

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

**September 17, 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 6:05 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, Manganiello, Parra, Raulston, Roberts, Rodriguez, Silva, Smith, Stevenson, Vergara, Williams.  
Others present: City Treasurer Mitch Beauchamp and Student Representative Kane Gillego.

**PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON**

**PUBLIC ORAL COMMUNICATIONS**

None.

**PROCLAMATION**

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

1. Proclaiming September 17 through September 23, 2013 as "Constitution Week"

**CITY COUNCIL**

**PRESENTATIONS**

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

2. Employee of the Quarter 2013 – Rustico "Rusty" Aguilar, Custodian

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

3. Recognizing Miguel Diaz, Park Superintendent on his 30 years of service with the City of National City.

**COUNCIL MEETING PRESENTATIONS 2013 (102-10-8)**

4. Unified Port of San Diego Update – Port Commissioner Robert (Dukie) Valderrama

## INTERVIEWS / APPOINTMENTS

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

5. Interviews and Appointments: Various Boards / Commissions / Committees. (City Clerk)

**TESTIMONY:** Arlito Reclosado, William Sendt, Bill Virchis were present for interview.

## CONSENT CALENDAR

**ADOPTION OF CONSENT CALENDAR.** Item No. 6 (Minutes), Item Nos. 7 through 12 (Resolution Nos. 2013-134 through 2013-139), Item No. 13 (Report), Item Nos. 14 through 16 (Warrant Registers), Item No. 17 (TUP). Motion by Sotelo-Solis, seconded by Rios, to pull Item Nos. 9 and 17, and to approve the remainder of the Consent Calendar. Carried by unanimous vote.

## APPROVAL OF MINUTES

6. **SUBJECT:** Approval of the Minutes of the Adjourned Regular Meetings of the City Council and Community Development Commission – Housing Authority of the City of National City of June 11, 2013 and August 6, 2013 and the Minutes of the Special Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City of August 6, 2013. (City Clerk)

**ACTION:** Approved. See above.

## CONTRACT (C2010-77)

7. Resolution No. 2013-134. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A FOURTH AMENDMENT TO THE AGREEMENT FOR LEGAL SERVICES BY BEST BEST & KRIEGER, LLP, FOR THE COMMUNITY YOUTH ATHLETIC CENTER LEGAL CHALLENGE DEFENSE TO INCREASE THE NOT TO EXCEED AMOUNT BY \$53,500 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$462,500. (City Attorney)

**ACTION:** Adopted. See above.

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

8. Resolution No. 2013-135. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING A SAFE HARBORS UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT. (Human Resources)

**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

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

9. Resolution No. 2013-136. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY REAFFIRMING THE PHASE III EXPANSION OF THE San Diego CONVENTION CENTER. (City Manager)

**ACTION:** Motion by Sotelo-Solis, seconded by Morrison, to adopt the Resolution with an amendment to include language from the 2011 Resolution. Carried by the following vote, to-wit: Ayes: Cano, Morrison, Rios, Sotelo-Solis. Nays: Natividad. Absent: None. Abstain: None.

**CONTRACT (C2013-41)**

10. Resolution No. 2013-137. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) AWARDDING A CONTRACT IN THE NOT TO EXCEED AMOUNT OF \$3,524,896.00 TO EC CONSTRUCTORS, INC. FOR THE NATIONAL CITY AQUATIC CENTER PROJECT, SPECIFICATION NO. 13-04; 2) AUTHORIZING A 15% CONTINGENCY IN THE AMOUNT OF \$528,734.40 FOR ANY UNFORESEEN CHANGES; AND 3) AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT. (Funded by San Diego Unified Port District CIP) (Engineering)

**ACTION:** Adopted. See above.

**ENCROACHMENT AGREEMENT ADMIN 2013 (903-14-7)**

11. Resolution No. 2013-138. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN ENCROACHMENT PERMIT AND AGREEMENT BETWEEN THE CITY OF NATIONAL CITY AND NAGRAJ, INC. (APN 557-410-19), WHEREBY THE CITY GRANTS AN AERIAL ENCROACHMENT OVER A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED AT 1700 E. PLAZA BOULEVARD. (Engineering)

**ACTION:** Adopted. See above.

**CONTRACT (C2013-42)**

12. Resolution No. 2013-139. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO SIGN AN INDEMNITY AGREEMENT RELATING TO FIRE/POLICE TRAINING OPERATIONS, BY AND BETWEEN THE CITY OF NATIONAL CITY AND COSTCO WHOLESALE CORPORATION, OWNERS OF THE PROPERTY AT 1001 WEST 19TH STREET, NATIONAL CITY, CA 91950 FOR TRAINING PURPOSES FOR POLICE AND FIRE PERSONNEL IN A VACANT STRUCTURE. (Fire)

