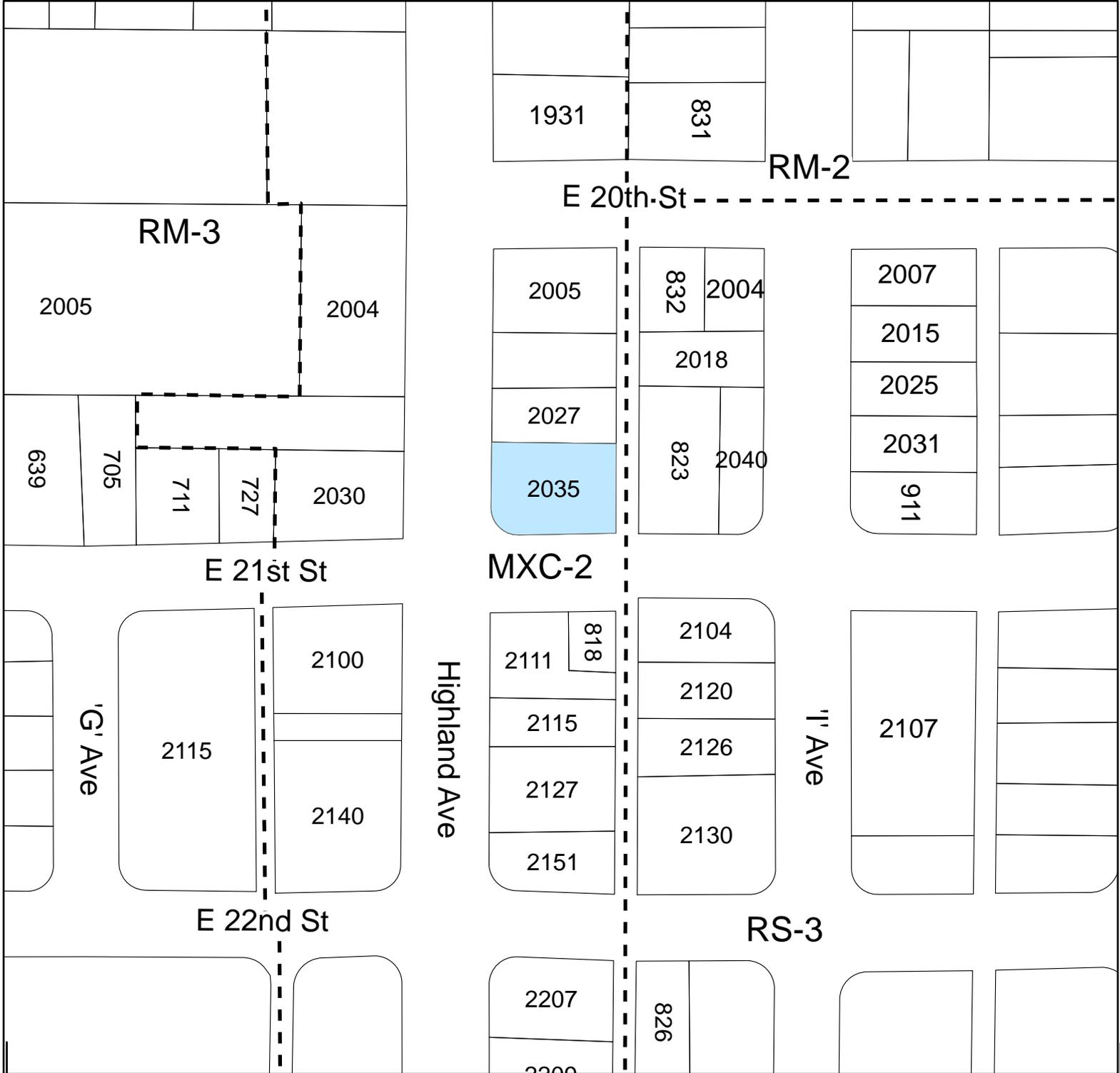
Staff recommended denial of the Conditional Use Permit.

BOARD / COMMISSION RECOMMENDATION:

The Planning Commission approved the Conditional Use Permit.
Ayes: Alvarado, Baca, Bush, Flores, Pruitt Noes: DeLaPaz, Garcia

ATTACHMENTS:

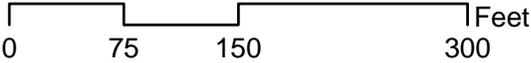
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|-------------------------------------|---------------------------|
| 1. Location Map | 3. Resolution No. 25-2013 |
| 2. Planning Commission Staff Report | 4. Reduced Plans |



Project Locations



Zone Boundary



APN:
561-271-04

Planning Commission
Location Map

2013-18 CUP



Item no. **3**
November 4, 2013

CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR ALCOHOL SALES AT REDBIRD MARKET LOCATED AT 2035 HIGHLAND AVENUE.

Case File No.: 2013-18 CUP

Location: Northeast corner of Highland Avenue and East 21st Street

Assessor's Parcel No.: 561-271-04

Staff report by: Michael Fellows – Planning Technician

Applicant/Owner: Laith Arabo

Zoning designation: MXC-2 Major Mixed-Use Corridor (MXC-2)

Adjacent land use/zoning:

North: Single-Family Residential / MXC-2

East: Single-Family Residential / RS-3

South: Commercial across E. 21st Street / MXC-2

West: Commercial across Highland Ave. / MXC-2

Environmental review: Not a project per CEQA

BACKGROUND

Site Characteristics

The project site is located at the northeast corner of Highland Avenue and East 21st Street in the Major Mixed-Use Corridor (MXC-2) zone. The property is developed with a two-story, mixed use development consisting of a market (Red Bird) on the ground level and one residential unit on the upper level. The building is 3,364 square feet located on a 9,853 square-foot lot. There are seven on-site parking spaces. The business has a lawful non-conforming Type 20 (beer and wine) license issued by the California Department of Alcoholic Beverage Control (ABC).

Proposed Use

The applicant is requesting to add distilled spirits retail sales to the market for off-site consumption. The store operates Monday through Friday from 8:00 a.m. to 10:00 p.m. and until 11:00 p.m. on Saturday. No change in hours is proposed.

Per the attached floor plan (Exhibit A), distilled spirits would be stored in a secure cabinet located behind the cashier area. Beer and wine is currently displayed in and next to a cooler located on the north side of the store. No change in location of beer and wine is proposed.

Analysis

Section 18.30.050 of the National City Land Use Code allows for off-site alcohol sales with an approved Conditional Use Permit (CUP). The addition of distilled spirits triggers the need for a CUP and would also include analysis of the previous nonconforming alcohol sales products.

Alcohol Sales Concentration/Location

ABC records indicate that there are currently six businesses approved for off-sale alcohol permits in the subject census tract (116.01). Of the six businesses, two are off-sale general outlets (beer, wine, and distilled spirits) and four are off-sale beer and wine outlets:

Business Name	Site Address	License Type*	CUP
Keg N Bottle	2335 Highland Ave	21	N
High Bev Liquor	2111 Highland Ave	21	N
National City Market	220-240 E. 18 th St	20	N
Highland Service Station	1803 Highland Ave	20	Y
Red Bird Market	2035 Highland Ave	20	N
Highland Arco	2336 Highland Ave	20	Y

* Type 20 - Off-Sale Beer and Wine

Type 21 - Off-Sale General (beer, wine, and distilled spirits)

The two off sale general outlets located in this census tract are both located on Highland Avenue. Hi Bev Liquor is located directly across East 21st Street

approximately 80 feet away from Red Bird Market. Keg N Bottle is located three blocks north on the corner East 24th Street and Highland Avenue.

Census tract 116.01 includes the area of the City between East 18th and 24th Streets, and between National City Blvd. and "L" Avenue. The attached census tract map shows the location of the subject tract. ABC recommends a total of three off-sale alcohol permits be issued in this census tract, where six exist.

Chapter 18.30.050 (C) requires that the applicant conduct a community meeting to inform residents of the proposal. Department policy requires that the meeting be held at a reasonable time when community members will most likely be able to attend (e.g. evenings during the work week or weekends). The applicant's community meeting was held on a Friday at 9:00 a.m., inconsistent with this requirement. The applicant states that four people attended the meeting and that no questions were posed by the attendees.

Chapter 18.30.050 (D) requires a 660-foot distance from sensitive uses such as schools. The nearest school is Otis Elementary, which is located approximately 950 feet away to the northwest across Highland Avenue. The applicant also submitted a petition that was signed by 384 people in support of the application.

Police Department comments

Crime statistics provided by PD indicate that the reporting area (Beat 23) had a 2012 crime rate of 112%. This beat has the highest crime rate in the City; however, it is below the 120% considered to be a high crime area.

Consistent with recent policy, PD provided a Risk Assessment report on the property. The assessment assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, Red Bird Market received 14 points, which would indicate a medium risk. The Risk Assessment is attached.

Institute for Public Strategies comments

An assessment of the proposal was also received from the Institute for Public Strategies (IPS). Issues mentioned included proximity of the subject property to land uses that include: schools and churches, Operation Samahan Youth Center, and a nearby Alcoholics Anonymous location. Also, graffiti problems were noted on the property and "homemade" two packs of beer were observed for sale.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to off-sale alcohol sales per Council policy (no single sales, cup and ice prices, signage, etc.). There are also conditions requiring that coolers and/or cabinets containing alcohol products be locked after sales hours, and for video surveillance equipment to be installed.

In addition to the conditions listed above, there are also two conditions related to property use and appearance. The first is related to the abatement of graffiti, which has been observed on site. The second is related to parking in the public right-of-way, which occurs on a regular basis on the wide sidewalk to the south of the market. The building is located approximately seven feet from the south property line, adjacent to a wide section of sidewalk (approximately 15 feet). There are four parking spaces marked out on the sidewalk that were not permitted by the City. As a result, vehicles are often parked adjacent to the building, which partially block the right-of-way. Furthermore, parking spaces are not permitted within an exterior side yard setback, as is the case here. Condition number 25 has been added to require the removal of these parking spaces. The condition also requires that permits submitted for construction show the correct location of the property line.

Summary

The business has an existing nonconforming ABC license that predates the City's CUP requirement for off sale alcohol sales. The census tract in which the market resides is over-concentrated with regard to alcohol licenses; therefore, the addition of distilled spirits to the existing license would exacerbate the over-concentration situation. Although there would technically be no increase in the number of ABC licenses in census tract 116.01, there is an existing liquor store across the street that already sells distilled spirits. As such, there is no public convenience or necessity served by adding distilled spirits sales at Redbird Market.

Based on the risk factors indicated by the Police Department and the proximity of the business to sensitive uses – as specified by the Institute for Public Strategies – the Planning Department is recommending denial of the Conditional Use Permit request.

RECOMMENDATION

1. Deny 2013-18 CUP based on attached findings/findings to be determined by the Planning Commission; or
2. Continue the public hearing to a specific date; or
3. Approve 2013-18 CUP subject to the conditions listed below, based on attached findings.

ATTACHMENTS

1. Recommended Findings for Denial/Approval
2. Recommended Conditions
3. Location Map
4. Census Tract Map and Police Beat Map
5. Community Meeting Info
6. Police Department Comments
7. Institute for Public Strategies comments
8. Public Hearing Notice (Sent to 390 property owners and occupants)
9. Site photos
10. Applicant's Plans (Exhibit A, case file no. 2013-18 CUP, dated 9/24/2013)



for MICHAEL FELLOWS
Planning Technician

BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR DENIAL

2013-18 CUP, 2035 Highland Ave.

1. That the proposed use is not deemed essential and desirable to the public convenience and welfare, since there is an over-concentration of off-sale alcohol licenses in census tract 116.01 in which the subject property is located.
2. The proposed use is not deemed essential and desirable to the public convenience and welfare since alcohol is currently offered at six other outlets, including two that sell distilled spirits, within the same census tract.
3. That public convenience and necessity may not be served by a proposed use of the property for the retail sales of distilled spirits pursuant to law.

RECOMMENDED FINDINGS FOR APPROVAL

2013-18 CUP, 2035 Highland Ave.

1. That the site for the proposed use is adequate in size and shape, since the proposed use is an accessory use to an existing grocery market in an existing commercial area, and since the sale of liquor is not expected to increase the demand for parking on the property.
2. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since Highland Avenue is classified as an arterial street in the Circulation Element, and the addition of alcohol sales is expected to result in minimal increased traffic.
3. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the proposed use will be compatible with other nearby businesses; and since the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
4. That the proposed use is deemed essential and desirable to the public convenience and welfare, since it will contribute to the viability of a grocery store, an established and allowed use in the applicable mixed-use zone.
5. That public convenience and necessity may be served by a proposed use of the property for the retail sales of distilled spirits pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2013-18 CUP, 2035 Highland Ave.

General

1. This Conditional Use Permit authorizes the sale of beer, wine and distilled spirits at Redbird Market located at 2035 Highland Ave. Plans submitted for permits associated with this project shall conform with Exhibits A, Case File No. 2013-18 CUP, dated 9/24/2013.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the County Clerk and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in Section 18.116.190 of the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This Conditional Use Permit may be revoked if the operator is found to be in violation of Conditions of Approval.
6. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

7. The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
8. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
9. No sale of wine shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.

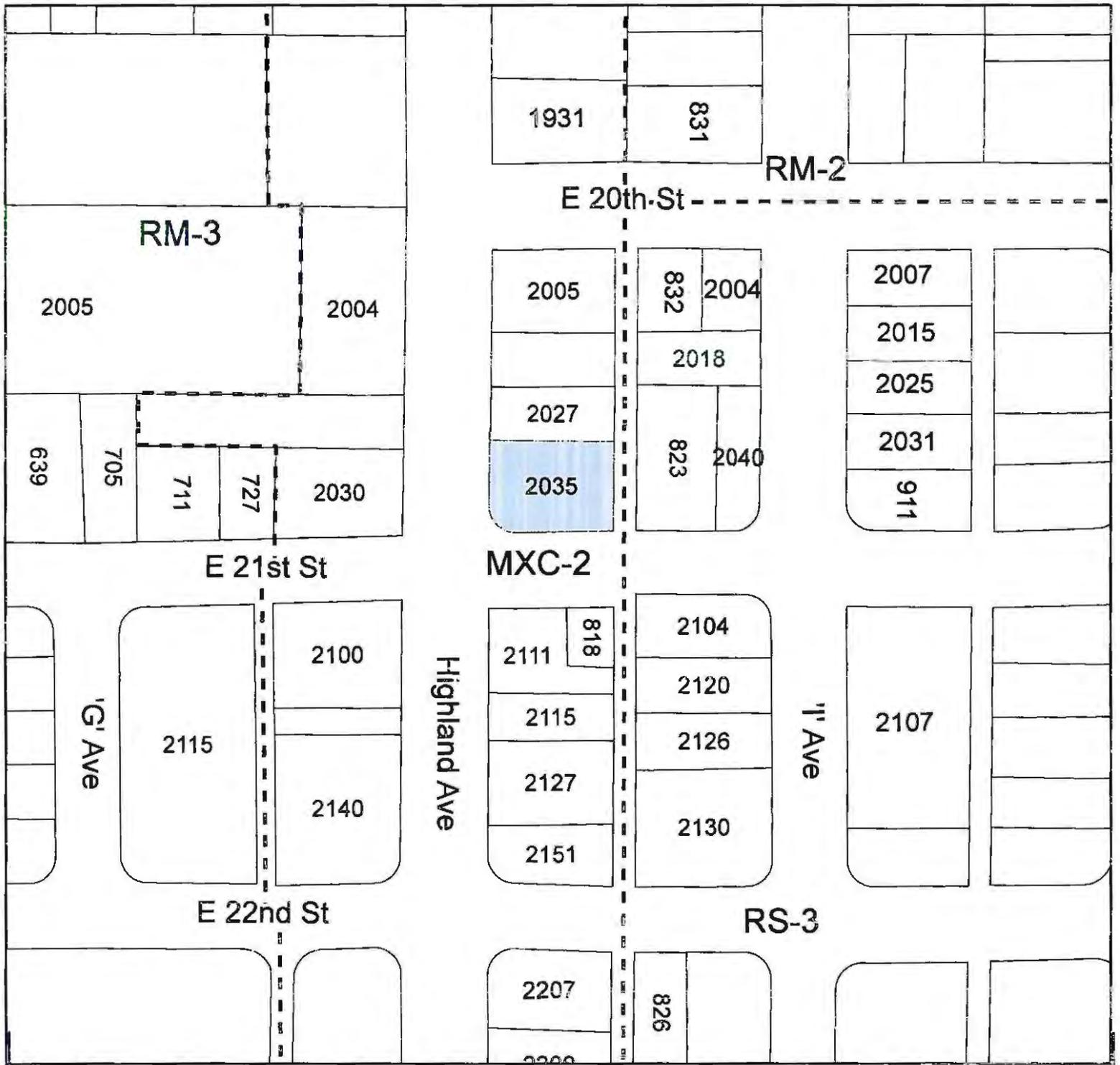
10. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.
11. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
12. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
13. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
14. The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit A, Case File No. 2013-18 CUP, dated 9/24/2013. In addition, no alcohol shall be displayed on end caps or featured in the main aisles of the store. The current exhibit does not show the location of wine; therefore, it will need to be modified to show a location subject to approval by the Planning Department.
15. Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Division, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
 - a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
16. Containers of alcohol may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
17. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
18. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.
19. All sellers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an

approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

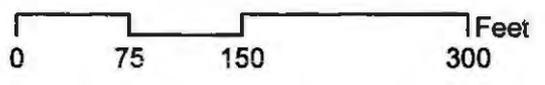
20. The sale of alcoholic beverages shall be limited to the hours of 8:00 a.m. to 10:00 p.m. Monday through Friday, and 8:00 a.m. to 11:00 p.m. on Saturdays.
21. Coolers and/or cabinets containing alcohol products shall be locked and made inaccessible to the public outside of the hours listed in condition number 20. or as modified through permit modification.
22. No coin operated amusement devices shall be operated on the licensed premises. This restriction is intended to discourage loitering by those interested in or involved in purchasing alcoholic beverages and do not apply to coin operated rides intended to cater to children.
23. As part of this permit, security cameras shall be installed on the premises.
24. Exterior walls of buildings/ freestanding signs/ trash enclosures to a height of not less than 6 feet shall be treated with a graffiti resistant coating subject to approval from the Planning Department. Graffiti shall be removed within 72 hours of its observance as required by Chapter 10.54 – Graffiti Control – of the National City Municipal Code.
25. No parking is permitted between the building and East 21st Street. The parking spaces marked on the concrete on the south side of the building shall be removed. “No Parking” signs shall be posted on the south side of the building. The City Manager or designee may require additional measures to discourage parking in this area should the aforementioned remedy not be effective (e.g., landscaping, bollards, etc.).

