



**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, FEBRUARY 18, 2014 – 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.

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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 Veronica "Ronni" Zengota, Police Operations Assistant for her 30 years of service with the City of National City
2. National City Community Emergency Response Team (CERT) Academy #6 Graduates (Fire)
3. Update on water issues and the City's water conservation efforts. (Sweetwater Authority Representative and Engineering/Public Works)
4. 2014-2015 Community Development Block Grant (CDBG) Program Applicant Presentations for Public Services (Housing, Grants, and Asset Management)

INTERVIEWS / APPOINTMENTS

CONSENT CALENDAR

5. 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 December 17, 2013. (City Clerk)
6. Resolution of the City Council of the City of National City authorizing the Mayor to execute a Fifth Amendment to the Agreement for Legal Services with the Successor Agency to the Community Development Commission as the National City Redevelopment Agency and Best Best & Krieger, LLP, for the Community Youth Athletic Center legal challenge defense to increase the not to exceed amount by \$100,000 for a total not-to-exceed amount of \$562,500. (City Attorney)

7. Resolution of the City Council of the City of National City approving and authorizing the Mayor to sign a Utility Agreement with the State of California Department of Transportation to relocate the City of National City's eight inch (8") sewer main which crosses under Interstate 805 in order to accommodate the construction of additional freeway lanes. (Engineering)
8. Warrant Register #29 for the period of 1/8/14 through 1/14/14 in the amount of \$503,544.35. (Finance)
9. Warrant Register #30 for the period of 1/15/14 through 1/21/14 in the amount of \$1,416,855.17. (Finance)

PUBLIC HEARINGS

10. Public Hearing of the City Council of the City of National City to consider establishment of Residential Permit Parking District "K" on both sides of E. 26th Street between "B" Avenue and "D" Avenue, and on the east side of the 2500 block of "B" Avenue, pursuant to City Council Policy 710 "Residential Permit Parking Program" (TSC 2013-25) (Engineering/Public Works)

ORDINANCES FOR INTRODUCTION

ORDINANCES FOR ADOPTION

NON CONSENT RESOLUTIONS

11. Resolution of the City Council of the City of National City authorizing the reinvestment of \$2 million in a CDARS account with Neighborhood National Bank for a one-year term. (Finance)
12. Resolution of the City Council of the City of National City authorizing the Mayor to sign an Agreement between and among the County of San Diego and participating cities and jurisdictions regarding the Next Generation Regional Communications System providing communication services to Public Safety and Public Service Agencies operating in San Diego County and Imperial County with an anticipated cost of \$1.75 million and on-going maintenance costs payable by March 31, 2016. (Fire)

NEW BUSINESS

13. Temporary Use Permit-3rd Annual Mabuhay Festival & 116th Philippine Independence Celebration at Kimball Park on June 14, 2014 from 10 a.m. to 4 p.m. with request of waiver of fees. (Neighborhood Services)
14. Staff Report: Mid-Year Fiscal Year 2014 Budget Update. (Finance)

15. Scheduling of City Council workshop related to the discussion and preparation of the City of National City's annual budget for Fiscal Year 2015. (Finance)
16. Preview of the City's draft Electronic "E" Newsletter (City Manager)

COMMUNITY DEVELOPMENT COMMISSION-HOUSING AUTHORITY

PUBLIC HEARINGS- HOUSING AUTHORITY

NON CONSENT RESOLUTIONS- HOUSING AUTHORITY

NEW BUSINESS- HOUSING AUTHORITY

STAFF REPORTS

17. Staff Report on the proposed timeline for the development and drafting of a Proposed Ballot Measure to extend the City's previously voter-approved ten year district sales tax beyond 2016 to maintain the City's public safety services, prevent cuts to police and fire services and ensure adequate funding for parks, libraries, and other City services, to be placed on the November 2014 ballot. (City Attorney)

MAYOR AND CITY COUNCIL

CLOSED SESSION REPORT

ADJOURNMENT

Regular City Council/Community Development/Housing Authority of the City of National City Meeting - Tuesday - March 4, 2014 - 6:00 p.m. - Council Chambers - National City, California.

