

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

September 3, 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: Cissel, Dalla, Deese, Duong, Manganieool, Parra, Raulston, Roberts, Rodriguez, Silva, Smith, Stevenson, Vergara, Williams.
Others present: Student Representatives Kane Gillego.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC ORAL COMMUNICATIONS

Sunshine Horton, El Cajon, briefed the City Council on upcoming events involving 'Shop with a Cop', 'Kids News Day' and 'Special Olympics'.

Geoffrey Schrock, National City, expressed support for the City Council action involving McDini's Restaurant and said he supports American military action against Syria.

PROCLAMATION

PROCLAMATION ADMIN (102-2-1)

1. Proclaiming the Month of September 2013 as: "National Preparedness Month"

CITY COUNCIL

PRESENTATIONS

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

2. Employee of the Quarter 2013 – Rustico Aguilar – Custodian
ACTION: The item was rescheduled to the next meeting.

PRESENTATIONS (cont.)

COUNCIL MEETING PRESENTATIONS 2013 (102-10-8)

3. South County Economic Development Council – Visioning and Economic Strategy – Cindy Gompper Graves

COUNCIL MEETING PRESENTATIONS 2013 (102-10-8)

4. South Bay YMCA Summer Program Update for National City Municipal Pool and Camacho Recreation Center. (Community Services)

INTERVIEWS / APPOINTMENTS

BOARDS & COMMISSIONS ADMIN (101-1-1)

5. Interviews and Appointments: (1) Interview new applicants; (2) Consider recommendations to bring terms into conformance with Ordinance No. 2013-2381; (3) Take necessary action to appoint / re-appoint. (City Clerk)
TESTIMONY: Mr. David Garcia and Mr. Eddie Perez were interviewed for appointment to the Public Art Committee.

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item Nos. 6 through 8 (Resolution Nos. 2013-131 through 2013-133), Item Nos. 9 and 10 (Warrant Registers). Motion by Rios, seconded by Sotelo-Solis, to pull Item Nos. 7 and 8, and to approve the remainder of the Consent Calendar. Carried by unanimous vote.

GRANT / LIBRARY (206-4-10)

6. Resolution No. 2013-131. RESOLUTION OF THE CITY COUNCIL OF NATIONAL CITY: 1) RATIFYING THE ACCEPTANCE OF A \$10,000 GRANT FROM THE CALIFORNIA LIBRARY LITERACY SERVICES (CLLS) TO FUND THE LIBRARY'S LITERACY SERVICES FOR FY2013-14; AND 2) AUTHORIZING THE ESTABLISHMENT OF FUND APPROPRIATIONS AND A CORRESPONDING REVENUE BUDGET. (Library)

ACTION: Adopted. See above.

CONDITIONAL USE PERMITS 2013 (403-28-1)

7. Resolution No. 2013-132. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY DENYING THE APPEAL OF AND AFFIRMING THE PLANNING COMMISSION REVOCATION OF CONDITIONAL USE PERMIT 2010-33 CUP FOR LIVE ENTERTAINMENT AT AN EXISTING BAR/RESTAURANT LOCATED AT 105 E. 8TH STREET. (Case File No.: 2013-11 R) (Planning)

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

CONSENT CALENDAR (cont.)

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

8. Resolution No. 2013-133. RESOLUTION CERTIFYING A NEGATIVE DECLARATION AND AUTHORIZING THE CITY COUNCIL OF THE CITY OF NATIONAL CITY TO FILE A NOTICE OF DETERMINATION RELATED TO AMENDING SECTION 18.30.360 OF TITLE 18 (LAND USE CODE) OF THE NATIONAL CITY MUNICIPAL CODE RELATED TO FAST FOOD RESTAURANT LOCATIONAL REQUIREMENTS. (Applicant: The Focus Group) (Case File: 2013-12 IS) (Planning)
ACTION: Motion by Rios, seconded by Sotelo-Solis, to adopt the Resolution. Carried by unanimous vote.

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

9. Warrant Register #5 for the period of 7/23/13 through 7/30/13 in the amount of \$885,413.58. (Finance)
ACTION: Ratified. See above.

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

10. Warrant Register #6 for the period of 7/31/13 through 8/6/13 in the amount of \$8,691,411.29. (Finance)
ACTION: Ratified. See above.

PUBLIC HEARING

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

11. Public Hearing to consider an Ordinance Amending Sections 18.30.360 and 18.41.020 (C) of Title 18 (Land Use Code) of the National City Municipal Code related to fast food restaurant locational requirements and drive-through business design guidelines. (Applicant: The Focus Group) (Case File: 2013-12 A) (Planning)
RECOMMENDATION: Staff concurs with the Planning Commission's recommendation to adopt the amendments to Title 18.30.360 and 18.41.020 (C) of the Municipal Code pertaining to fast food restaurants.
TESTIMONY: Tom Cofersons appeared on behalf of the applicant and responded to questions.
ACTION: Motion by Sotelo-Solis, to continue for two weeks. Motion died for lack of a second.
Motion by Cano, seconded by Rios, to close the Public Hearing. Carried by unanimous vote.

ORDINANCE FOR INTRODUCTION

MUNICIPAL CODE 2013 (506-2-28)

12. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING SECTIONS 18.30.360 AND 18.41.020 (C) OF TITLE 18 (LAND USE CODE) OF THE NATIONAL CITY MUNICIPAL CODE RELATED TO FAST FOOD RESTAURANT LOCATIONAL REQUIREMENTS AND DRIVE-THROUGH BUSINESS DESIGN GUIDELINES. (Applicant: The Focus Group) (Case File: 2013-12 A) (Planning)

NEW BUSINESS

CONDITIONAL USE PERMITS 2013 (403-28-1)

13. Notice of Decision – Planning Commission approval of a Conditional Use Permit for a new fast food restaurant to be located at 2100 Highland Avenue. (Applicant: The Focus Group) (Case File: 2013-12 CUP) (Planning)

RECOMMENDATION: Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

TESTIMONY: None.