Police

26. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.



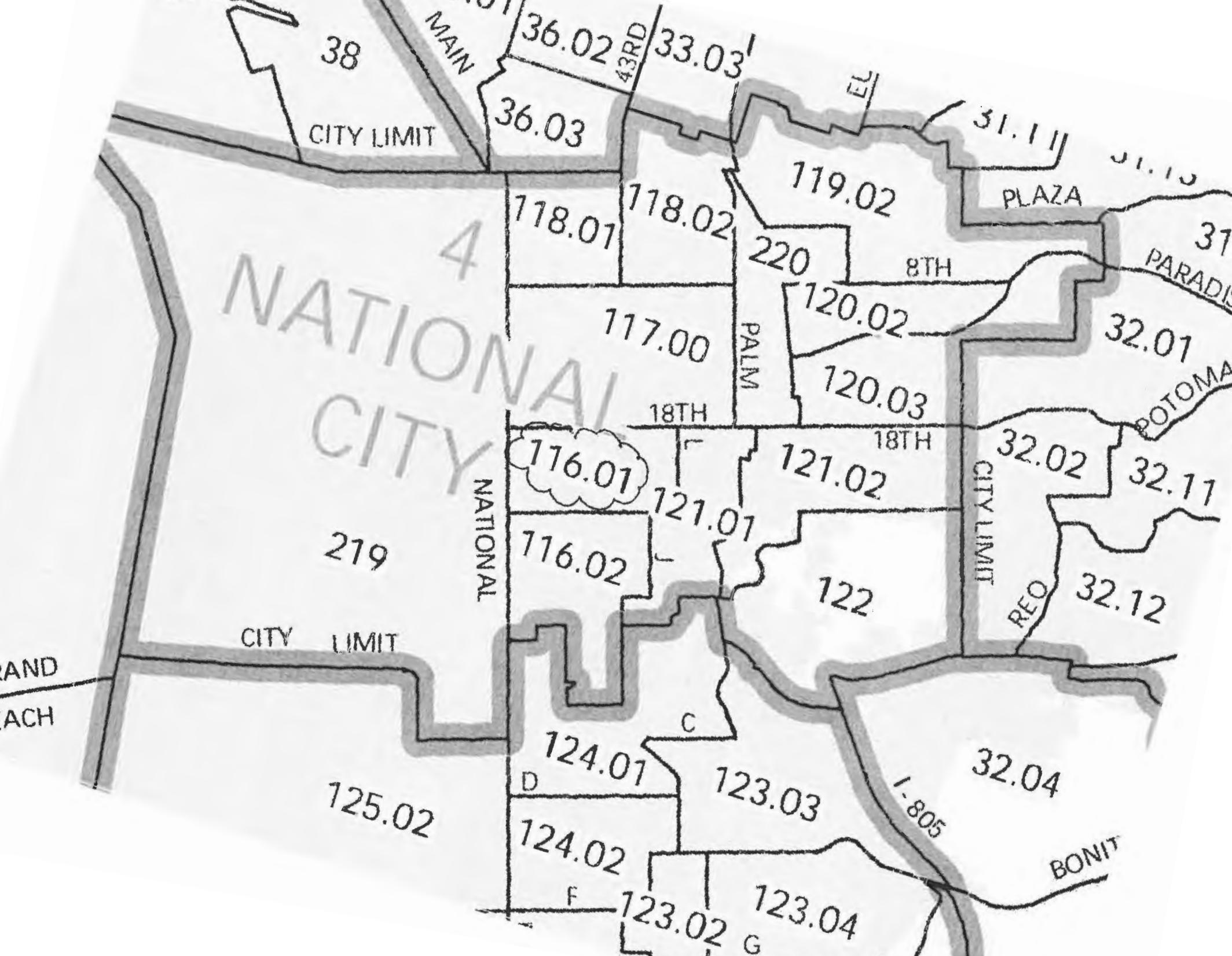
-  Project Locations
-  Zone Boundary



APN:
561-271-04

Planning Commission Location Map

2013-18 CUP



Sample of
Notice Letter

ABCO CONSULTING
2010 MT LANGLEY ST
CHULA VISTA, CA
619-942-1551
619-934-6590

January 5, 2013

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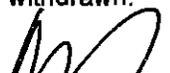
Re: Redbird Market
Dr Ed Brand
Sweetwater District
1130 5th avenue
Chula Vista, Ca

Dear Dr Brand

The Arabo family operators of Redbird Market 2035 Highland Ave, National City, based upon the request of their customers, and a desire to stay competitive, with the influx of "Super Size Mercado's", Locating and focusing in on the National City market. The middle size stores who have served National City for years, are in jeopardy, to that end, we will be seeking an upgrade to the existing conditional use permit for a type 21 license.

In order to maximize community participation, the planning department has asked that we schedule community education meeting, to that end, the meeting is scheduled January 25, 2013 at 9:00 am at the National City, Larry Bennett, American Legion Hall, Post 255, Meeting Room 35 E 18TH Street, National City, CA 91950.

I am attaching minutes to a previous meeting that was held on this application, last year, but was withdrawn.


Augie Bareño

AGENDA

RED BIRD C.U.P. UPGRADE EDUCATIONAL MEETING

January 25, 2013
American Legion Hall
9:00 a.m.

1. Introduction and Purpose - ABCO Consulting
2. Questions and Answers - ABCO Consulting
3. Adjournment

MINUTES

The meeting was called to order at 9:00 a.m.

The purpose of the project was explained.

There being no questions relative to the proposed project, the meeting adjourned at 9:45 a.m.



Signed: _____
Augie Bareno, Representative
ABCO Consulting

REDBIRD MKT CONDITIONAL USE PERMIT EDUCATION MEETING

JANUARY 25,2013-LARRY E.BENNETT AMERICAN LEGION POST 255

35 EAST 18TH STREET, NATIONAL CITY, CA 91950-9:00 TO 10:00 am

IN ATTENDANCE

**AUGIE BARENO, ABCO CONSULTING ON BEHALF OF APPLICANT REDBIRD
MKT/LAITH ARABO.**

MONICA BONILLA, LEGION VOLUNTEER

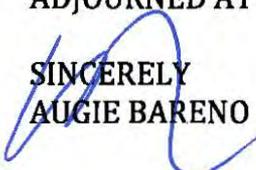
**AUGIE BARENO OPENED THE MEETING AT 9:05 am, MONICA BONILLA A LEGION
VOLUNTEER, WHO HAPPENS TO BE A CUSTOMER OF REDBIRD, UPON HEARING
COMMENTS REGARDING THE STORE DECIDED TO SIT IN.**

**AUGIE BARENO PROVIDED A GENERAL BACKGROUND OF THE STORE AND
EXPLAINED THAT THIS EFFORT TO UPGRADE THE LIQUOR LICENCE COMES FROM
THE REQUEST OF CUSTOMERS AND THE IMPACT THAT MIDDLE TO SMALL
STORES THAT CATER TO THE HISPANIC CONSUMER IN MEATS AND OTHER
GOODS ARE FEELING AS THE RESULT OF LARGE CHAINS LIKE EL SUPER
CONCENTRATING ON THE NATIONAL CITY MARKET.THIS IS AN EFFORT TO BE
ABLE TO STAY COMPETITIVE.**

**ALSO REDBIRD HAS BEEN DEEPLY COMMITTED TO COMMUNITY CAUSES SUCH AS
SUHI FOOTBAL, GIRLS SOFTBALL, MAAD AND MANY OTHER ACTIVITIES.**

**SEEIN NO FURTHER QUESTIONS OR OINTS OF DISCUSSION, THE MEETING WAS
ADJOURNED AT 9:33 am.**

**SINCERELY
AUGIE BARENO**

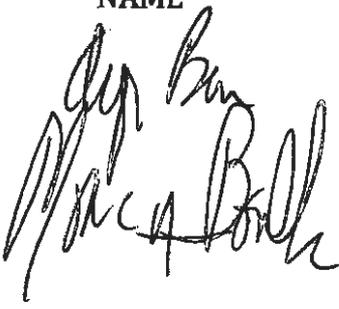


REDBIRD MKT CONDITIONAL USE PERMIT EDUCATION MEETING

JANUARY 25, 2013-LARRY E. BENNETT AMERICAN LEGION POST 255

35 EAST 18TH STREET, NATIONAL CITY, CA 91950

SIGN IN SHEET

NAME	ADDRESS	PHONE/EMAIL
	2010 MT Laurel CU, CA 91912	934-6590
	35 E 18 TH ST NC, CA 91950	—

VI. Calls for Service at Location (for previous 6 months)

- Below (1 pt)
- Average (2 pts)
- Above (3 pts)

VII. Proximity Assessment (1/4 mile radius of location)

- Mostly commercial businesses (1 pt)
- Some businesses, some residential (2 pts)
- Mostly residential (3 pts)

Low Risk (12pts or less)
Medium Risk (13 – 18pts)
High Risk (19 – 24pts)
Total Points <u>14</u>

VIII. Owner(s) records check

- No criminal incidents (1 pt)
- Minor criminal incidents (2 pts)
- Multiple/Major criminal incidents (3 pts)

OWNER NAME: Laith Arabo DOB: 07/05/1967

OWNER ADDRESS: 2035 Highland Avenue, National City

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

Census Tract 116.01 through the Dept of ABC allows for (3) three “Off-Sale” ABC licenses. Currently there are (6) six. (2) Of the (6) six are currently Type 21 license types.

Completed by: Graham Young, Sergeant Badge ID: 365



Environmental Scan For Alcohol License Upgrade

Red Bird Market

2035 Highland Avenue, National City, CA 91950

August 2, 2013



This proposed liquor license upgrade is for the Red Bird Market, located at 2035 Highland Avenue in National City. The business is located at the Northeast corner of Highland Avenue and 21st Street in National City. The Census Tract is 0116.01. The applicant is applying for an upgrade of their type 20, Off Sale Liquor License, for sale of beer and wine, to a type 21 license, Off sale beer, wine and distilled spirits, for consumption off of the premises where sold.

The business is a neighborhood market with sales of meat, produce and grocery items in addition to sales of beer and wine. During a scan of the business and property the following was noted:

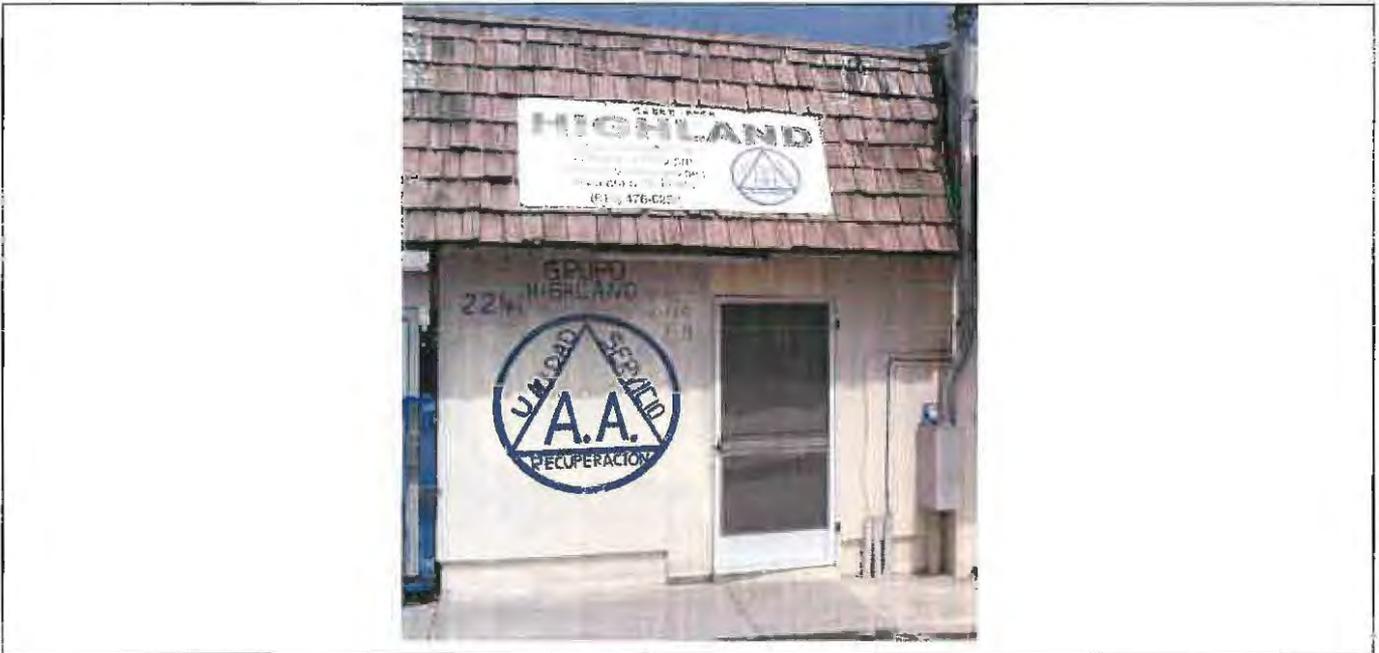
Sales at the business during an approximately 30 minute time frame in the afternoon consisted of only grocery items and one purchase of tobacco. There were more than 20 customers and there were no sales of alcohol observed. During a scan of the business, some graffiti was noticed on the exterior of the business. These areas were at the front of the business on parking poles, the ice machine and a pay phone. In the rear of the business

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graffiti was noted on the outside of an exterior wall of an additional building. The covering to an electrical outlet was missing from a water machine on the south wall of the business.



A meeting location for Alcoholics Anonymous is located at 2241 Highland Avenue and 1/10th of a mile from the applicant location. Meetings are held in Spanish, seven days a week.



Youth Sensitive Areas

The location is located directly near youth sensitive areas and along one of the major walkways for students attending Sweetwater High School, located at 2900 Highland Avenue. Sweetwater High School has a student population of 2,537 students. The students are in grades nine through twelve in addition to Special Education students up to age twenty-one. This equates to a very large percentage of youth demographics in the immediate area, especially when walking to and from school on both the East and West sides of Highland Avenue.



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Inside the business, some individual containers of beer were taped together with packing tape to make "homemade" two-packs. The business also sold manufacturer's pre-packaged three-packs of alcohol. The existing license is a non-conforming "grand-fathered" license. This non-conforming license would allow sales of single-serve containers of alcohol. There were no single-serve containers observed in the business. A conditional use permit is not part of the current non-conforming type 20 license.



Clear Tape Used By Retailer to Make Two-Packs

Manufacturer's Pre-Packaged Three-Packs

Sweetwater High School is located ½ mile from the applicant. The school has a student population of approximately 2,500 students. After school activities involve approximately 500 students, mostly for academic programs. Sweetwater High School also has a Saturday school program.

Operation Samahan operates a "Youth to Youth" Center nearby at 2743 Highland Avenue. They work closely with students.

Olivewood Elementary School is located nearby at 2505 F Avenue and 4/10's of a mile southwest from the applicant. They have approximately 700 students enrolled in pre-school through the sixth grade.

John A. Otis Elementary School is located nearby at 621 E. 18th Street and 3/10's of a mile northwest from the applicant. They have 500 students enrolled in grades pre-school through the sixth grade.

National City Middle School is located nearby at 1701 D. Avenue and ½ mile northwest from the applicant. They have 780 students enrolled in grades seven and eight.

Churches

Several churches are in close proximity to the applicant:



The Centro Cristiano Agape Church is located at 2107 "I" Avenue and 1/10th of a mile from the applicant location.

The Kingdom Hall of Jehovah's Witnesses is located at 831 E 20th St and is approximately 486 feet from the applicant location.

San Diego Japanese Southern Baptist Church is located at 2605 Highland Avenue.

Highland Avenue Baptist Church is located at 2605 Highland Avenue.

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Outlet Density

Census Tract 0116.01 is **over the allowable number** of Off Sale liquor outlets and **has an undue concentration that exceeds the ratio of off-sale retail licenses to population**. The ABC allowable number for Off Sale outlets in the Census Tract is three liquor outlets. **The actual number is six, twice the number of allowable licenses**. Four of the existing licenses, including the applicant are type 20 (beer and wine) and two of the existing licenses are type 21 (beer, wine and distilled spirits). One of the type 21 licenses, Hi Bev Liquor, is located directly across the street from the applicant at 2111 Highland Avenue. The second type 21 license, Keg N Bottle, is located 2/10ths of a mile away at 2335 Highland Avenue.