**ITEM #
2/18/14**

**RECOGNIZING VERONICA "RONNI" ZENGOTA, POLICE
OPERATIONS ASSISTANT FOR HER 30 YEARS OF SERVICE WITH
THE CITY OF NATIONAL CITY**

National City Community Emergency Response Team (CERT) Academy #6 Graduates (Fire)

**ITEM #
2/18/14**

**UPDATE ON WATER ISSUES AND THE CITY'S
WATER CONSERVATION EFFORTS
(SWEETWATER AUTHORITY REPRESENTATIVE AND
ENGINEERING/PUBLIC WORKS)**

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

MEETING DATE: February 18, 2014

AGENDA ITEM NO. |

ITEM TITLE:

2014-2015 Community Development Block Grant (CDBG) Program Applicant Presentations for Public Services

PREPARED BY: Angelita Marchante, Community Dev. Spec. 

DEPARTMENT: Housing, Grants, & Asset Management Department 

PHONE: (619) 336-4219

APPROVED BY: 

EXPLANATION:

The City of National City solicited requests for funding from community agencies and City Departments for program funding in Fiscal Year (FY) 2014-2015 under the Community Development Block Grant (CDBG) Program. The application for funding was made available on November 26, 2013. It is estimated that the City will receive \$808,047 for FY2015 of which 15% (\$121,207) is designated for Public Services. The City received 11 Public Service applications for Fiscal Year (FY) 2014-15 CDBG funding. On February 18, CDBG Public Service applicants will be provided the opportunity to present on their funding request to the City Council. Applicants will have up to 3 minutes per application to present each proposed activity at the City Council meeting. The City Council will make recommendations for funding CDBG activities immediately after the first of two public hearings on March 18 for the proposed Fifth Year Annual Action Plan. After a 30-day public comment period and having conducted a second public hearing on May 6, the City Council may adopt the Annual Action Plan activities for submission to the U.S. Department of Housing and Urban Development. All other CDBG and HOME Program applicants will have the opportunity to present their funding request to the City Council at the meeting on March 4.

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO. n/a

APPROVED: _____ MIS

Not applicable to this report.

ENVIRONMENTAL REVIEW:

Not applicable to this report.

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

File this report.

BOARD / COMMISSION RECOMMENDATION:

Not applicable to this report.

ATTACHMENTS:

Attachment No. 1: FY 2014-2015 Annual Action Plan Development Timeline
Attachment No. 2: 2010-2015 Consolidated Plan Goals and Objectives
Attachment No. 3: List of Applicants for 2014-2015 CDBG Funding

FY14-15 Annual Action Plan Timeline for CDBG and HOME Programs

Summary of the Funding Timeline

November 19, 2013 (Tuesday):	City Council Presentation on the HUD Consolidated Plan Priorities and Annual Action Plan Process 6:00 pm
November 26, 2013 (Tuesday):	FY 2014-15 CDBG/HOME Grant Funding Applications Available for Distribution City Hall Clerk's Office, MLK Jr. Center Suite B, and City of National City Website
December 10, 2013 (Tuesday):	CDBG/HOME Technical Assistance Workshop for Grant Applicants 10:00 a.m.- 11:30 a.m. City Hall Large Conference Room (2nd Floor)
January - March 2014	Drafting of FY 2014-15 Action Plan
January 14, 2014 (Tuesday):	CDBG/ HOME Application Submission Deadline Due by 2:00 p.m. at the City Clerks Office or at the MLK Center, Suite B
February 11, 2014 (Tuesday):	CDBG/HOME Grant Applications to the City Council
February 18, 2014 (Tuesday):	CDBG/HOME Program Applicant Public Service Presentations 6:00 p.m. City Hall Council Chambers
March 4, 2014 (Tuesday):	CDBG/HOME Program Applicant Non-Public Service and HOME Presentations 6:00 p.m. City Hall Council Chambers
March 18, 2014 (Tuesday):	City Council Public Hearing No. 1- Applicant Grant Funding Recommendations (Decision Making Meeting)6:00 p.m. City Hall Council Chambers
March 25 to April 23, 2014	Mandatory 30-Day Public Review FY 2014-15 Action Plan
May 6, 2014 (Tuesday):	City Council Final Public Hearing No. 2 - Approval of FY 2014-15 Action Plan 6:00 p.m. City Hall Council Chambers
May 15, 2014 (Thursday):	Submission of the FY 2014-15 Action Plan to HUD

**FIVE-YEAR CONSOLIDATED PLAN 2010-2015
STRATEGIC HOUSING (H) PLAN
PRIORITIES AND OBJECTIVES**

Priority H-1**Conserve and improve affordable housing**

Summary: In order to maintain quality structures and living spaces in National City, the City prioritizes single-family and multi-family rehabilitation programs to provide assistance for repairs and rehabilitation, especially for affordable housing stock.