ACTION: Motion by Rios, seconded by Cano, to approve staff recommendation. Carried by unanimous vote.

POLITICAL SUPPORT ADMIN – INITIATIVES (102-4-1)

14. Request approval for the Mayor to sign a letter regarding AB 981. (City Manager)

RECOMMENDATION: None.

TESTIMONY: None.

ACTION: An updated version of the letter was distributed. No action was taken.

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

NO AGENDA ITEMS

STAFF REPORTS

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

15. Staff Report – San Diego State University Community Engagement for Sustainable Cities Program (CESC). (City Manager)

TESTIMONY: Dean Jeffery Chase and Dr. Jessica Barlow appeared on behalf of San Diego State University and responded to questions.

STAFF REPORTS (cont.)

COMMUNITY DEVELOPMENT ADMIN 2011-2014 (406-2-16)

16. Verbal Report – Senate Bill 1 (Steinberg) of 2013 – New Sustainable Economic Development Legislation. (Executive Director Brad Raulston)

PUBLIC WORKS DEPT ADMIN (1104-1-11)

17. Staff Report – Update on Relocation of Public Works Facilities. (Engineering/Public Works)
- 17a. Alfredo Ybarra, Director of Housing and Grants informed the Council of the steps that were being taken to address parking issues at Kimball & Morgan Towers and that escrow closed on sale of the current and new Public Works yard located at 1726 Wilson Avenue.

BOARDS & COMMISSIONS ADMIN (101-1-1)

18. Discussion on the formation of a Military Advisory Committee. (Councilmember Rios)

TESTIMONY: Shirley Ferrell, National City, spoke in support.
Bert Andrade, National City, spoke in support.

ACTION: The consensus was to consider the establishment of an Ad Hoc Committee on the next agenda. No vote was taken.

MAYOR AND CITY COUNCIL

Council Member Sotelo-Solis reminded everyone about the Quarterly Neighborhood Council Breakfast on Saturday.

Council Member Rios requested staff look into football practices taking place at El Toyon Park and an on-going car wash taking place at Plaza Boulevard and 8th Street.

Council Member Cano spoke of the need for maintenance in the medians along Highland Avenue and National City Blvd.

Mayor Morrison reported on the recent rate increase hearing held by the Sweetwater Water Authority.

CLOSED SESSION REPORT

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

ADJOURNMENT

The meeting was adjourned in memory of Maria Avalos and Maria Valderrama.

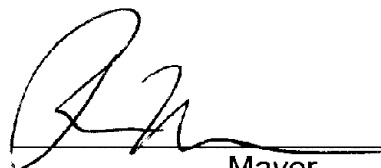
Motion by Sotelo-Solis, seconded by Rios, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City to be held Tuesday, September 17, 2013 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 10:37 p.m.



City Clerk

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



Mayor

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

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

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

Special Meeting – Tuesday, September 3, 2013 – 5:00 p.m.

ROLL CALL

CLOSED SESSION

CITY COUNCIL

1. Liability Claims – Government Code Section 54956.95
Workers' Compensation Claim
Agency Claimed Against: City of National City
Number of Claim: One
2. Conference with Legal Counsel – Anticipated Litigation
Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2) and (e)(3)
Two Liability Claims: Guadalupe Fajardo and Stella Kuzukian
3. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Community Youth Athletic Center v. City of National City, CDC, et al.
SD Superior Court Case No. 37-2007-00076404-CU-EI-CTL
Court of Appeal Case No. D060001

CITY COUNCIL

4. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Teodoro Villalon Torres, et al. v. Almquist, et al.
San Diego Superior Court Case No. 37-2012-000763304-CU-PO-SC
5. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Isabel Padilla v. City of National City
San Diego Superior Court Case No. 37-2013-00030288
6. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Christina Navar v. City of National City, et al.
San Diego Superior Court Case No. 37-2012-00078352-CL-UD-SC
7. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Kimberly Willis v. Housing Authority of the City of National City
San Diego Superior Court Case No. 37-2013-61204-CU-WM-CTL
8. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
The Affordable Housing Coalition of San Diego County v. Sandoval, et al
Sacramento Court Case No. 34-2012-80001158-CU-WM-GDS
9. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
City of National City and Successor Agency v. Matosantos, Sandoval (true up)
Sacramento Court Case No. 34-2012-80001198
10. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
City of National City and Successor Agency v. Morgan Square
San Diego Superior Court Case No. 37-2013-00030288
11. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
City of National City and CDC v. Rosenow Spevacek Group
Arbitration Matter
12. Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Government Code Section 54956.9(a)
One Potential Case

SUCCESSOR AGENCY

1. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Community Youth Athletic Center v. City of National City, CDC, et al.
SD Superior Court Case No. 37-2007-00076404-CU-EI-CTL
Court of Appeal Case No. D060001

SUCCESSOR AGENCY

2. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
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3. Conference with Legal Counsel – Existing Litigation
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San Diego Superior Court Case No. 37-2013-00030288
5. Conference with Legal Counsel – Existing Litigation
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6. Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Government Code Section 54956.9(a)
One Potential Case

ADJOURNMENT

Next Regular City Council Meeting – Tuesday, September 3, 2013, 6:00 p.m., Council Chambers, Civic Center