Census Tracts

	Off-Sale	On-Sale
Census Tract 0116.01 <i>Establishment is within this tract</i>	Allowed: 3 Actual: 6 Number Above/Below Allowable: +3	Allowed: 6 Actual: 4 Above/Below: -2
Neighboring Census Tracts		
Tract 219	Allowed: 4 Actual: 6 Number Above/Below Allowable: +2	Allowed: 7 Actual: 10 Above/Below: +3
Tract 116.02	Allowed: 2 Actual: 3 Number Above/Below Allowable: +1	Allowed: 3 Actual: 1 Above/Below: -2
Tract 117	Allowed: 4 Actual: 9 Number Above/Below Allowable: +5	Allowed: 7 Actual: 12 Above/Below: +5
Tract 121.01	Allowed: 1 Actual: 1 Number Above/Below Allowable: -	Allowed: 2 Actual: 3 Above/Below: -1

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Crime Rate

The crime rate for Beat 23 in 2012, was 112%. This Beat includes the Red Bird Market. Beat 23 has the highest crime rate in the city. In 2011, the crime rate for Beat 23 was 108% and this was the second highest crime rate in the city. The crime rate has increased by 4% over the past year (2011 to 2012). A crime rate of 120% is considered a High Crime area.

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www.publicstrategies.org

Community Input

Parents with children attending nearby schools had strong opinions against the liquor license upgrade.

A parent did not support the license upgrade. The parent noted peer pressure from other students and said tax revenue should not be a reason for the license upgrade. The parent said community safety, not over saturation of alcohol outlets should be the priority.

Two additional parents said it is easy for students to have adults purchase alcohol for them. The neighborhood markets and liquor stores are places where homeless hang out and students know they may buy alcohol for them. This easy access is a huge problem for families. One of the parents noted that they do not see homeless and addicts at the larger stores. The parent said this may be due to the easy in and out purchase from a small neighborhood store instead of making the purchase from a large grocery store.

Community input identified concerns with the close proximity of this existing liquor outlet to nearby schools.

One parent was concerned about the danger to her teenage son. The parent said alcohol is a drug and a temptation to her son, just like cigarettes and marijuana.

Another parent said students are vulnerable when they pass by these locations on their way to and from school. Adults can purchase alcohol for the student and the students don't always make good decisions.

An additional parent was firmly against the license upgrade stating that alcohol is a poison to our youth. The parent has seen the youth vulnerability to alcohol and is aware of classmates of her son who came to school intoxicated from alcohol.

A parent said there should be less alcohol in National City to change the perception of the city. She said "People refer to National City as ghetto." "There is a problem with alcohol addiction in the community."

Another parent said we are losing our children to alcohol and drugs. The easy access to alcohol is a problem, even for "clean students" as they are surrounded by alcohol.

A manager at a nearby business said he did not have any problems related to the two nearby alcohol outlets (Red Bird Market and Hi Bev Liquor). He was in favor of the business upgrading its license.

Two community members contacted in the area noted there is "A liquor store on almost every corner in National City" and this is a safety issue for our youth. The two community members did not believe the business needed to upgrade its license.

Considerations

Census tract 0116.01 currently has six off-sale licenses. The allowable number by ABC for this census tract, based by population is three and the census tract is currently over the allowable number by three additional off-sale licenses. Two of the existing off-sale licenses are type 21 and allow for sales of beer, wine and distilled spirits.

Census tract 0116.01 currently has the highest crime rate in National City with a crime rate of 112% in the year 2012. This is an increase of four percent from the 2011 crime rate. A crime rate of 120% is considered a "High Crime Area".

The existing type 20 license for beer and wine sales is a "grandfathered" pre-existing license and the business does not have a Conditional Use Permit (CUP). A new license would require a CUP with conditional uses or limitations as part of the license requirements. CUP conditions could include limiting the sales of "single serve" beverages as well as prevent the business current practice of taping together two bottles or cans to make "two-packs", in addition to other conditions of the license as indicated by the police department and city government.



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR ALCOHOL SALES
AT AN EXISTING MARKET AT 2035 HIGHLAND AVENUE
CASE FILE NO.: 2013-18 CUP
APN: 561-271-04

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, November 4th, 2013**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request (Applicant: Laith Arabo). The applicant is requesting approval to sell distilled spirits at a market (Red Bird) previously approved to sell beer and wine.

Plans are available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 5:30 p.m., **November 4th, 2013**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

BRAD RAULSTON
Executive Director

2013-18 CUP – Redbird Market – Alcohol Sales – Site Photos



Front of market looking northeast



Front of market looking east



Existing beer and wine displays

RESOLUTION NO. 25-2013

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A CONDITIONAL USE PERMIT FOR ALCOHOL SALES
AT REDBIRD MARKET LOCATED AT 2035 HIGHLAND AVENUE.
CASE FILE NO. 2013-18 CUP
APN: 561-271-04**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for alcohol sales at Redbird Market located at 2035 Highland Avenue at a duly advertised public hearing held on November 4, 2013, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2013-18 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on November 4, 2013, support the following findings:

- 1. That the site for the proposed use is adequate in size and shape, since the proposed use is an accessory use to an existing grocery market in an existing commercial area, and since the sale of liquor is not expected to increase the demand for parking on the property.**
- 2. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since Highland Avenue is classified as an arterial street in the Circulation Element, and the addition of alcohol sales is expected to result in minimal increased traffic.**
- 3. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the proposed use will be compatible with other nearby businesses; and since the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.**
- 4. That the proposed use is deemed essential and desirable to the public convenience and welfare, since it will contribute to the viability of a grocery store, an established and allowed use in the applicable mixed-use zone.**

5. That public convenience and necessity may be served by a proposed use of the property for the retail sales of distilled spirits pursuant to law.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes the sale of beer, wine and distilled spirits at Redbird Market located at 2035 Highland Ave. Plans submitted for permits associated with this project shall conform with Exhibits A, Case File No. 2013-18 CUP, dated 9/24/2013.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the County Clerk and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in Section 18.116.190 of the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This Conditional Use Permit may be revoked if the operator is found to be in violation of Conditions of Approval.
6. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

7. The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
8. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
9. No sale of wine shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
10. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.

11. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
12. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
13. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
14. The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit A, Case File No. 2013-18 CUP, dated 9/24/2013. In addition, no alcohol shall be displayed on end caps or featured in the main aisles of the store. The current exhibit does not show the location of wine; therefore, it will need to be modified to show a location subject to approval by the Planning Department.
15. Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Division, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
 - a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
16. Containers of alcohol may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
17. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
18. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.
19. All sellers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
20. The sale of alcoholic beverages shall be limited to the hours of 8:00 a.m. to 10:00 p.m. Monday through Friday, and 8:00 a.m. to 11:00 p.m. on Saturdays.

21. Coolers and/or cabinets containing alcohol products shall be locked and made inaccessible to the public outside of the hours listed in condition number 20, or as modified through permit modification.
22. No coin operated amusement devices shall be operated on the licensed premises. This restriction is intended to discourage loitering by those interested in or involved in purchasing alcoholic beverages and do not apply to coin operated rides intended to cater to children.
23. As part of this permit, security cameras shall be installed on the premises.
24. Exterior walls of buildings/ freestanding signs/ trash enclosures to a height of not less than 6 feet shall be treated with a graffiti resistant coating subject to approval from the Planning Department. Graffiti shall be removed within 72 hours of its observance as required by Chapter 10.54 – Graffiti Control – of the National City Municipal Code.
25. No parking is permitted between the building and East 21st Street. The parking spaces marked on the concrete on the south side of the building shall be removed. “No Parking” signs shall be posted on the south side of the building. The City Manager or designee may require additional measures to discourage parking in this area should the aforementioned remedy not be effective (e.g., landscaping, bollards, etc.).

Police

26. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of November 18, 2013, by the following vote:

AYES: Baca, Pruitt, Flores, Alvarado, Bush

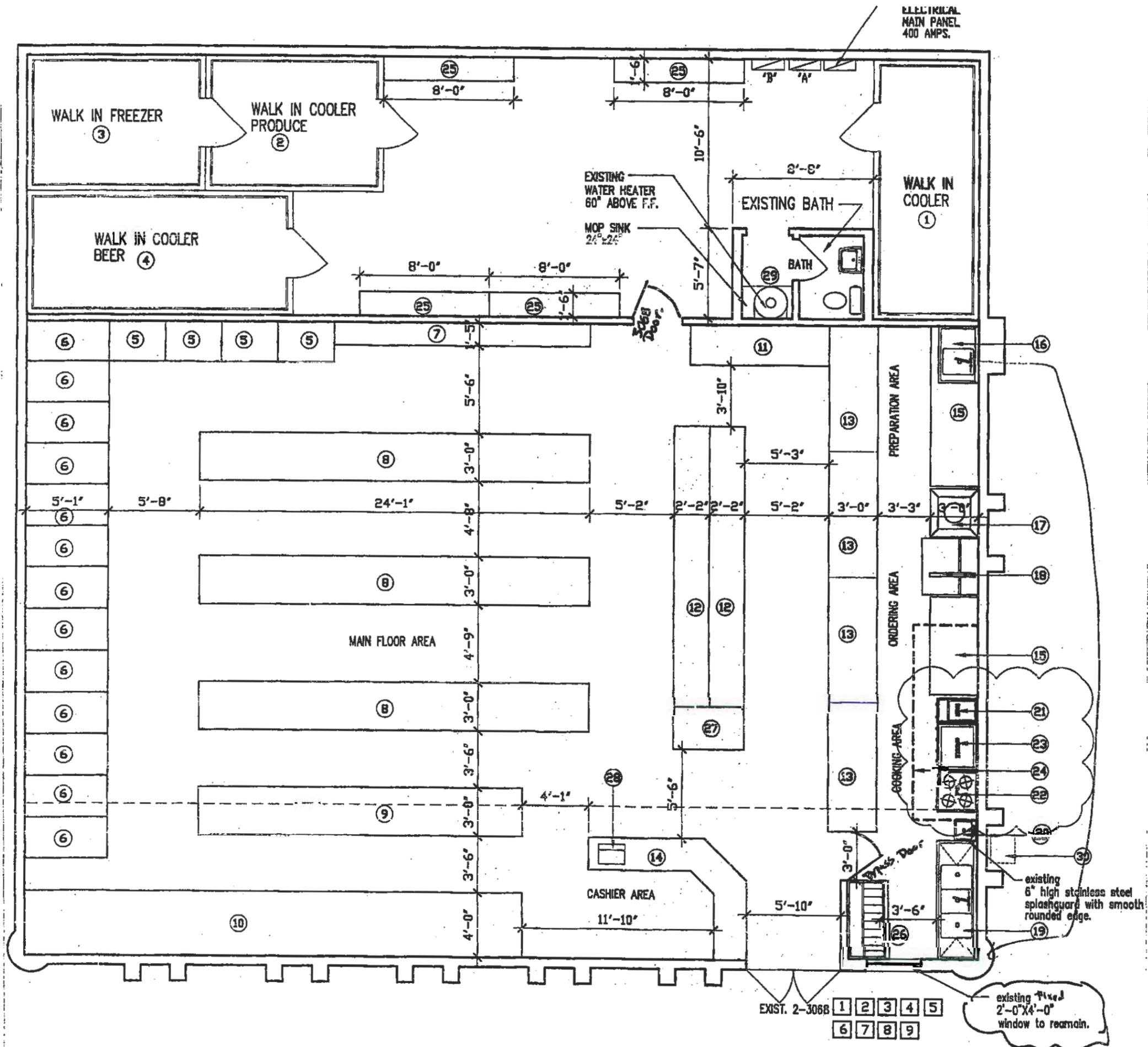
NAYS: Garcia, Dela Paz

ABSENT: N/A

ABSTAIN: N/A



CHAIRPERSON



ENGINEERING FLOOR PLAN





**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Notice of Decision – Planning Commission approval of a Conditional Use Permit for a drive-through coffee shop located at 404 Mile of Cars Way. (Applicant: HG Fenton Co.) (Case File 2013-22 CUP)

MR

PREPARED BY: Martin Reeder, AICP

DEPARTMENT: Planning

PHONE: 336-4313

APPROVED BY: 

EXPLANATION:

The 3.12-acre project site is developed with four separate buildings comprising 34,019 square feet of leasable space. There are 140 parking spaces located on the lot. The property is part of Southport Business Center in the MXC-2 (Major Mixed-Use Corridor) zone. The subject space is the northern 2,000 square feet of a 6,000 square-foot building. The applicant is proposing to remodel the 2,000 square-foot suite to accommodate a new retail coffee business. The design incorporates a new drive-through aisle and ordering window, which requires a Conditional Use Permit (CUP).

Planning Commission conducted a public hearing on November 18, 2013. Commissioners asked questions regarding business operations, employment, and conditions of approval. The Commission voted to approve the Conditional Use Permit based on required findings and subject to Conditions of Approval.

The attached Planning Commission staff report describes the proposal in detail.

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

Categorically Exempt pursuant to Class 1 Section 15311 (Accessory Structures)

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

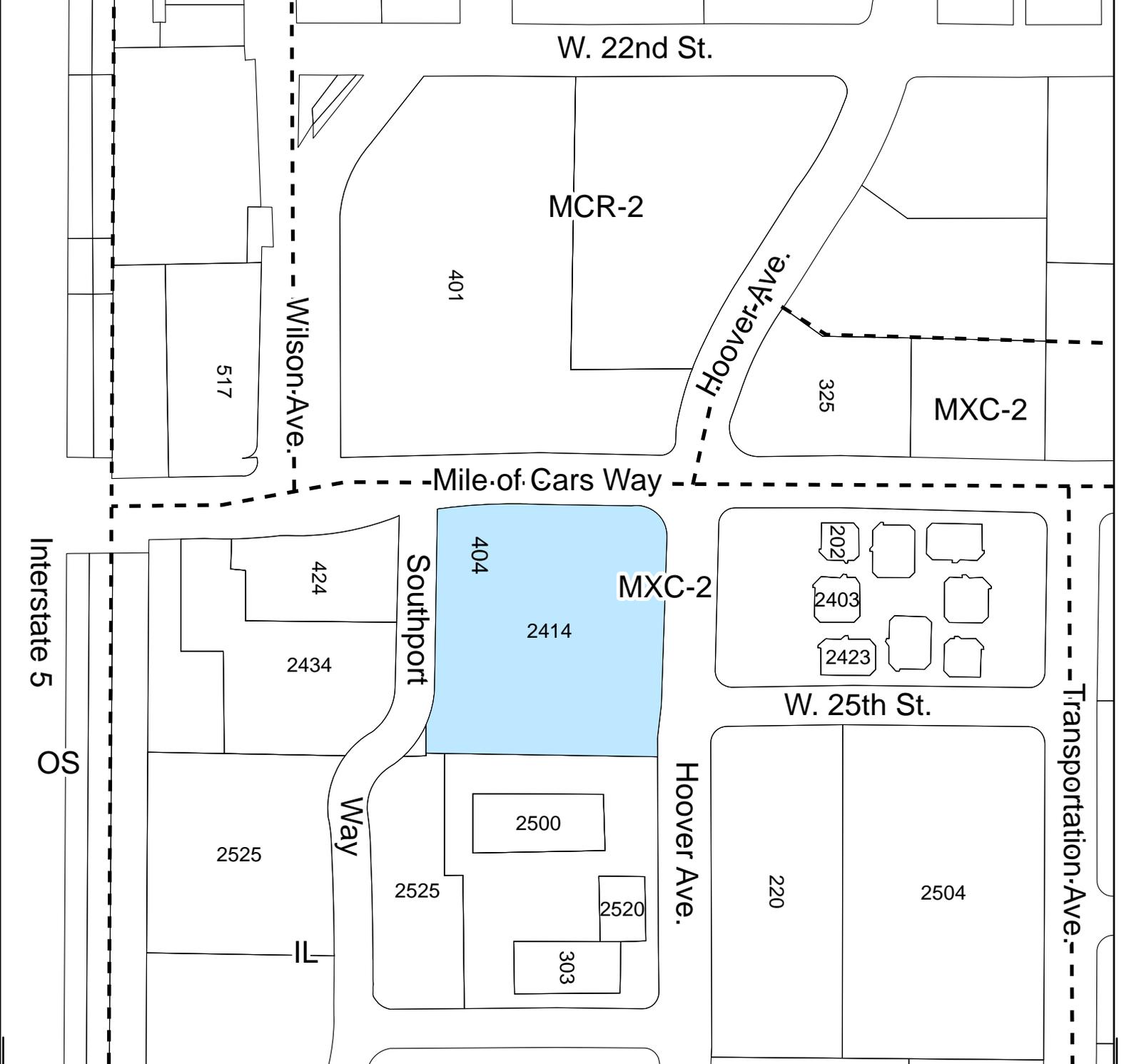
Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

BOARD / COMMISSION RECOMMENDATION:

The Planning Commission approved the Conditional Use Permit.
Ayes: Alvarado, Baca, Bush, DeLaPaz, Garcia, Flores, Pruitt

ATTACHMENTS:

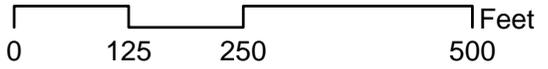
- | | |
|-------------------------------------|---------------------------|
| 1. Location Map | 3. Resolution No. 26-2013 |
| 2. Planning Commission Staff Report | 4. Reduced Plans |



Project Locations



Zone Boundary



APN:
562-340-15

Planning Commission
Location Map

2013-22 CUP



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING - CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH COFFEE SHOP LOCATED AT 404 MILE OF CARS WAY.

Case File No.: 2013-22 CUP

Property Location: Southport Business Center

Assessor's Parcel No.: 562-340-15

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: HG Fenton Company

Zoning designation: Major Mixed-Use Corridor (MXC-2)

Project size: 3.12 acres

Adjacent land use/zoning:

North: Office Building/ITT Tech across Mile of Cars Way / MCR-2 (Multi-Use Commercial-Residential)

East: Office Use / MXC-2

South: Southport Business Center / MXC-2 and IL (Light Industrial)

West: Denny's across Southport Way / MXC-2

Environmental review: Categorically Exempt pursuant to Class 1 Section 15311 (Accessory Structures)

BACKGROUND

Site Characteristics

The 3.12-acre project site is developed with three separate buildings comprising 34,019 square feet of leasable space. There are 140 parking spaces located on the lot. The property is part of the Southport Business Center located south of Mile of Cars Way and west of Hoover Avenue, and is within the MXC-2 (Major Mixed-Use Corridor) zone. Other tenants include offices, restaurants, and a deli. The building in which the subject suite is located is 6,000 square feet in size. The suite itself is 2,000 square feet and located on the north end of the building, adjacent to Mile of Cars Way (see Exhibit "A").