Objective 1: Minor Home Rehabilitation

Provide funding for minor rehabilitation of 50 units.

Objective 2: Ownership Housing Rehabilitation Program

Provide funding (loans and rebates) to rehabilitate/repair 15 single-family housing units.

Objective 3: Rental Unit Rehabilitation Program

Provide loans to owners of rental housing to rehabilitate/repair 12 units, in return for a deed restriction to maintain units affordable.

Objective 4: Housing Inspection Program

Provide funding to assist 150 housing units with housing inspections that will provide technical assistance to property owners with regards to code enforcement and violations.

Objective 5: Lead-Based Paint Hazard Reduction

Continue to educate residents on health dangers of lead; require testing and lead hazard reduction in conjunction with rehabilitation.

Priority H-2**Provide first-time homebuyer opportunities**

Summary: Develop program that will provide financial assistance through loans and/or grants to help first-time homebuyers.

Objective 1: Provide homeownership assistance to 33 households.

Priority H-3**Support new affordable housing construction**

Summary: City will work with for-profit and non-profit housing developers to acquire, rehabilitate, and construct new affordable housing units.

Objective 1: Support the rehabilitation and/or construction of 50 affordable housing units.

Priority H-4**Promote equal housing opportunity**

Summary: Contract with the Fair Housing Council of San Diego to perform investigation, reporting, monitoring, tenant counseling, and landlord training on fair housing law.

Objective 1: Provide assistance to fair housing counseling and enforcement organizations. Annually evaluate services provided. Seek to assist 250 households.

Objective 2: Actively advertise the services provided to National City residents in public locations.

Objective 3: Continue to comply with the fair housing planning requirements of CDBG & HOME programs.

Priority H-5
Preserve assisted housing at risk of converting to market rate

Summary: Two projects with 260 federally assisted units are at risk of converting to market rate. City will implement the following objectives to conserve affordable housing stock at risk of conversion.

Objective 1: Monitor units at-risk of converting to market rate.

Objective 2: Establish contact with agencies interested in purchasing and/or managing units.

Objective 3: Work with tenants and provide them with information of other affordable housing opportunities.

Objective 4: Assist tenants of at-risk housing to obtain priority status for Section-8 if conversion to market rate.

Priority H-6
Support housing and services for homeless and persons at-risk of homelessness

Summary: National City is a part of the San Diego Continuum of Care System and addresses homeless issues in the community through the continuum of care model. The National City Housing Authority and CDBG funds can also be used to provide supportive services to the homeless and those at-risk of becoming homeless.

Objective 1: Continue to support and participate in the San Diego Continuum of Care System.

Objective 2: Coordinate with Emergency Food and Shelter Programs to bring funds into the region.

Objective 3: Assist 300 persons by providing assistance to agencies and organizations that provide services to the homeless and/or persons at-risk of homelessness. Identified funding source: Homelessness Prevention and Rapid Re-Housing Program (HPRP)

**FIVE-YEAR CONSOLIDATED PLAN 2010-2015
STRATEGIC COMMUNITY DEVELOPMENT (CD) PLAN
PRIORITIES AND OBJECTIVES**

Priority CD-7**Provide for new and improve existing community facilities**

Summary: CDBG funds may be used to improve and expand parks and recreation facilities, to assist in the construction, expansion, and/or rehabilitation of other non-City owned community facilities serving the City's low- and moderate-income population and people with special needs. CDBG funds may also be used for new fire facilities and equipment if needed. In the past, CDBG funds leveraged a Section 108 loan for these purposes. The City's 5-year Capital Improvement Plan (CIP) identifies capital project needs; some of these projects have been identified as priorities for the Consolidate Plan 5-year period, including improvements to be made with regard to ADA compliance.

Objective 1: Pursue 3 improvement projects to parks, recreational, and community facilities annually, for a total of 15 projects during the five-year Consolidated Plan period.

Objective 2: Continue to prioritize repayment of the Section 108 loan, allocating CDBG funds and program income.