**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**FINANCIAL MANAGEMENT 2013 – 2014 (204-1-29)**

13. National City Sales Tax Update Newsletter – First Quarter 2013.  
(Finance)

**ACTION:** Filed. See above.

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

14. Warrant Register #7 for the period of 8/7/13 through 8/13/13 in the amount of \$277,968.12. (Finance)

**ACTION:** Ratified. See above.

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

15. Warrant Register #8 for the period of 8/14/13 through 8/20/13 in the amount of \$1,826,586.12. (Finance)

**ACTION:** Ratified. See above.

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

16. Warrant Register #9 for the period of 8/21/13 through 8/27/13 in the amount of \$1,358,498.86. (Finance)

**ACTION:** Ratified. See above.

**TEMPORARY USE PERMITS 2013 (203-1-29)**

17. Temporary Use Permit – 2013 State of the City Address sponsored by the City of National City on October 17, 2013 from 5pm to 8pm at Cornerstone Church located at 1914 Sweetwater Road. This is a City-sponsored event per Council Policy No. 804. (Neighborhood Services)

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

**ORDINANCE FOR ADOPTION**

**MUNICIPAL CODE 2013 (506-2-28)**

18. 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)

**RECOMMENDATION:** Approve the Ordinance.

**TESTIMONY:** None.

**ACTION:** Motion by Natividad, seconded by Cano, to adopt the Ordinance. Carried by unanimous vote.

**NEW BUSINESS**

**TEMPORARY USE PERMITS 2013 (203-1-29)**

19. Temporary Use Permit – St. Mary's Fall Festival hosted by St. Mary's Catholic Church on October 6, 2013 at the parish grounds located between E. 8th Street and 'E' Avenue from 7 a.m. to 6:30 p.m. with no waiver of fees. (Neighborhood Services)

**RECOMMENDATION:** Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees.

**TESTIMONY:** None.

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

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

20. Staff Update – City Council approved 2013-2018 Strategic Plan. (City Manager)

**RECOMMENDATION:** Receive and file.

**TESTIMONY:** Individual reports were given by staff outlining the current and future work plans and initiatives to implement Strategic Plan objectives.

**ACTION:** No action was taken.

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

**NO AGENDA ITEMS**

**STAFF REPORTS**

21. **PROP D DISTRICT SALES TAX ADMIN (205-7-1)**

Staff Report: Working outline and timeline for the development of the City of National City Three Year Operating Plan. (Administrative Services)

**POLICE DEPT ADMIN (302-4-1)**

- 21a. Mid-Year Crime Report. (Police)  
(Presentation on file in the Office of the City Clerk)

**PUBLIC WORKS DEPT ADMIN (1104-1-11)**

- 21b. Back-Flow Problem. (Public Works)  
Public Works Director Joe Smith reported on the theft of the back-flow water system that services City Hall and the resulting impacts and repairs.

## MAYOR AND CITY COUNCIL

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

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

**ACTION:** No action taken. Council Members Rios and Sotelo-Solis to work together to refine possible purpose and framework for consideration at a later date.

City Treasurer Beauchamp advised that an historical PCC train car has been donated and will be moved to the Santa Fe Depot. Mr. Beauchamp expressed his concerns about the potential effects of sea level rise on the City.

Sotelo-Solis requested consideration be given to working with First Friday Care Giver Support Group similar to their partnership with Sheriff's Department. Council Member Sotelo-Solis inquired about the possibility of an ordinance on e-cigarettes and the status of the food truck issue.

Council Member Rios advised that a new e-cigarette business has opened on 8<sup>th</sup> Street and recommended that staff look into it.

Mayor Morrison informed staff that he heard ads for a new e-cigarette store that plans to open in National City; suggested that we look at what other cities are doing with food trucks and advised that County Supervisor Greg Cox has been appointed to the California Coastal Commission.

### CLOSED SESSION REPORT

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

Mayor Morrison requested a moment of silence for victims of the Washington, D.C. Navy yard shooting.


### 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, October 1, 2013 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 10:46 p.m.

  
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City/Clerk

The foregoing minutes were approved at the Regular Meeting of November 19, 2013.

  
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Mayor

**EXHIBIT 'L'**



**AGENDA OF A SPECIAL MEETING**

**CITY COUNCIL OF THE CITY OF NATIONAL CITY**

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

**Special Meeting – Tuesday, September 17, 2013 – 5:30 p.m.**

**ROLL CALL**

**CLOSED SESSION**

**CITY COUNCIL**

1. 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

**ADJOURNMENT**

Next Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City – Tuesday, September 17, 2013, 6:00 p.m., Council Chambers, National City, California.