Proposal

The applicant is proposing to remodel the 2,000 square-foot commercial suite to accommodate a new retail coffee business. The design incorporates a new drive-through aisle and ordering window, which requires a Conditional Use Permit (CUP).

Analysis

The retail use (coffee shop) is a permitted use within the MXC-2 zone. However, businesses with a drive-through require the issuance of a CUP. In addition, Chapter 18.41 – Site Planning Standards – has specific design requirements for drive-through businesses, including:

- Minimum queuing distances (established by CUP).
- Minimum 25-foot interior turning radius for drive-through aisles.
- Location of drive-through window and landscaping requirements.

The site plan shows approximately 60 feet of vehicle queuing distance prior to the ordering/menu board, with another 100 feet to the pick-up window. The drive-through aisle begins at the northwest corner of the parking lot and exits behind the south end of the building near Southport Way. In order to accommodate the aisle ingress and egress points, four parking spaces were vacated; two at the entrance and two at the exit. The proposed pick-up window is on the west side of the building at the back of the subject suite.

Although the overall queuing distance is approximately 160 feet, the short distance between the aisle entry and ordering board (approximately three car lengths) may not provide for efficient vehicle queuing during peak periods of traffic, potentially resulting in overflow into adjacent parking areas. The peak times for this type of use are generally in the early morning hours when other businesses are not open; therefore, overflow may not be as much of an issue.

In order to address any potential overflow issues, a condition of approval has been added to require future staff review of potential overflow issues. The condition includes

a caveat for potential modification of the drive-through layout if problems related to parking, property ingress/egress, or street operations are noted as a result of business operations. The turning radius of the aisle is 25 feet, which is consistent with the Land Use Code.

The Land Use Code states that a drive-through window may not be located between the right-of-way and the building without a minimum 10-foot wide landscape buffer. The buffer shall have a minimum three-foot high hedge with trees spaced at least every 20 feet. The landscape plan for the project is consistent with these requirements and is conditioned to be included with plans submitted for construction.

Parking/Circulation

The proposed design utilizes the existing parking lot layout, removing four parking spaces – two at the entrance and two at the exit – leaving 136. Southport Business Center was built as an office complex and was subject to office parking requirements. Office parking is calculated using a sliding scale, requiring less parking per square-foot the larger the floor area. Based on this scale, 34,019 square feet of office would require 123 parking spaces, less than is provided after the reduction in this case.

According to SANDAG (San Diego Association of Governments) data, a 2,000 square-foot fast food restaurant (closest comparison) with a drive-through would generate approximately 1,300 average daily trips (ADT). Access to and from the site is provided by Mile of Cars Way, an arterial street operating at a Level of Service (LOS) of B. According to the General Plan, the addition of 1,300 ADT would not increase capacities so as to decrease the current LOS. The current ADT capacity of Mile of Cars Way is 40,000 with a current ADT of 17,000.

The applicant also provided a traffic study authored by Urban Systems Associates, Inc., which estimated approximately 1,220 ADT generated by the business, which is consistent with and under the SANDAG number. Therefore, staff is of the opinion that the existing road network can accommodate the additional traffic generated by the new business.

Noise

Noise issues related to drive-through businesses are usually related to vehicle queuing and ordering windows/speakers. Noise is not likely to be an issue given that the area is strictly commercial and located close to Interstate 5. However, recent approvals for drive-through businesses have required noise-attenuating speakers at the ordering window. This type of speaker automatically adjusts its volume to compensate for ambient noise (streets, vehicles, etc.). Therefore, the volume is lower during quieter periods, such as at night. There is a condition requiring the noise-attenuating speakers.

Hours of Operation

The typical hours of operation for the proposed business will be 4 a.m. to 12:00 a.m., seven days a week. However, the applicant has expressed interest in being open 24 hours a day at some point in the future, should the demand support those hours. The

location of the business near the freeway is likely to allow for the necessary customers. Given that there are no residential properties near the project, it is unlikely that being open 24 hours a day would have any impacts on neighboring properties, as they are mostly commercial businesses with standard daytime working hours.

CEQA

The project is Categorically Exempt under the California Environmental Quality Act (CEQA) pursuant to Class 3 Section 15303. This section allows for new construction or conversion of small structures. Specifically, subsection (c) of 15303 allows structures not involving the use of significant amounts of hazardous substances (including restaurants), provided they are less than 2,500 square feet in floor area. The existing and proposed suite is 2,000 square feet in size, therefore consistent with this exemption.

Conditions of Approval are included that address Building, Engineering, and Fire Department comments. Conditions cover code requirements (Fire & Building), grading and improvement requirements (Engineering), and design and performance regulations for the drive through (Planning).

Summary

The proposed drive-through is consistent with the Land Use Code with the approval of a Conditional Use Permit. Conditions of Approval will ensure that the business operates in harmony with existing uses in the area, including providing for future performance review. The potential impacts are minimal since design guidelines ensure an appropriately-designed project. The new restaurant will contribute to the viability of the property and will help to utilize an existing vacant lot/pad.

RECOMMENDATION

Approve 2013-22 CUP subject to the conditions listed below, based on attached findings.

ATTACHMENTS

1. Recommended Findings for Approval
2. Recommended Conditions of Approval
3. Location Map
4. Notice of Exemption
5. Public Hearing Notice (Sent to 12 property owners)
6. Site Photos
7. Applicant's Plans (Exhibit A, Case File No. 2013-22 CUP dated 10/2/2013)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL
OF THE CONDITIONAL USE PERMIT
2013-22 CUP – 404 Mile of Cars Way

1. That the site for the proposed use is adequate in size and shape, since the proposed design meets all design requirements.
2. That the site has sufficient access to Mile of Cars Way, an arterial street operating at a Level of Service (LOS) of B, to accommodate the additional 1,300 average daily trips (ADT).
3. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the use is located adjacent to an arterial street, and since design guidelines ensure an appropriately-designed project and since the use is permitted in the Major Mixed-Use Corridor zone.
4. That the proposed use is deemed essential and desirable to the public convenience, since it will contribute to the continued viability of an existing commercially-zoned property, an established and allowed use in the applicable mixed-use zone.

RECOMMENDED CONDITIONS OF APPROVAL
2013-12 CUP – 404 Mile of Cars Way

General

1. This Conditional Use Permit authorizes a drive-through aisle for a new 24-hour retail coffee business. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2013-22 CUP dated 102/2013.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. **Checks shall be made payable to the County Clerk** and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Land Use Code.
4. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of the permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate said permit.** The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Building

5. Plans submitted for improvements in 2013 must comply with the 2010 edition of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes. If submitted in 2014, plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

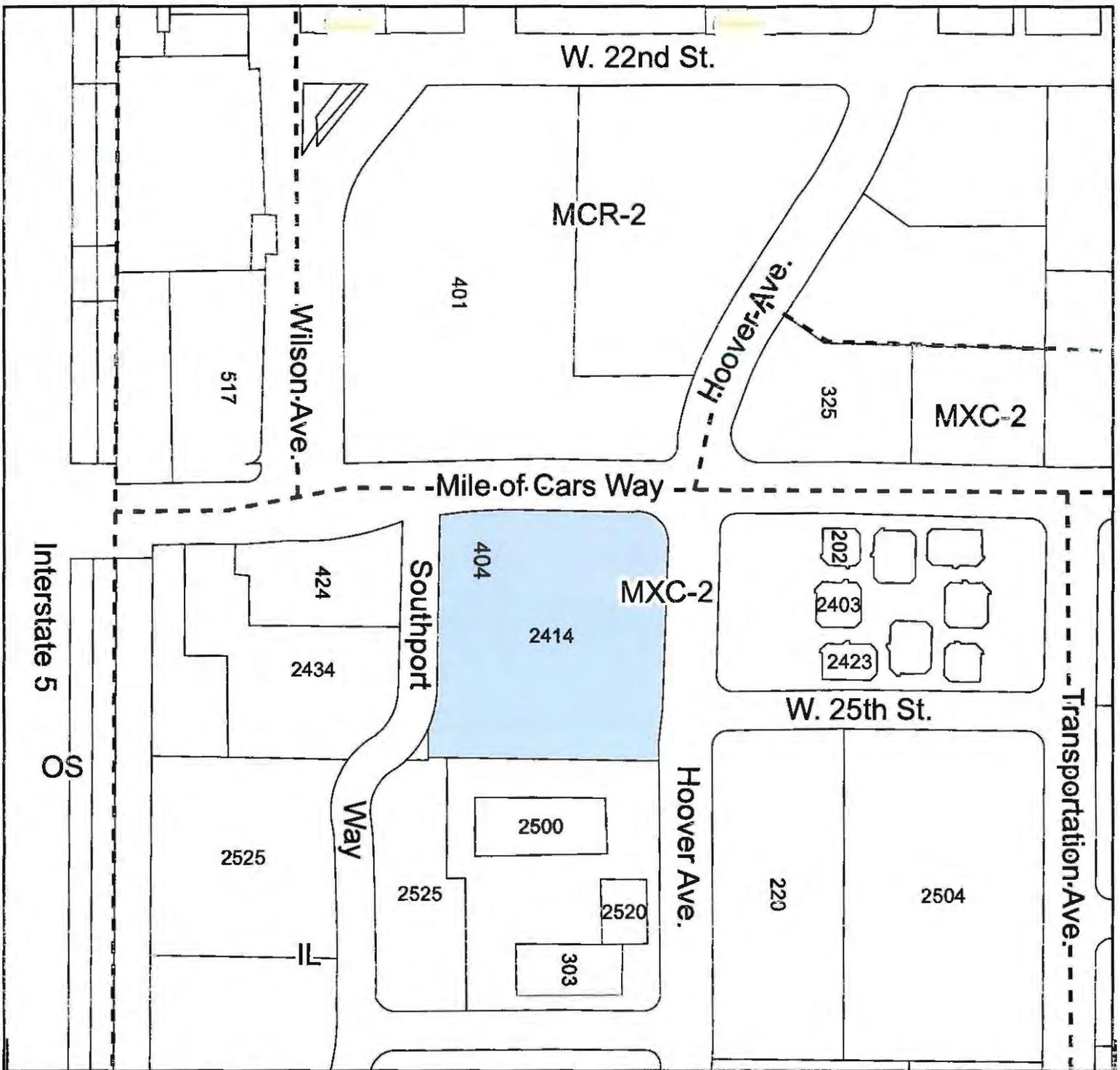
Engineering

6. A grading plan shall be submitted. The plan shall be prepared by a registered civil engineer licensed within the State of California. An application form for grading (available on the city's web site) shall be submitted along with the plans.
7. A soils report shall be submitted.
8. A plan and profile of the proposed retaining wall shall be included in the grading plan. The wall shall conform to the San Diego Regional Standard Drawings or, if designed by an engineer, the calculations shall also be submitted.
9. The owner shall replace the pedestrian ramp, the deteriorated portion of the cross gutter, and sidewalk, curb and gutter as marked out in the field.

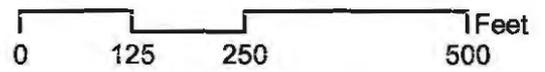
10. A Standard Urban Storm Water Mitigation Plan (SUSMP) checklist shall be completed and returned.
11. The existing sewer lateral shall be videotaped to ensure continued serviceability. The sewer lateral shall be encased where it runs under the proposed drive lane and retaining wall.
12. An engineer's cost estimate for all proposed work shown in the grading plan and all public improvements shall be submitted. A bond shall be submitted equal to one hundred percent (100%) of the engineer's cost estimate.
13. A plan check fee equal to three percent (3%) of the engineers cost estimate shall be submitted.
14. The owner/contractor shall be required to submit bonds to and obtain all necessary permits from the Engineering Department.

Planning

15. A landscape and underground irrigation plan shall be submitted as part of the building permit process. Installation and continued maintenance of minimum landscaping items required by the Land Use Code, including a minimum three-foot hedge and trees spaces 20 feet on center along the Mile of Cars Way and Southport Way frontages, shall be provided.
16. Plans shall conform to minimum turning radius requirements for drive-through businesses unless the City Engineer approves a lesser radius.
17. Vehicular queuing operation shall be subject to future review and potential modification if problems related to parking, property ingress/egress, or street operations are noted as a result of business operations.
18. Business operations shall comply with Municipal Code Title 12 (Noise) at all times. Plans submitted for construction shall reflect the use of sound-attenuating speakers that automatically reduce the volume of ordering speakers during periods of low ambient noise.
19. Plans submitted for construction permits shall show that a cover for the new trash enclosure shall be provided. Construction plans shall show the details of the enclosure to the satisfaction of the Fire and Engineering Departments.
20. Plans submitted for construction shall conform to Land Use Code Section 18.46 (Outdoor Lighting).



- Project Locations
- Zone Boundary



APN:
562-340-15

Planning Commission
Location Map

2013-22 CUP



CITY OF NATIONAL CITY - DEVELOPMENT SERVICES DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF EXEMPTION

TO: County Clerk
County of San Diego
P.O. Box 1750
1600 Pacific Highway, Room 260
San Diego, CA 92112

Project Title: 2012-22 CUP

Project Location: 404 Mile of Cars Way, National City, CA 91950

Contact Person: Martin Reeder **Telephone Number:** (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Conditional use permit for a new drive-through aisle related to a new retail coffee shop in an existing commercial building.

Applicant Name and Address:

HG Fenton Co.
c/o: Brian Gates
7577 Mission Valley Road, suite 200
San Diego, CA 92108

Telephone Number:

(619) 400-0169

Exempt Status:

Categorical Exemption. Class 11, Section 15311 (Accessory Structures)

Reasons why project is exempt:

There is no possibility that the proposed use will have a significant impact on the environment since construction of the drive-through aisle will be within the property envelope, which is developed and devoid of any habitat or sensitive lands use. The aisle is a minor structure that will be accessory to an existing commercial facility.

Date:

MARTIN REEDER, AICP
Principal Planner



CITY OF NATIONAL CITY - DEVELOPMENT SERVICES DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

PUBLIC HEARING - CONDITIONAL USE PERMIT FOR
A DRIVE-THROUGH COFFEE SHOP
LOCATED AT 404 MILE OF CARS WAY
CASE FILE NO: 2013-22 CUP
APN: 562-340-15

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, November 18, 2013**, in the City Council Chambers, 1243 National City Blvd., National City, California on a proposed request (HG Fenton Company).

The applicant is proposing to remodel 2,000 square feet of an existing 6,000 square-foot commercial building to accommodate a new drive-through retail coffee business. The design also incorporates a new drive-through aisle and ordering window.

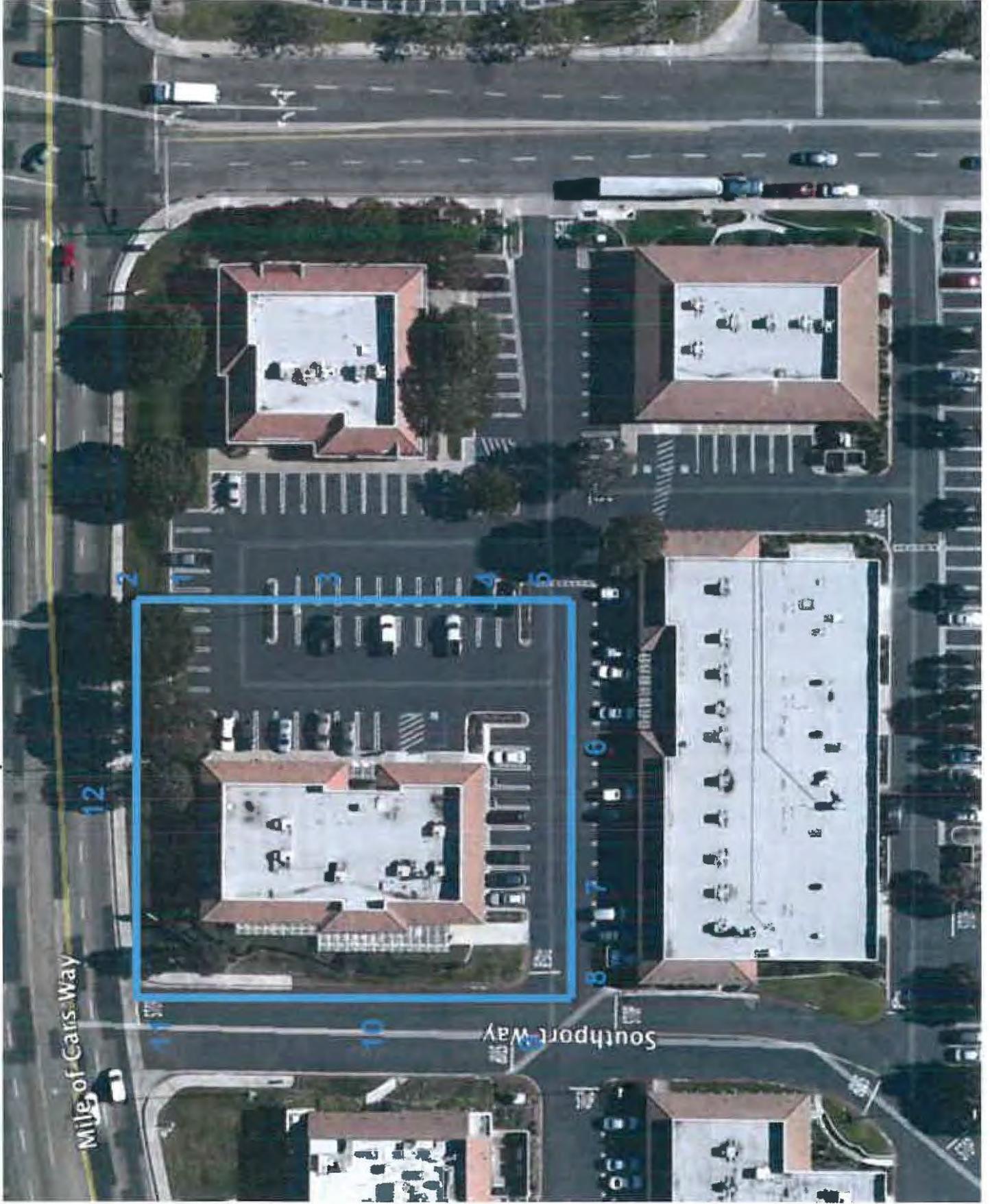
Members of the public are invited to comment. Any person interested in this matter may appear at the above time and place and be heard. Written comments should be received by the Planning Division on or before 12 p.m., **November 18, 2013**. Planning Division staff may be contacted at 619-336-4310 or planning@nationalcityca.gov.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the public hearing entity conducting the hearing at, or prior to, the public hearing.