Priority CD-8**Provide for needed infrastructure improvements in low- and moderate-income areas**

Summary: Street and sidewalk improvements are needed in low- and moderate-income areas to support continued investment. In addition, flood control projects have been identified as priorities.

Objective 1: Pursue 2 flood control and 15 street improvement projects.

Priority CD-9**Provide for needed community and supportive services**

Summary: The public outreach process identified homeless and emergency food services, senior services, childcare, and especially youth services, and crime awareness/prevention as priority services.

Objective 1: Pursue public services for lower-income and special needs populations as identified on a yearly basis. Assist 8,350 persons or households over the five-year Consolidated Plan period.

Priority CD-10**Provide for necessary planning activities**

Summary: To ensure the effective use of limited CDBG and HOME funds, the City must allocate money towards planning and monitoring. Preparation of annual updates allows the City to address the community's changing needs. Continued outreach to low- and moderate-income households should be conducted as part of the CDBG program's required public participation process.

Objective 1: Annually review implementation of Consolidated Plan and update Action Plan as necessary.

Objective 2: Conduct monitoring of CDBG and HOME funded activities.

Objective 3: Ensure understanding of changing community needs through coordination with the Neighborhood Councils.

Objective 4: Support efforts to increase volunteerism in the community in order to assist in the removal of blight and increase community engagement.

FY 2014-2015 National City CDBG and HOME Investment Partnerships Program Funding				
	Applicant Name	Program Name	Activity Allocation	Minimum Allocation
Community Development Block Grant				
Public Services			\$416,897	\$265,137
1	City of National City, Community Services Department	At Risk Youth After School Teen Program - "Supreme Teens"	\$27,500	\$27,500
2	International Bible Baptist Church	Brother's Keeper San Diego, Inc.	\$50,000	\$25,000
3	Community Youth Athletic Center	Champs 4 Life Youth Diversion Program	\$60,000	\$25,000
4	Meals-on-Wheels Greater San Diego, Inc.	Home-Delivered Meals - Meals on Wheels National City	\$8,000	\$6,000
5	La Maestra Family Clinic, Inc. DBA La Maestra Community Health Centers	Improving Access to Behavioral and Mental Health Services for Low-Income and Uninsured Individuals Living in National City	\$25,060	\$24,300
6	City of National City, Public Library	Literacy Services	\$52,000	\$52,000
7	South Bay Community Services	National City Police Department Support Services: Domestic Violence Response Team	\$20,000	\$20,000
8	YMCA of San Diego County/South Bay Family YMCA	National City YMCA Subsidy and Financial Assistance Program for National City Residents	\$50,000	\$30,000
9	City of National City, City Manager's Office	Neighborhood Councils Program	\$84,000	\$15,000
10	City of National City, Community Services Department	Tiny Tots	\$29,337	\$29,337
11	Trauma Intervention Programs of San Diego County, Inc.	Trauma Intervention Program	\$11,000	\$11,000
Non-Public Services			\$1,384,560	\$1,369,560
Code Enforcement				
12	City of National City, Housing, Grants, and Asset Management	Housing Inspection Program	\$110,477	\$110,477
Economic Development				
13	Southwestern Community College District	Southwestern Community College Center for International Trade Development	\$35,000	\$25,000
Interim Assistance				
14	City of National City, Neighborhood Services Division	Neighborhood Preservation	\$134,302	\$129,302
Public Facility Improvements				
15	Centro de Salud de la Comunidad de San Ysidro, Inc. DBA San Ysidro Health Center, Inc.	National City Family Clinic Facility Improvement	\$315,194	\$315,194
Public Infrastructure Improvements				
16	City of National City, Engineering Division	Drainage Improvements	\$100,000	\$100,000
17	City of National City, Engineering Division	Park ADA Enhancements	\$100,000	\$100,000
Rehabilitation				
18	Environmental Health Coalition	Making National City's "Healthy Homes" Energy Efficient	\$45,768	\$45,768
Section 108 Loan				
19	City of National City, Fire Department	Fire Station 34 Section 108 Loan Payment Fiscal Year 2014 - 2015	\$543,819	\$543,819