PLANNING DEPARTMENT

BRAD RAULSTON
Executive Director

Southport Business Park CUP Photo Survey



Southport Business Park CUP Photo Survey



1. View of project site from the northeast.



2. View from project site to the north.



3. View of project site from the east.



4. View of project site from the southeast.

Southport Business Park CUP Photo Survey



5. View from the project site to the south.



6. View of the project site from the south.



7. View from the project site to the west.



8. View from the project site to the northwest.

Southport Business Park CUP Photo Survey



9. View of the project site from the southwest.



10. View of the project site from the west.



11. View of the project site from the northwest.



12. View of the project site from the north.

RESOLUTION NO. 26-2013

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A CONDITIONAL USE PERMIT FOR
A DRIVE-THROUGH COFFEE SHOP
LOCATED AT 404 MILE OF CARS WAY.
CASE FILE NO. 2013-22 CUP
APN: 562-340-15**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a drive-through coffee shop located at 404 Mile of Cars Way at a duly advertised public hearing held on November 18, 2013, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2013-22 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on November 18, 2013, support the following findings:

1. That the site for the proposed use is adequate in size and shape, since the proposed design meets all design requirements.
2. That the site has sufficient access to Mile of Cars Way, an arterial street operating at a Level of Service (LOS) of B, to accommodate the additional 1,300 average daily trips (ADT).
3. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the use is located adjacent to an arterial street, and since design guidelines ensure an appropriately-designed project and since the use is permitted in the Major Mixed-Use Corridor zone.
4. That the proposed use is deemed essential and desirable to the public convenience, since it will contribute to the continued viability of an existing commercially-zoned property, an established and allowed use in the applicable mixed-use zone.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes a drive-through aisle for a new 24-hour retail coffee business. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2013-22 CUP dated 102/2013.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. **Checks shall be made payable to the County Clerk** and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Land Use Code.
4. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of the permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate said permit.** The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Building

5. Plans submitted for improvements in 2013 must comply with the 2010 edition of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes. If submitted in 2014, plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Engineering

6. A grading plan shall be submitted. The plan shall be prepared by a registered civil engineer licensed within the State of California. An application form for grading (available on the city's web site) shall be submitted along with the plans.
7. A soils report shall be submitted.
8. A plan and profile of the proposed retaining wall shall be included in the grading plan. The wall shall conform to the San Diego Regional Standard Drawings or, if designed by an engineer, the calculations shall also be submitted.
9. The owner shall replace the pedestrian ramp, the deteriorated portion of the cross gutter, and sidewalk, curb and gutter as marked out in the field.
10. A Standard Urban Storm Water Mitigation Plan (SUSMP) checklist shall be completed and returned.

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16. Plans shall conform to minimum turning radius requirements for drive-through businesses unless the City Engineer approves a lesser radius.
17. Vehicular queuing operation shall be subject to future review and potential modification if problems related to parking, property ingress/egress, or street operations are noted as a result of business operations.
18. Business operations shall comply with Municipal Code Title 12 (Noise) at all times. Plans submitted for construction shall reflect the use of sound-attenuating speakers that automatically reduce the volume of ordering speakers during periods of low ambient noise.
19. Plans submitted for construction permits shall show that a cover for the new trash enclosure shall be provided. Construction plans shall show the details of the enclosure to the satisfaction of the Fire and Engineering Departments.
20. Plans submitted for construction shall conform to Land Use Code Section 18.46 (Outdoor Lighting).

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of November 18, 2013, by the following vote:

AYES: Garcia, Baca, Pruitt, Flores, alvarado, Bush, Dela Paz

NAYS: N/A

ABSENT: N/A

ABSTAIN: N/A



CHAIRPERSON

H. G. FENTON SOUTHPORT BUSINESS PARK DRIVE-THROUGH CONDITIONAL USE PERMIT

404 MILE OF CARS WAY, NATIONAL CITY, CA 91950

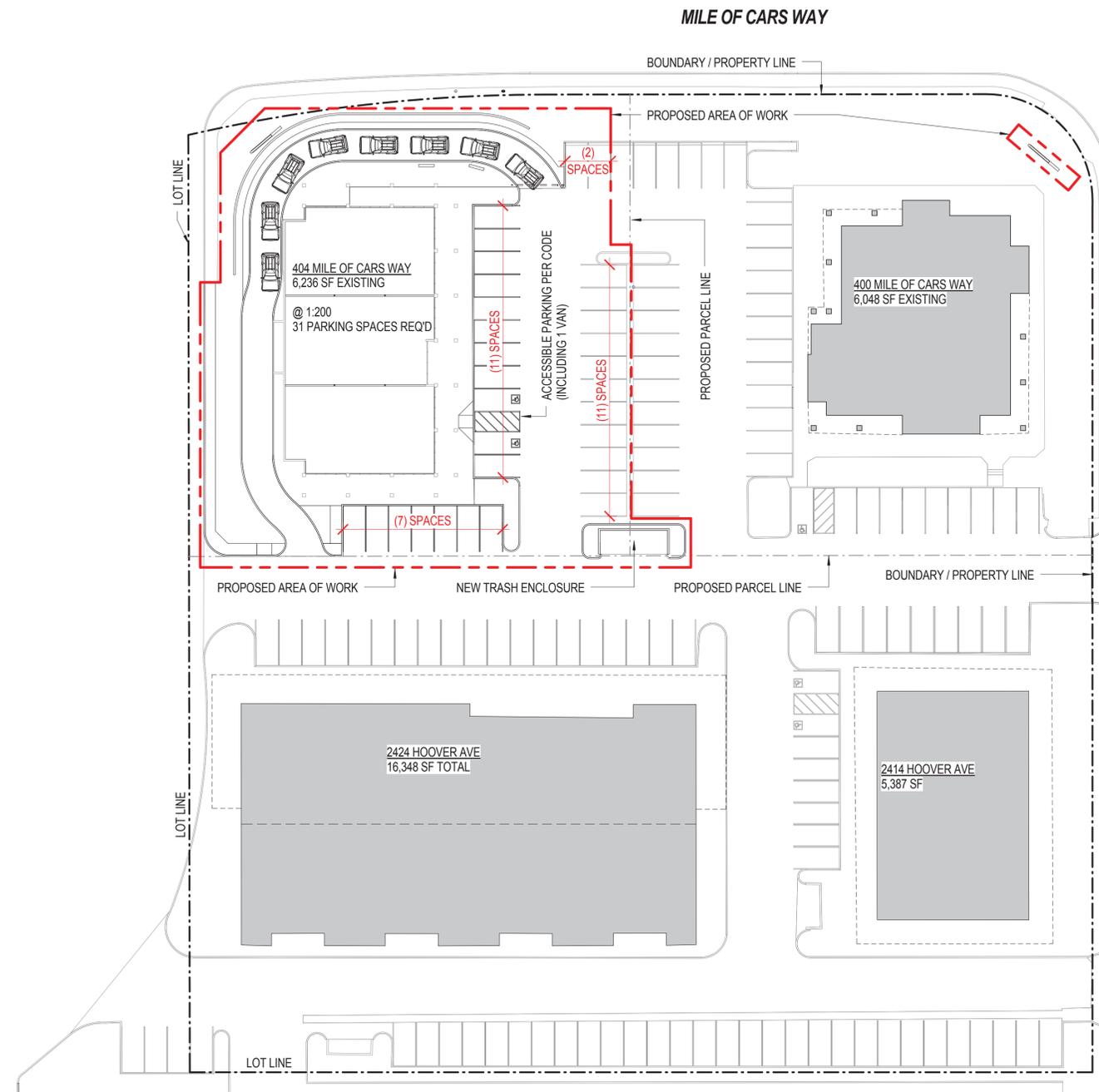
PROJECT TEAM

OWNER:
H. G. FENTON COMPANY
7577 MISSION VALLEY RD, SUITE 200
SAN DIEGO, CA 92108
(619) 400-0169
BRIAN GATES: bgates@hgfenton.com

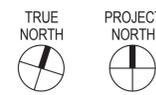
ARCHITECT:
KMA ARCHITECTURE & ENGINEERING
1515 MORENA DR
SAN DIEGO, CA 92110
(619) 276-7710
RICH GUERENA: rguerena@kma-ae.com

CIVIL ENGINEER:
STUART ENGINEERING
7525 METROPOLITAN DR, SUITE 308
SAN DIEGO, CA 92108
(619) 296-1010
ALEX NUNEZ: anunez@stuartengineering.com
STUART PEACE: speace@stuartengineering.com

LANDSCAPE ARCHITECT:
GILLESPIE MOODY PATTERSON
4125 SORRENTO VALLEY BLVD, SUITE D
SAN DIEGO, CA 92121
(858) 558-8977
MARC MOODY: marc@gmplandarch.com



1 PROPOSED SITE PLAN & PARKING
1" = 30'-0"



SCOPE OF C.U.P.

- NEW DRIVE-THROUGH LANE AT EXISTING BUILDING 404 MILE OF CARS WAY.
- NEW TRASH ENCLOSURE.
- RELATED SITE IMPROVEMENTS INCLUDING
 - EXTEND & CONNECT SIDEWALK ALONG SOUTHPORT WAY
 - LANDSCAPING
 - RE-STRIPING PARKING WITHIN AREA OF WORK ONLY

NOTE: REMODELING OF BUILDING WILL BE UNDER A SEPARATE BUILDING PERMIT.

PARKING

PARKING PROVIDED IS INSIDE THE "PROPOSED AREA OF WORK" LINE.

PARKING REQUIRED:	31
PARKING SPACES PROVIDED: (NO COMPACT SPACES)	31 (INCLUDING ACCESSIBLE)
VEHICLE STACKING IN DRIVE-THRU: (MEASURED AT 20'-0" LENGTHS)	8 MINIMUM

SHEET INDEX

A1	COVER SHEET & SITE PARKING PLAN
A2	SITE PLAN EXISTING
A3	SITE PLAN PROPOSED
A4	SITE PHOTOS & FACADE REHAB CONCEPTS
C1	PRELIMINARY GRADING PLAN
L1	PRELIMINARY LANDSCAPE PLAN

LOCATION DESCRIPTION

404 MILE OF CARS WAY, NATIONAL CITY, CA 91950
SITE AT THE SOUTHWEST CORNER OF THE INTERSECTION OF MILE OF CARS WAY AND HOOVER AVENUE, IN NATIONAL CITY, CALIFORNIA.
LOT 15 MAP NO. 8038
ZONE: MXC-2
LOT SIZE: 3.13 ACRES
APN: 5623401500

VICINITY MAP



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CONSULTANTS:

CONDITIONAL USE PERMIT

NO.	REVISION	DATE
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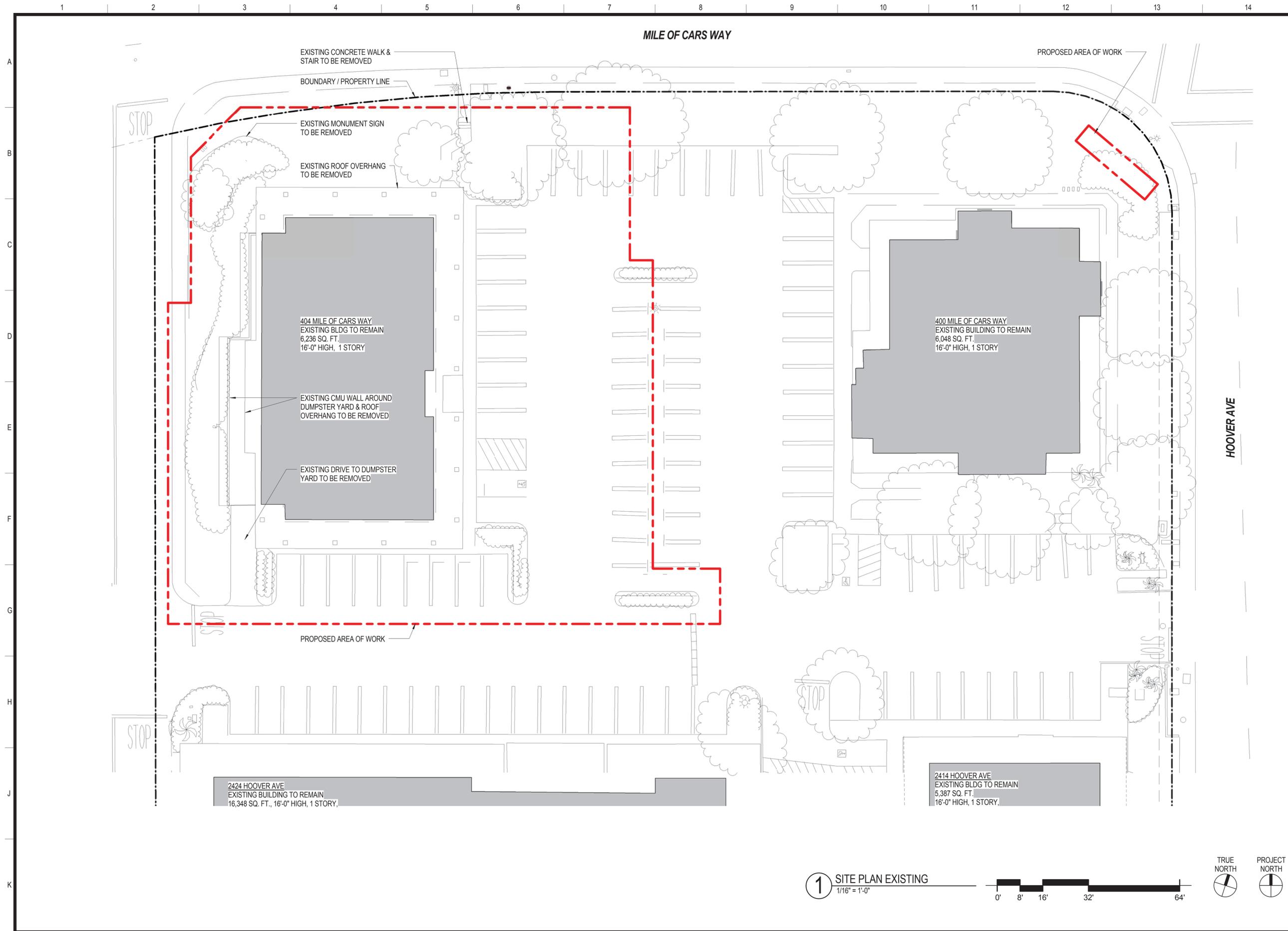
**H.G. FENTON
SOUTHPORT
BUSINESS PARK**

404 MILE OF CARS WAY
NATIONAL CITY, CA 91950

PROJECT NO.	12-155-00
DATE	1 OCT. 2013

**COVER SHEET & SITE
PARKING PLAN**

A1



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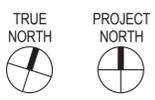


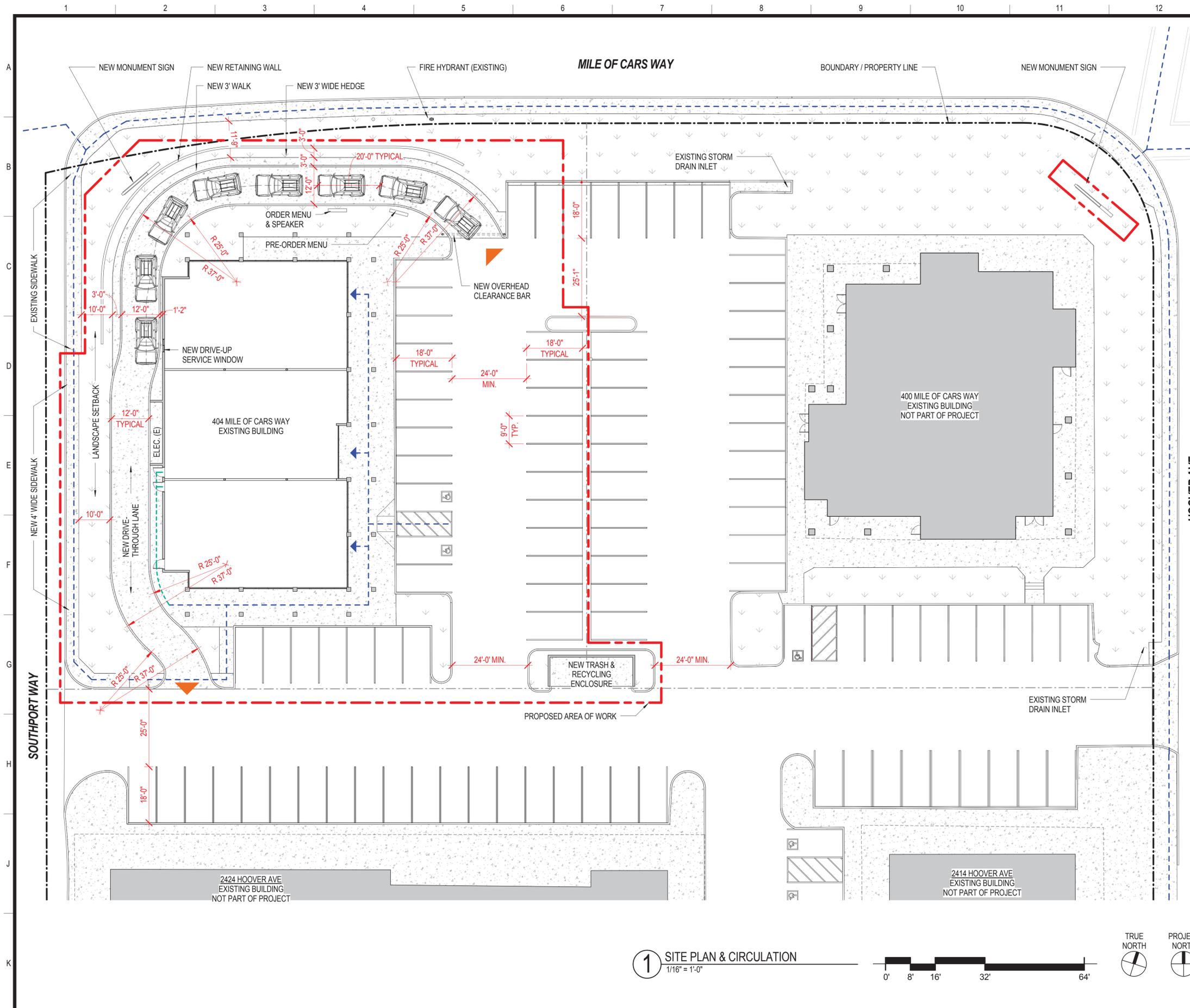
**H.G. FENTON
 SOUTHPORT
 BUSINESS PARK**

404 MILE OF CARS WAY
 NATIONAL CITY, CA 91950
 PROJECT NO. 12-155-00
 DATE 1 OCT. 2013

**SITE PLAN EXISTING
 A2**

1 SITE PLAN EXISTING
 1/16" = 1'-0"





LEGEND

- LANDSCAPED AREA
- ASPHALT
- CONCRETE
- AREA OF PROPOSED NEW WORK
- PROPERTY BOUNDARY / LOT LINE
- PROPOSED PARCEL LINE
- PEDESTRIAN PATH OF TRAVEL
- ACCESSIBLE PATH OF TRAVEL & POSSIBLE ENTRANCE
- PROPOSED NEW VEHICLE DRIVE-THROUGH ENTRANCE / EXIT

KMA ARCHITECTURE & ENGINEERING
 WWW.KMA-AE.COM
 1515 MORENA BLVD SAN DIEGO CA 92110
 T 619 276 7710 F 619 276 7715

ARCHITECTS & ENGINEERS:
 DONALD E. BLAIR C 20127
 TIMOTHY J. RUBESH C 18207
 ROBERT M. WALKER C 30782



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CONSULTANTS:

CONDITIONAL USE PERMIT

NO.	REVISION	DATE

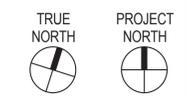
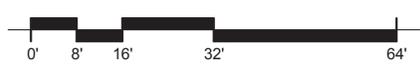


**H.G. FENTON
 SOUTHPORT
 BUSINESS PARK**

404 MILE OF CARS WAY
 NATIONAL CITY, CA 91950
 PROJECT NO. 12-155-00
 DATE 1 OCT. 2013

**SITE PLAN PROPOSED
 A3**

1 SITE PLAN & CIRCULATION
 1/16" = 1'-0"





BUILDING 404 NORTHWEST CORNER



BUILDING 400 NORTH ELEVATION - MILE OF CARS WAY

BUILDING 404 NORTH ELEVATION - MILE OF CARS WAY



BUILDING 404 NORTH ELEVATION



BUILDING 404 EAST ELEVATION



BUILDING 404 WEST ELEVATION - SOUTHPORT WAY



BUILDING 404 SOUTH ELEVATION



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CONSULTANTS:

CONDITIONAL USE PERMIT

NO.	REVISION	DATE



TRUST, SERVICE AND TRADITION SINCE 1906

H.G. FENTON
SOUTHPORT
BUSINESS PARK

404 MILE OF CARS WAY
NATIONAL CITY, CA 91950

PROJECT NO. 12-155-00

DATE 1 OCT. 2013

SITE PHOTOS

A4

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CONSULTANTS:

CONDITIONAL USE PERMIT

NO.	REVISION	DATE



H.G. FENTON SOUTHPORT BUSINESS PARK

400 & 404 MILE OF CARS WAY
NATIONAL CITY, CA 91950

PROJECT NO. 12-155-00
DATE OCT. 1, 2013

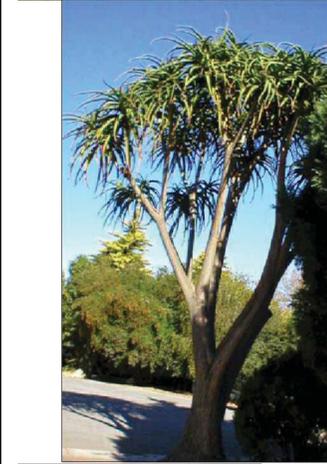
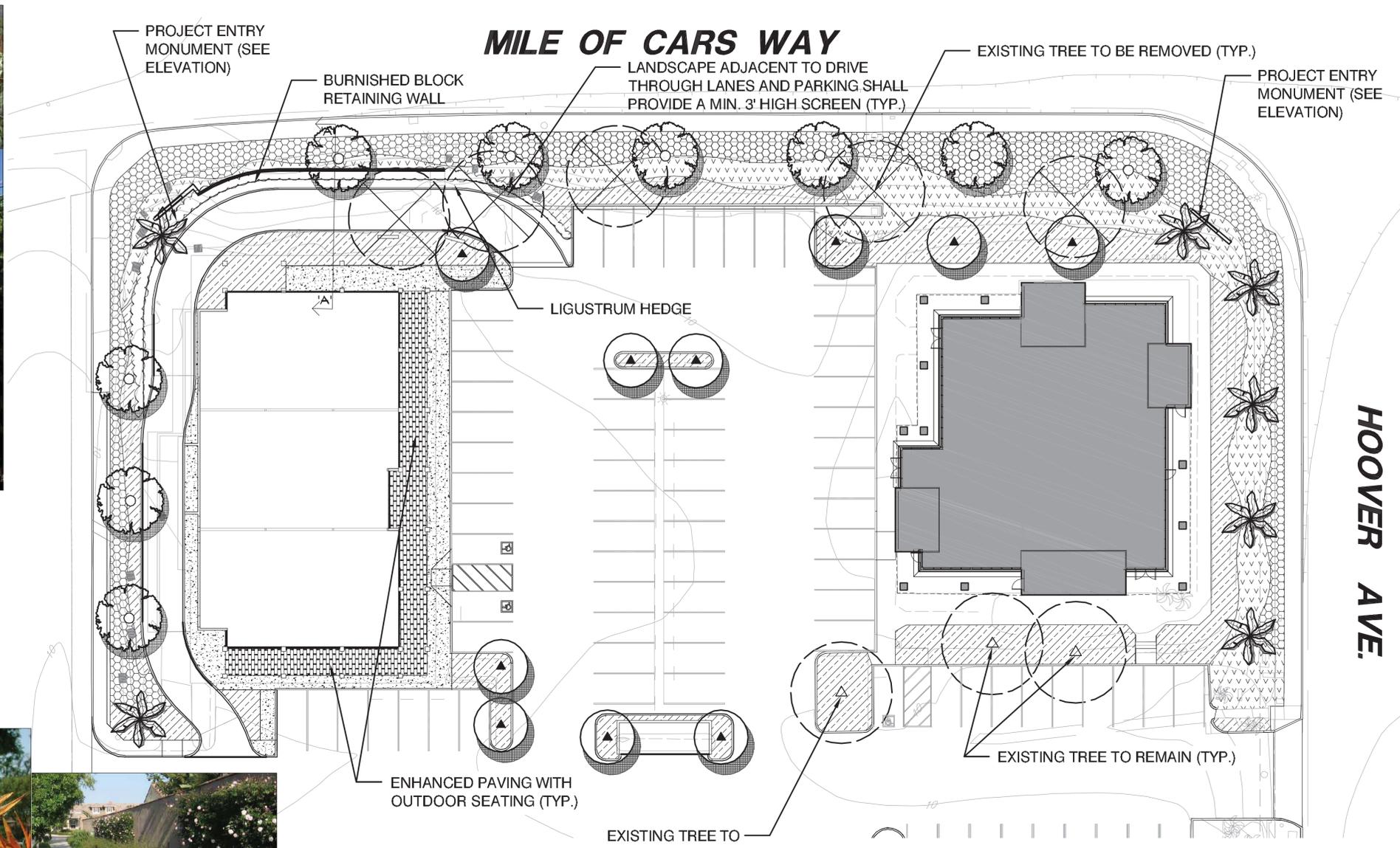


www.gmplandarch.com
4125 Sorrento Valley Blvd.
Suite D San Diego
California 92121
Tel 858 558 9977
Fax 858 558 9188

PRELIMINARY LANDSCAPE PLAN

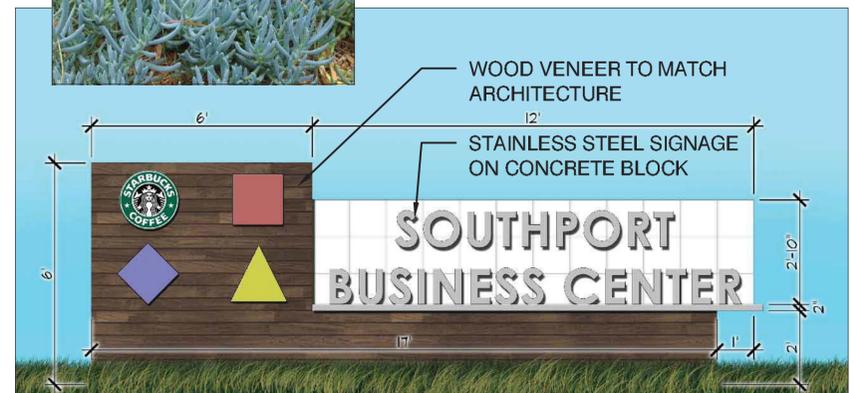
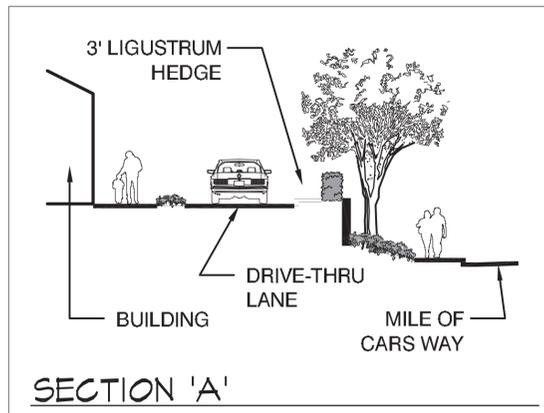
L-1

MILE OF CARS WAY

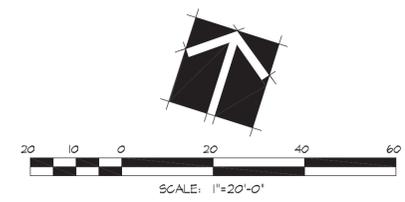


CONCEPTUAL PLANTING LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	W.U.C.O.L.s	WATER USE
TREES					
	ARBUTUS UNEDO 'MARINA'	STRAWBERRY TREE	24" BOX	MED.	
	LOPHOSTEMON CONFERTA	BRISBANE BOX	24" BOX	MED.	
	PHOENIX DACTYLIFERA	DATE PALM	15' B.T.H.	MED.	
SHRUBS					
	AGAVE ATTENUATA	FOXTAIL AGAVE	15 GAL.	LOW	
	ALOE ARBORESCENS	TORCH ALOE	15 GAL.	LOW	
	ALOE BARBERAE	BOUGAINVILLEA	15 GAL.	LOW	
	BOUGAINVILLEA 'LA JOLLA'	BOUGAINVILLEA	5 GAL.	MED.	
	BOUGAINVILLEA 'TORCH GLOW'	BOUGAINVILLEA	5 GAL.	MED.	
	LIGUSTRUM JAPONICUM 'TEXANUM'	MAXLEAF PRIVET	15 GAL.	MED.	
	RAPHIOLEPIS INDICA 'CLARA'	INDIAN HAWTHORNE	5 GAL.	MED.	
	STRELITZIA REGINAE	BIRD-OF-PARADISE	15 GAL.	MED.	
GRASSES					
	CAREX PANSA	CALIFORNIA MEADOW SEDGE	1 GAL.	MED.	
	CAREX TEMULICOLA	BERKLEY SEDGE	1 GAL.	MED.	
	MUHLENBERGIA CAPILLARIS	PINK MUHLY	1 GAL.	MED.	
GROUND COVER					
	SENECIO MANDRALISCAE	BLUE CHALK STICKS	FLATS	LOW	



PROJECT ENTRY MONUMENT ELEVATION



**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

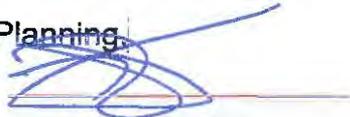
ITEM TITLE:

Notice of Decision – Planning Commission approval of a Conditional Use Permit for a public works facility to be located at 1726 Wilson Avenue. (Applicant: City-initiated) (Case File 2013-28 CUP)

PREPARED BY: ^{MR} Martin Reeder, AICP

DEPARTMENT: Planning

PHONE: 336-4313

APPROVED BY: 

EXPLANATION:

The 1.17-acre project site is developed with an office and a vehicle maintenance building. The site was previously used as a bus storage and maintenance facility. The City is proposing to relocate the existing Public Works Facility at W. 22nd Street and Hoover Avenue. Existing activities will be separated and dispersed among other locations to be determined. 1726 Wilson Avenue has been chosen to house the new Public Works Yard and will incorporate staff offices, vehicle parking, and vehicle maintenance facilities. The new facility will utilize the existing infrastructure on site with the addition of an 8-foot tall wrought iron fence.

Planning Commission conducted a public hearing on November 18, 2013. Commissioners asked questions regarding relocation timing for the existing Public Works Yard and construction timing for the WI-TOD project. The Commission voted to approve the Conditional Use Permit based on required findings and subject to Conditions of Approval.

The attached Planning Commission staff report describes the proposal in detail.

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

Categorically Exempt pursuant to Class 1 Section 15301 (Existing Facilities)

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

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

BOARD / COMMISSION RECOMMENDATION:

The Planning Commission approved the Conditional Use Permit.
Ayes: Alvarado, Baca, Bush, DeLaPaz, Garcia, Flores, Pruitt

ATTACHMENTS:

- | | |
|-------------------------------------|---------------------------|
| 1. Location Map | 3. Resolution No. 27-2013 |
| 2. Planning Commission Staff Report | 4. Reduced Plans |



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING - CONDITIONAL USE PERMIT FOR A PUBLIC WORKS FACILITY TO BE LOCATED AT 1726 WILSON AVENUE.

Case File No.: 2012-28 CUP

Property Location: West side of Wilson Avenue south of West 17th Street

Assessor's Parcel No.: 559-086-03, 05, 13

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: City of National City

Zoning designation: Limited Commercial (CL)

Project size: 1.17 acres

Adjacent land use/zoning:

- North: Residential use / CL
- East: Residential use / auto repair across Wilson Ave. / MCR-1 (Multi-Use Commercial-Residential)
- South: Residential use across W. 18th St. / CL
- West: SDMTS and I-5 right-of-way / OS (Open Space)

Environmental review: Categorically Exempt pursuant to Class 1 Section 15301 (Existing Facilities)

BACKGROUND

Site Characteristics

The 1.17-acre project site is developed with two buildings comprising an office and a vehicle maintenance building. The site was previously used for the operation of a tour bus company that dispatched and maintained buses for the company. The property is accessible primarily from a driveway on W. 17th Street. There is also a driveway on Wilson Avenue.

Proposal

The City is proposing to relocate the existing Public Works Facility at W. 22nd Street and Hoover Avenue. Objective number 4 of the City's 2013-2018 Strategic Plan (Enhance Housing and Community Assets) calls for the relocation of the public works yard to utilize the existing site for a neighborhood park and affordable family housing (Westside Infill Transit Oriented Development: WI-TOD or Paradise Creek Project).

Existing activities will be separated and dispersed among other locations to be determined. 1726 Wilson Avenue has been chosen to house the new Public Works Yard and will incorporate staff offices, vehicle parking, and vehicle maintenance facilities. The new facility will utilize the existing infrastructure on site. Plans show a future covered parking area/carport and storage building that is not part of this project, as well as an 8-foot tall wrought iron fence.

Analysis

The property is located in the Westside Specific Plan area. Appendix "A" (Land Use) of the specific plan allows for a public works yard with the issuance of a CUP. There are no design requirements in the specific plan or in the Land Use Code related specifically to public works yards (setbacks, building height, etc.). The wrought iron fence around the property perimeter is consistent with Land Use Code requirements (maximum height and no barbed-wire).

The future storage and parking buildings, as mentioned above, will be subject to building permits but are not within the purview of the CUP process. This CUP is specifically for use of the property rather than specific design requirements.