FY 2014-2015 National City CDBG and HOME Investment Partnerships Program Funding				
	Applicant Name	Program Name	Activity Allocation	Minimum Allocation
Planning/Administration			\$161,609	\$161,609
20	City of National City, Housing, Grants, and Asset Management	CDBG Program Administration	\$126,609	\$126,609
21	CSA San Diego County	Fair Housing and Tenant-Landlord Education	\$35,000	\$35,000
Total CDBG Program Funds Pending Allocation:			\$1,963,066	\$1,796,306
HOME Investment Partnerships Program				
22	City of National City, Housing, Grants, and Asset Management	National City Owner-Occupied Rehabilitation Program	\$310,319	\$310,319
23	South Bay Community Services	National City Tenant Based Rental Assistance Program (TBRA)	\$100,000	\$75,000
24	City of National City, Housing, Grants, and Asset Management	HOME Program Administration	\$26,943	\$26,943
Total HOME Program Funds Pending Allocation:			\$437,262	\$412,262

Item # _____

02/18/14

**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 DECEMBER 17, 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**

December 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 6:10 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

Council / Board members present: Cano, Morrison, Natividad, Rios, Sotelo-Solis.
Administrative Officials present: Dalla, Deese, Duong, Manganiello, Parra, Raulston, Roberts, Rodriguez, Silva, Stevenson, Vergara, Williams, Ybarra.
Others Present: Student Representative Kane Gillego.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

OFF AGENDA ITEM

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A SITE INFRASTRUCTURE AGREEMENT BETWEEN THE CITY OF NATIONAL CITY AND PARADISE CREEK HOUSING PARTNERS, L.P., A CALIFORNIA LIMITED PARTNERSHIP, FOR PAYMENT THAT SHALL NOT EXCEED \$4,000,000 TO THE CITY FOR SITE INFRASTRUCTURE COSTS INCURRED ON THE WESTSIDE TRANSIT-ORIENTED AFFORDABLE HOUSING AND PARADISE CREEK ENHANCEMENT PROJECT. (Housing, Grants, & Asset Management)

RECOMMENDATION: Add the item.

ACTION: Motion by Sotelo-Solis, seconded by Cano, to bring the item onto the Agenda as Item No. 12a. Carried by unanimous vote.

PUBLIC ORAL COMMUNICATIONS

None.

CITY COUNCIL

PRESENTATIONS

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

1. Employee of the Quarter 2013 – Firefighter Kevin Hamel

COUNCIL MEETING PRESENTATIONS 2013 (102-10-8)

2. Sage Project Presentation of Marina District Land Use Plan from SDSU Students. (Copy on file in the Office of the City Clerk)

COUNCIL MEETING PRESENTATIONS 2013 (102-10-8)

3. Update from the San Diego Port District on integrated planning efforts. (Keith Walzak, Manager of the Port's Environmental and Land Use Management Department) (Copy on file in the Office of the City Clerk.)

INTERVIEWS / APPOINTMENTS

BOARDS & COMMISSIONS ADMIN (101-1-1)

4. Interviews and Appointments: Library Board of Trustees. (City Clerk)
Maria Patrice Amon appeared for an interview.

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR Item No. 5 (Minutes), Item Nos. 6 through 9 (Resolution Nos. 2013-190 through 2013-193), Item Nos. 10 and 11 (Warrant Registers), Item No. 12 (Report). Motion by Natividad, seconded by Cano, to pull Item Nos. 6 and 8, and to approve the remainder of the Consent Calendar. Carried by unanimous vote.

APPROVAL OF MINUTES

5. 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 5, 2013. (City Clerk)

ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

DEED (D2013-3)

6. Resolution No. 2013-190. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY GRANTING A 4-FOOT WIDE AERIAL EASEMENT WITH THE RIGHT TO ERECT AND MAINTAIN ANCHORAGE TO SAN DIEGO GAS AND ELECTRIC COMPANY FOR THE PURPOSE OF EXISTING OVERHEAD UTILITY FACILITIES AT THE PROPERTY LOCATED AT 421 W. 30TH STREET IN NATIONAL CITY. (APN 562-220-41) (Engineering)

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

CONTRACT (C2012-48)

7. Resolution No. 2013-191. 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 \$719,939.61; 3) AUTHORIZING THE RELEASE OF RETENTION IN THE AMOUNT OF \$35,996.98, AND 4) RATIFYING THE FILING OF A NOTICE OF COMPLETION FOR THE NATIONAL CITY STREET RESURFACING AND CONCRETE IMPROVEMENT PROJECT, SPECIFICATION NO. 12-06 (FUNDED BY PROPOSITION A AND CDBG FUNDS). (Engineering)

ACTION: Adopted. See above.