Potential issues that require a CUP would be generally related to traffic and vehicle parking. There is no parking requirement for public works yards; however, vehicle repair requires a parking ratio of one space per five hundred square feet of floor area. In this case, the two buildings total approximately 6,385 square feet, which would require 13 parking spaces. Plans show a total of 25 spaces.

The lot has good internal circulation and access to city streets. The previous use was a bus storage facility, which required wider access than is currently needed by City

vehicles. The city fleet is comprised of compact and full-size pick-up trucks, and mid-size passenger cars. As these vehicles are significantly smaller than buses, there is ample room for access into and through the property, as well as striping the lot for additional parking. Furthermore, the City's fleet is primarily gasoline-powered, as opposed to the prevalently diesel-powered buses of the previous use.

CEQA

The project is Categorically Exempt under the California Environmental Quality Act (CEQA) pursuant to Class 1 Section 15301. This section allows for conversion of existing facilities.

Standard Conditions of Approval are included to require compliance with applicable construction codes.

Summary

The proposed public works yard is consistent with the Land Use Code with the approval of a Conditional Use Permit. Conditions of Approval will ensure compliance with applicable construction and other City codes. The potential impacts are minimal since the property has historically been used as a vehicle maintenance and storage facility. The smaller size and number of vehicles will be less of an impact than the previous use. The new yard will also allow the City to move forward with the WI-TOD project, which is consistent with the Strategic Plan.

RECOMMENDATION

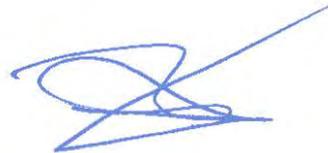
Approve 2013-28 CUP subject to the conditions listed below, based on attached findings.

ATTACHMENTS

1. Recommended Findings for Approval
2. Recommended Conditions of Approval
3. Location Map
4. Notice of Exemption
5. Public Hearing Notice (Sent to 22 property owners)
6. Site Photos
7. Applicant's Plans (Exhibit A, Case File No. 2013-28 CUP dated 10/17/2013)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL
OF THE CONDITIONAL USE PERMIT
2013-28 CUP – 1726 Wilson Avenue

1. That the site for the proposed use is adequate in size and shape, since the proposal will utilize existing infrastructure previously used for the same type of use.
2. That the site has sufficient access to city streets, since there are two driveways accessing the property and since no change in use is proposed.
3. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the site has historically been used for the parking and maintenance of vehicles and since the proposed use would be less intensive than the previous use.
4. That the proposed use is deemed essential and desirable to the public convenience, since it is consistent with the objectives of the City's 2013-2018 Strategic Plan, including the enhancement of housing and community assets.

RECOMMENDED CONDITIONS OF APPROVAL

2013-28 CUP – 1726 Wilson Avenue

General

1. This Conditional Use Permit authorizes a public works yard at 1726 Wilson. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2013-28 CUP dated 10/17/2013.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. **Checks shall be made payable to the County Clerk** and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Land Use Code.
4. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of the permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate said permit.** The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Building/Fire

5. Plans submitted for improvements in 2013 must comply with the 2010 edition of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes. If submitted in 2014, plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

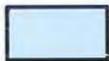
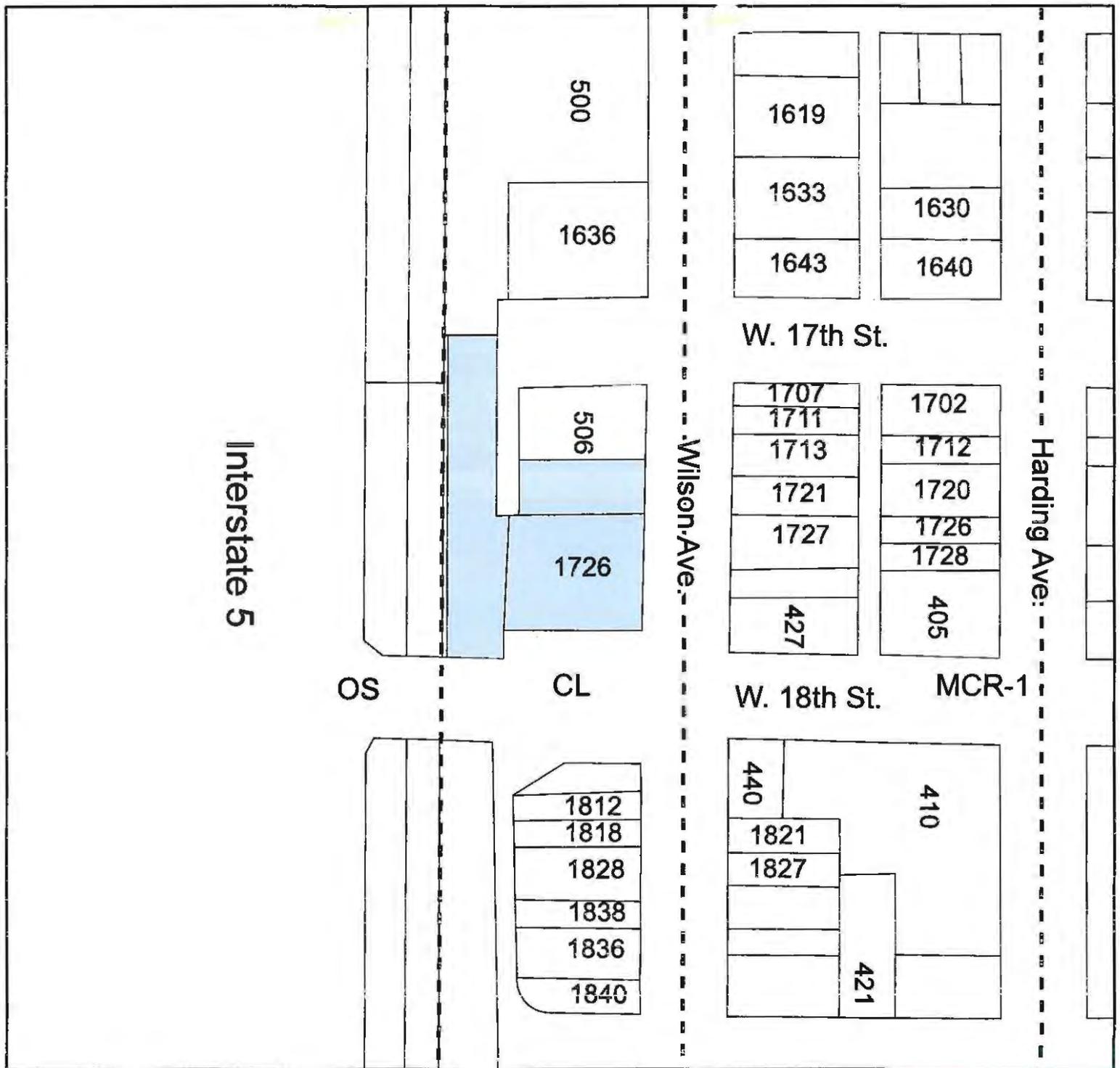
Engineering

6. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.

7. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.

Planning

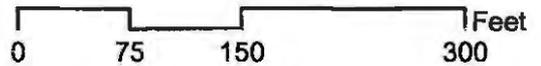
8. Plans submitted for construction permits shall show that a cover for the new trash enclosure shall be provided. Construction plans shall show the details of the enclosure to the satisfaction of the Fire and Engineering Departments.



Project Location



Zone Boundary



APN:
559-086-3, 5, 13

Planning Commission
Location Map

2013-28 CUP



CITY OF NATIONAL CITY - DEVELOPMENT SERVICES DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF EXEMPTION

TO: County Clerk
County of San Diego
P.O. Box 1750
1600 Pacific Highway, Room 260
San Diego, CA 92112

Project Title: 2012-28 CUP

Project Location: 1726 Wilson Avenue, National City, CA 91950

Contact Person: Martin Reeder **Telephone Number:** (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Conditional use permit for a public works yard housing staff offices, vehicle parking, and vehicle maintenance facilities located at 1726 Wilson avenue.

Applicant Name and Address:

City of National City
c/o: Steve Manganiello
1243 National City Blvd.
National City, CA 91950

Telephone Number:

(619) 336-4382

Exempt Status:

Categorical Exemption. Class 1, Section 15301 (Existing Facilities)

Reasons why project is exempt:

it can be seen with certainty that the project will not have a significant effect on the environment, since the subject project will utilize existing infrastructure without expanding the footprint. Furthermore, traffic generated by the use would be less polluting and frequent than the previous industrial use.

Date:

MARTIN REEDER, AICP
Principal Planner



CITY OF NATIONAL CITY - DEVELOPMENT SERVICES DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT FOR A PUBLIC WORKS FACILITY
TO BE LOCATED AT 1726 WILSON AVENUE.
CASE FILE NO.: 2012-28 CUP

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, November 18, 2013**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: City of National City) The City is proposing to relocate its existing Public Works Facility to 1726 Wilson Avenue. This location would house staff offices, vehicle parking, and vehicle maintenance facilities, utilizing the existing infrastructure on site.

Plans are available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **November 18, 2013**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

BR **BRAD RAULSTON**
Executive Director



**Kimley-Horn
and Associates, Inc.**

Project: 1726 Wilson Avenue

Prepared by: Jennifer Roy

Client: City of National City

Job Number: 095811000

Page 1 of 1



RESOLUTION NO. 27-2013

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A CONDITIONAL USE PERMIT FOR
PUBLIC WORKS FACILITY TO BE LOCATED AT 1726 WILSON AVENUE.
CASE FILE NO. 2013-28 CUP
APN: 559-086-03, 05, & 13**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a public works facility to be located at 1726 Wilson Avenue at a duly advertised public hearing held on November 18, 2013, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2013-28 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on November 18, 2013, support the following findings:

- 1. That the site for the proposed use is adequate in size and shape, since the proposal will utilize existing infrastructure previously used for the same type of use.**
- 2. That the site has sufficient access to city streets, since there are two driveways accessing the property and since no change in use is proposed.**
- 3. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the site has historically been used for the parking and maintenance of vehicles and since the proposed use would be less intensive than the previous use.**
- 4. That the proposed use is deemed essential and desirable to the public convenience, since it is consistent with the objectives of the City's 2013-2018 Strategic Plan, including the enhancement of housing and community assets.**

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes a public works yard at 1726 Wilson. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A-Revised, Case File No. 2013-28 CUP dated 11/14/2013.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. **Checks shall be made payable to the County Clerk** and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Land Use Code.
4. Before this Conditional Use Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of the permit. **Fallure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate said permit.** The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Building/Fire

5. Plans submitted for improvements in 2013 must comply with the 2010 edition of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes. If submitted in 2014, plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Engineering

6. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
7. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.

Planning

8. Plans submitted for construction permits shall show that a cover for the new trash enclosure shall be provided. Construction plans shall show the details of the enclosure to the satisfaction of the Fire and Engineering Departments.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of November 18, 2013, by the following vote:

AYES: Garcia, Baca, Pruitt, Flores, Alvarado, Bush, Dela Paz

NAYS: N/A

ABSENT: N/A

ABSTAIN: N/A



CHAIRPERSON

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

Discussion and presentation on staff report on the relocation of National City Public Works operations to the following proposed locations in order to complete environmental remediation and development of the Westside Infill Transit Oriented Development (WI-TOD) Project: 1) 1726 Wilson Avenue, 2) 2101 Hoover Avenue, 3) 1243 National City Boulevard / "A" Avenue / Kimball Park, 4) El Toyon Park, and 5) 1237 and 1239 McKinley Avenue

PREPARED BY: Stephen Manganiello

DEPARTMENT: Engineering

PHONE: 336-4382

APPROVED BY: _____

EXPLANATION:

See attached staff report.



FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

N/A

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Accept and file the staff report.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Staff Report

Staff Report on Relocation of National City Public Works

On August 20, 2013, City Council authorized the purchase of property located at 1726 Wilson Avenue for relocation of City Public Works (PW) facilities from 2100 Hoover Avenue. Finding a new home for Public Works is required in order to allow for the development of the Westside In-fill Transit Oriented Development (WI-TOD) Project, which will include 201 affordable housing units and a new park adjacent to Paradise Creek. As a result of this action, staff immediately began the process of refining the scope of services, timeline and budget needed to complete the move.

Prior to selecting the 1726 Wilson Avenue site for relocation of PW facilities, staff evaluated several other locations for purchase or lease such as the 30th Street Dealership, San Diego Wood Preserving on Haffley Street, Port Property adjacent to the General Services Facility, PSI / Bannister Steel sites, and other smaller sites. Other options analyzed included integrating PW functions into the WI-TOD project, exploring co-use arrangements with other agencies such as the Port of San Diego, and evaluating shared use of other City facilities or parks. Due to either budget, schedule or logistics constraints, the alternative sites, shared-use with WI-TOD, and co-use arrangements with other agencies were not feasible.

Staff from each of the five PW Divisions (Streets, Sewer, Parks, Facilities Maintenance and Vehicle/Equipment Maintenance) have assisted with providing an inventory of vehicles, equipment, materials, supplies, and associated workspace and storage needs. Based on review of the inventories, space needs assessments, logistics, and compatibility with other City operations and surrounding land uses, staff recommends housing PW operations at the following existing City-owned facilities:

- 1) 1726 Wilson Ave
 - New PW yard, offices, breakroom and equipment maintenance facility
 - PW Streets, Sewer and Vehicle/Equipment Maintenance Divisions staff, vehicles and equipment storage
 - Tenant Improvements include upgrades to equipment maintenance facility for environmental compliance, new bathrooms, locker room, wrought iron fencing, automated gates, public safety cameras and security system, etc.
- 2) 2101 Hoover Ave
 - Storage of equipment, materials, tools and supplies (all PW Divisions)
 - PW Facilities Maintenance Division staff (trades specialists) workspace, vehicles and equipment storage
 - Purchasing staff (clerk) workspace, shipments / receivables
 - Tenant Improvements include structural, electrical, plumbing and HVAC upgrades, new roll-up doors, bathrooms, wash station, sinks, workspaces, secure storage and shelving, etc.
- 3) 1243 National City Blvd / "A" Avenue / Kimball Park
 - City Hall Basement – PW offices, Facilities Maintenance Division staff (custodians), tools and supplies
 - Lower parking lot ("A" Avenue) – PW vehicle secured parking (9 spaces)
 - "A" Avenue – increase public/employee parking by restriping east side for angle parking (net gain of 20 spaces, includes restriping lower parking lot)
 - Kimball Park Rec Center Basement – PW Parks Division staff, vehicles and equipment storage, tools and supplies (existing use)

4) El Toyon Park

- Rec Center Parking Lot – PW Parks Division vehicles and equipment storage; public access and parking for Rec Center to remain; install new wrought iron fencing with automated gates, landscape screening, lighting and public safety cameras
- Expand central parking lot for El Toyon Park to replace loss of public parking at Rec Center lot; install automated gates and bollards to control access

5) 1237 and 1239 McKinley Ave (northeast corner of Civic Center Dr & McKinley Ave)

- Owned by the Successor Agency to the Community Development Commission as the National City Redevelopment Agency – continuation of existing use
- PW Streets and Parks Divisions materials storage

See attached schedule for key milestones related to environmental remediation of the WI-TOD site, relocation of City Public Works and required tenant improvements.

**WI-TOD SITE REMEDIATION /
PW RELOCATION SCHEDULE**

PROPERTY MITIGATION PLAN (PMP) APPROVAL (REMAINING TASKS)	Begin Date	Completion date	Nov 2013	Dec 2013	Jan 2014	Feb 2014	March 2014	April 2014	May 2014	June 2014	July 2014	August 2014
Task 1 - Case Closures for USTs (2100 & 2020 Hoover)	11/6/2013	2/7/2014										
Task 2 - Supplemental Investigations (AOCs-03, -04 & -08)	12/9/2013	2/23/2014										
Task 3 - Groundwater Well Maintenance	12/16/2013	2/16/2014										
Task 5 - Final Approval of PMP	1/16/2014	3/20/2014										
Task 4 - Develop AOCs removal Action Plan	3/21/2014	5/29/2014										
Task 8 - PMP Reporting & Closing Project Site AOCs	5/6/2014	6/16/2014										

WILSON TI - MECHANICS MOVE - BUILDING 500 DEMO & SOIL REMEDIATION	Begin Date	Completion date	Nov 2013	Dec 2013	Jan 2014	Feb 2014	March 2014	April 2014	May 2014	June 2014	July 2014	August 2014
Remain Improvements and Fire Service Upgrades	1/2/2013	2/28/2013										
Phase Mechanics Contract Phase I	3/1/2014	3/14/2014										
Building 500 Demolition & Soil Remediation	3/15/2014	5/15/2014										

HOOVER TI - PW MOVE (PHASE II) - PW DEMO (PHASE II) & HAZ REMDVAL	Begin Date	Completion date	Nov 2013	Dec 2013	Jan 2014	Feb 2014	March 2014	April 2014	May 2014	June 2014	July 2014	August 2014
Remain Improvements	2/1/2014	4/30/2014										
Phase Mechanics PM (Phase II)	5/1/2014	5/14/2014										
Remainder Building Demolition/Haz. Mat. Removal/Grading/BMPs	5/15/2014	8/15/2014										
Turn Site Over to Developer		8/30/2014										

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO.

ITEM TITLE:

National City Sales Tax Update Newsletter – Second Quarter 2013

PREPARED BY: Mark Roberts, Director of Finance

DEPARTMENT: Finance

PHONE: 619-336-4265

APPROVED BY: 

EXPLANATION:

BACKGROUND

National City has an on-going contract with Hinderliter, de Llamas & Associates (HdL) for revenue management. Staff meets with a representative of HdL on a quarterly basis to review sales tax data & trends within the City & Statewide.

NEWSLETTER SUMMARY

The allocation of sales & use tax revenues from National City's April through June sales quarter was 6.6% higher than the same quarter 1 year ago.

A strong sales quarter for autos, motorcycles & auto leasing plus recent additions to the consumer electronics category all contributed to the increase. The retroactive correction of a reporting error in the shoe store classification was also a factor.

The gains were partially offset by a decline in fuel prices and usage, by the previous loss of a point of sale for a construction supplier, & by an accounting negative adjustment in the business-industry group.

Adjusted for aberrations, sales & use tax receipts for all of San Diego County & Southern California as a whole were up 5.2% over the comparable time period.

FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

APPROVED: _____ MIS

NA

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Accept and file the newsletter.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

National City Sales Tax Update Newsletter – Second Quarter 2013

Q2 2013



National City Sales Tax Update

Third Quarter Receipts for Second Quarter Sales (April - June 2013)

National City In Brief

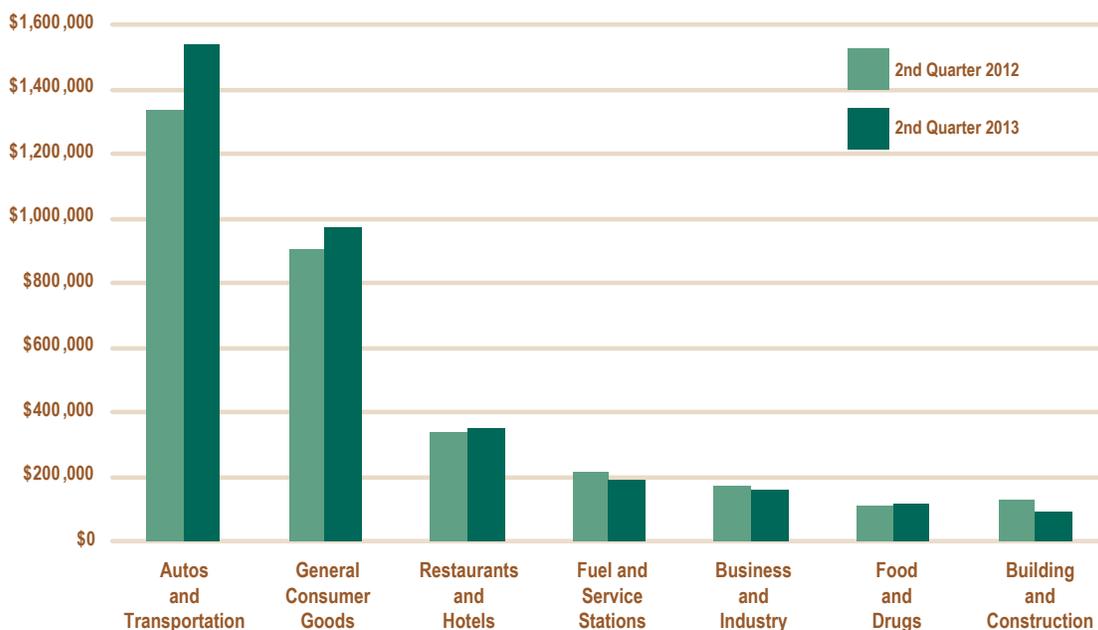
The allocation of sales and use tax revenues from National City's April through June sales quarter was 6.6% higher than the same quarter one year ago.

A strong sales quarter for autos, motorcycles and auto leasing plus recent additions to the consumer electronics category all contributed to the increase. The retroactive correction of a reporting error in the shoe store classification was also a factor.

The gains were partially offset by a decline in fuel prices and usage, by the previous loss of a point of sale for a construction supplier, and by an accounting negative adjustment in the business-industry group.

Adjusted for aberrations, sales and use tax receipts for all of San Diego County and Southern California as a whole were up 5.2% over the comparable time period.

SALES TAX BY MAJOR BUSINESS GROUP



TOP 25 PRODUCERS

In Alphabetical Order

Arco AM PM	Probuild Company
Ball Honda Acura	Ron Baker
Mitsubishi Suzuki	Chevrolet
Kia	Ross
Frank Hyundai	South Bay
Frank Subaru	Volkswagen
Frank Toyota Scion	South County Buick
Highland Arco	GMC
JC Penney	Sweetwater Harley
Macys	Davidson
Mor Furniture 4 Less	Target
Mossy Nissan	Univar
Nordstrom Rack	Vans
Perry Chrysler	Vintners
Dodge Jeep Ram	Distributors
Perry Ford	Walmart
	Wescott Mazda

REVENUE COMPARISON

One Quarter – Fiscal Year To Date

	2012-13	2013-14
Point-of-Sale	\$3,213,878	\$3,422,336
County Pool	383,014	411,739
State Pool	3,226	2,386
Gross Receipts	\$3,600,118	\$3,836,461
Less Triple Flip*	\$(900,030)	\$(959,115)
Measure D	\$2,177,893	\$2,311,403

*Reimbursed from county compensation fund

State Overall

Adjusted for accounting anomalies, receipts from local governments' one cent sales and use tax were up 5.4% over the second quarter of 2012.

More than half of the increase was driven by a strong quarter for auto sales plus new revenues flowing to the countywide use tax allocation pools largely as result of the previous passage of AB 155's expanded definition of nexus for out-of-state companies required to collect California sales and use taxes.

Receipts from the building and construction categories exhibited significant gains reflecting the beginning of a recovery in new housing construction and considerable remodeling activity. Restaurant sales were also strong but limited to low priced quick service chains and higher priced fine dining restaurants with full liquor licenses.

Gains from general consumer goods were modest overall and tended to be retailer and community specific. Tax revenues from fuel were down from last year's comparable quarter while receipts from business and industrial purchases were flat with the few increases in that group primarily tied to agriculture and food processing.

The Remaining Fiscal Year

The general consensus is that the state's economy will continue to recover in 2013-14 but sales tax growth may be more modest in the second half of the fiscal year than the first half.

Auto sales which have been up by double digits from years of pent-up demand are expected to plateau in another quarter or two with the pace of growth returning to more normal levels. With consumers taking on more debt to purchase new cars and homes, discretion-

ary spending on other items is expected to slow. Low inflation, price competition and a job recovery tilted toward low paying or part-time work will also keep the cost of taxable goods in check.

The six year boom in the state's technology sector appears to be slowing with companies shifting from buying their own hardware and software to renting computer power through cloud based services. Gas prices will continue to be impacted by refinery shutdowns, Middle East crises and oil speculators. However with today's new cars almost 20% more fuel efficient than those sold only six years ago, further tax gains from this segment are not anticipated.

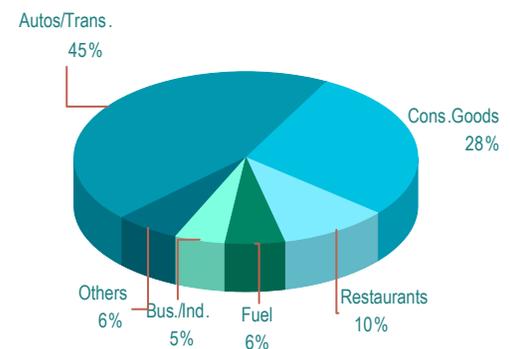
Continued recovery in construction activity is expected to generate a major share of sales tax growth in the second half of the fiscal year. With rising home and stock market values benefiting higher income families, luxury goods in all categories are also projected to show solid gains.

SALES PER CAPITA



REVENUE BY BUSINESS GROUP

National City This Quarter



NATIONAL CITY TOP 15 BUSINESS TYPES

Business Type	National City		County	HdL State
	Q2 '13*	Change	Change	Change
Auto Lease	52.6	75.6%	3.7%	13.4%
Department Stores	147.5	-1.4%	-0.7%	0.2%
Discount Dept Stores	205.5	3.2%	2.0%	2.3%
Electronics/Appliance Stores	72.8	27.1%	6.6%	4.7%
Family Apparel	153.5	-5.5%	5.2%	4.7%
Heavy Industrial	57.2	12.6%	10.4%	6.1%
Lumber/Building Materials	55.5	5.1%	-3.8%	-4.4%
New Motor Vehicle Dealers	1,239.2	14.2%	12.6%	11.1%
Restaurants Liquor	48.4	-1.9%	4.6%	9.3%
Restaurants No Alcohol	249.1	5.6%	1.9%	5.9%
Service Stations	189.5	-11.0%	-9.5%	-5.7%
Shoe Stores	91.0	67.5%	49.6%	39.9%
Specialty Stores	75.8	10.3%	4.1%	5.1%
Used Automotive Dealers	102.0	22.9%	0.6%	9.4%
Women's Apparel	80.1	0.2%	5.3%	3.0%
Total All Accounts	\$3,422.3	6.5%	3.9%	7.0%
County & State Pool Allocation	414.1	7.2%		
Gross Receipts	\$3,836.5	6.6%		<i>*In thousands</i>

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE:

AGENDA ITEM NO. |

ITEM TITLE:

Discussion of potential City Council Retreat, including possible dates and topics

PREPARED BY: Leslie Deese, City Manager

DEPARTMENT: City Manager

PHONE: 619-336-4240

APPROVED BY: 

EXPLANATION:

At the November 19, 2013 City Council meeting, Councilmember Rios asked staff for an update on scheduling a city council retreat. While the subject of scheduling a retreat has come up on different occasions, council has not provided direction to staff. The purpose of this item is to provide council with an opportunity to discuss whether to hold a retreat, and if so, the timing, as well as potential topics and objectives.

Should the City Council give direction to plan a retreat, staff will bring back information on available options and formats, facilitators, costs and other necessary next steps. A retreat would be held in compliance with the Brown Act: an agenda would be timely posted, matters of discussion and/or action would be on the agenda, the meeting would be held open to the public, and all materials provided to council for the retreat would be available to the public.

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO. N/A

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Provide direction to Staff

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

None

**COMMUNITY DEVELOPMENT COMMISSION –
HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY
AGENDA STATEMENT**

MEETING DATE: December 3, 2013

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the Community Development Commission of the City of National City acting in its capacity as the Housing Authority of the City of National City ("CDC-HA") authorizing the Chairman to execute a Second Amendment to the Agreement for Legal Services between the Successor Agency, CDC-HA, and Kane Ballmer & Berkman to increase the not to exceed amount by \$43,000, for a total agreement amount of \$93,000

PREPARED BY: Claudia Gacitua Silva (Ext. 4222)

DEPARTMENT: CDC General Counsel

APPROVED BY: _____



EXPLANATION:

Please see attached staff report.

FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

Funds are budgeted in Account 711-409-000-209-0000.

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: **INTRODUCTION:** **FINAL ADOPTION:**

STAFF RECOMMENDATION:

Adopt proposed resolution.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Staff report
Second Amendment for Legal Services
Proposed resolution

STAFF REPORT

SUBJECT: Second Amendment to the Agreement for legal services with Kane Ballmer & Berkman

The Successor Agency, the CDC-HA, and the Kane Ballmer & Berkman (the "Parties") entered into an Agreement for legal services on February 1, 2011, (the "Agreement") wherein Kane Ballmer & Berkman agreed to provide as-needed professional legal services pertaining to redevelopment and housing authority matters subject to the terms and conditions of the Agreement.

The First Amendment to the Agreement entered into on July 3, 2012, increased the not to exceed amount of compensation payable to Kane Ballmer & Berkman by an additional \$25,000, for a total not to exceed amount of \$50,000.

The Parties desire to amend the Agreement to increase the not-to-exceed amount of the Agreement by \$43,000, for a total not-to-exceed amount of \$93,000, as legal services continue to be needed.

The services related to matters of the Successor Agency and/or the former National City Redevelopment Agency/CDC-RDA under this Second Amendment are included on the Recognized Obligation Payment Schedule. This Amendment will require the approval of the Oversight Board to the Successor Agency, as well as the State Department of Finance, prior to being effective.

**SECOND AMENDMENT TO AGREEMENT FOR LEGAL SERVICES
BY AND BETWEEN
SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION
AS THE NATIONAL CITY REDEVELOPMENT AGENCY,
THE COMMUNITY DEVELOPMENT COMMISSION OF
THE CITY OF NATIONAL CITY ACTING IN ITS CAPACITY AS
THE HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY,
AND KANE, BALLMER & BERKMAN**

This SECOND AMENDMENT TO AGREEMENT FOR LEGAL SERVICES (the "Second Amendment") is entered into this 19th day of November, 2013, by and between THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY, a public entity, duly created, validly existing and in good standing under the laws of the State of California (the "SUCCESSOR AGENCY") (as the successor in interest to the Community Development Commission of the City of National City, acting in its capacity as the National City Redevelopment Agency (the "CDC-RDA")); THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY ACTING IN ITS CAPACITY AS THE HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY, a public body, corporate and politic (the "CDC-HA"); and KANE, BALLMER & BERKMAN, a law corporation, (the "FIRM").

RECITALS

- A. The SUCCESSOR AGENCY, the CDC-HA, and the FIRM (the "Parties") entered into an Agreement for legal services on February 1, 2011, (the "Agreement") wherein the FIRM agreed to provide as-needed professional legal services pertaining to redevelopment and housing authority matters subject to the terms and conditions of the Agreement.
- B. The First Amendment to the Agreement entered into on July 3, 2012, increased the not to exceed amount of compensation payable to the FIRM as stated in Article 3, Section C of the Agreement by an additional \$25,000, for a total not to exceed amount of \$50,000.
- C. The Parties desire to amend the Agreement to increase the not-to-exceed amount of the Agreement by \$43,000, for a total not-to-exceed amount of \$93,000.
- D. On January 10, 2012, the City Council of the City of National City adopted Resolution No. 2012-15, pursuant to Part 1.85 of Division 24 of the California Health and Safety Code, electing for the City to serve as the successor agency to the CDC-RDA upon the dissolution of the National City Redevelopment Agency and the CDC-RDA.
- E. On February 1, 2012, all California redevelopment agencies and all redevelopment agency components of community development agencies were dissolved, successor agencies were established as successor agencies to the former redevelopment agencies pursuant to Health and Safety Code Section 34173, and successor agencies are tasked with paying, performing, and enforcing the enforceable obligations of the former redevelopment agencies.
- F. The services related to matters of the SUCCESSOR AGENCY and/or the former National City Redevelopment Agency/CDC-RDA under this Second Amendment will be included on the SUCCESSOR AGENCY'S Recognized Obligation Payment Schedule and the

Recognized Obligation Payment Schedule will require the approval of the Oversight Board to the Successor Agency prior to being effective.

NOW, THEREFORE, the SUCCESSOR AGENCY, the CDC-HA, and the FIRM hereto agree that the Agreement entered into on February 1, 2011, as amended by the First Amendment, is hereby further amended by this Second Amendment by amending Article 3 (Compensation), Section C of the Agreement and increasing the not-to-exceed amount by \$43,000, for a total not-to-exceed amount of \$93,000.

The parties further agree that with the foregoing exception, each and every term and provision of the Agreement dated February 1, 2011, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the Agreement on the date and year first above written.

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

KANE BALLMER & BERKMAN

By: Murray O. Kane
Murray O. Kane, President

By: _____
Ron Morrison
Chairman

By: Kendall D. Berkey
Kendall D. Berkey, Officer

APPROVED AS TO FORM:

By: _____
Claudia Gacitua Silva
General Counsel

**THE COMMUNITY DEVELOPMENT
COMMISSION OF THE CITY OF NATIONAL
CITY ACTING IN ITS CAPACITY AS THE
HOUSING AUTHORITY OF THE CITY OF
NATIONAL CITY**

By: _____
Ron Morrison
Chairman

APPROVED AS TO FORM:

By: _____
Claudia Gacitua Silva
General Counsel

RESOLUTION NO. 2013 – 19

RESOLUTION OF THE COMMUNITY DEVELOPMENT
COMMISSION – HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY
AUTHORIZING THE CHAIRMAN TO EXECUTE A SECOND AMENDMENT
TO THE AGREEMENT FOR LEGAL SERVICES WITH
KANE BALLMER & BERKMAN PERTAINING TO REDEVELOPMENT
AND HOUSING AUTHORITY MATTERS TO INCREASE THE NOT TO
EXCEED AMOUNT BY \$43,000 FOR A TOTAL AMOUNT OF \$93,000

WHEREAS, the Community Development Commission—Housing Authority (“CDC-HA”), the Successor Agency, and Kane Ballmer & Berkman entered into an Agreement for legal services on February 1, 2011, (the “Agreement”) for the not to exceed amount of \$25,000 wherein Kane Ballmer & Berkman agreed to provide as-needed professional legal services pertaining to redevelopment and housing authority matters subject to the terms and conditions of the Agreement; and

WHEREAS, the First Amendment to the Agreement entered into on July 3, 2012, increased the not to exceed amount of compensation payable to Kane Ballmer & Berkman by an additional \$25,000, for a total not to exceed amount of \$50,000; and

WHEREAS, the parties desire to amend the Agreement to increase the not-to-exceed amount by \$43,000, for a total not-to-exceed amount of \$93,000.

NOW, THEREFORE, BE IT RESOLVED, that the Community Development Commission - Housing Authority of the City of City of National City hereby authorizes the Chairman to execute the Second Amendment to the Agreement for legal services with the Successor Agency and Kane Ballmer and Berkman to increase the not to exceed amount by \$43,000, for a total Agreement amount of \$93,000.

PASSED and ADOPTED this 18th day of June, 2013.

Ron Morrison, Chairman

ATTEST:

APPROVED AS TO FORM:

Leslie Deese, Secretary

Claudia Gacitua Silva
General Counsel

**ITEM #
12-3-13**

**2013 HOLIDAY CLOSURE AND EMPLOYEE WORK FURLOUGH
(HUMAN RESOURCES)**