CONTRACT (C2013-49)

8. Resolution No. 2013-192. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) AWARDING A CONTRACT IN THE NOT TO EXCEED AMOUNT OF \$831,517.30 TO EC CONSTRUCTORS, INC FOR THE 1726 WILSON AVENUE TENANT AND SITE IMPROVEMENTS, SPECIFICATION 13-06; 2) AUTHORIZING A 15% CONTINGENCY IN THE AMOUNT OF \$124,727.59 FOR ANY UNFORESEEN CHANGES; AND 3) AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT (FUNDED BY GENERAL FUND). (Engineering)

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

CONSENT CALENDAR (cont.)

CONTRACT (C2013-50)

9. Resolution No. 2013-193. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CITY MANAGER TO EXECUTE A SUBORDINATION AGREEMENT ALLOWING A NEW MORTGAGE NOT-TO-EXCEED \$120,000 TO BE AND REMAIN A LIEN PRIOR AND SUPERIOR TO A HOUSING REHABILITATION ASSISTANCE LOAN ON A SINGLE-UNIT PROPERTY LOCATED IN NATIONAL CITY. (Housing, Grants, & Asset Management)

ACTION: Adopted. See above.

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

10. Warrant Register #21 for the period of 11/13/13 through 11/19/13 in the amount of \$1,995,464.82. (Finance)

ACTION: Ratified. See above.

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

11. Warrant Register #22 for the period of 11/20/13 through 11/26/13 in the amount of \$1,479,283.77. (Finance)

ACTION: Ratified. See above.

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

12. Investment Report for the quarter ended September 30, 2013. (Finance)

ACTION: Filed. See above.

NEW BUSINESS

CONTRACT (C2013-51)

- 12a. Resolution No. 2013-194. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A SITE INFRASTRUCTURE AGREEMENT BETWEEN THE CITY OF NATIONAL CITY AND PARADISE CREEK HOUSING PARTNERS, L.P., A CALIFORNIA LIMITED PARTNERSHIP, FOR PAYMENT THAT SHALL NOT EXCEED \$4,000,000 TO THE CITY FOR SITE INFRASTRUCTURE COSTS INCURRED ON THE WESTSIDE TRANSIT-ORIENTED AFFORDABLE HOUSING AND PARADISE CREEK ENHANCEMENT PROJECT. (Housing, Grants, & Asset Management)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

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

NEW BUSINESS (cont.)

TEMPORARY USE PERMITS 2013 (203-1-29)

13. Temporary Use Permit – "Christmas with Kids" hosted by Christmas with Kids National City at 123 E. 3rd Street on December 25, 2013 from 6 a.m. to 12 p.m. The applicant has requested a 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 Natividad, seconded by Cano, to approve with waiver of fees. Carried by unanimous vote.

ENGINEERING DEPT – GRANTS / REPORTS ADMIN (1104-1-1)

14. Report and Presentation seeking City Council direction to staff to enter negotiations with Enterprise Fleet Management for the replacement, maintenance, and fleet management of National City's light and medium duty vehicle and return to City Council at a later date to consider a five-year Lease Agreement. (Engineering) Presentation on file in the Office of the City Clerk.

RECOMMENDATION: Direct staff to enter into negotiations with Enterprise Fleet Management and return to City Council at a later date to consider a five-year Lease Agreement.

TESTIMONY: Representatives from Enterprise Fleet Management were present to respond to questions.

ACTION: Direction was to return with more information and a recommendation. No vote was taken.

CONDITIONAL USE PERMITS 2013 (403-28-1)

15. Notice of Decision – Planning Commission approval of a Conditional Use Permit for a Wireless Communications Facility located at 2575 East 8th Street. (Applicant: Verizon Wireless) (Case File: 2013-26 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 Natividad, seconded by Sotelo-Solis, to set for Public Hearing. Carried by unanimous vote.

NEW BUSINESS (cont.)

CONDITIONAL USE PERMITS 2013 (403-28-1)

16. Notice of Decision – Planning Commission approval of a Conditional Use Permit and Coastal Development Permit for a Wireless Communications Facility located at 1445 Tidelands Avenue. (Applicant: Verizon Wireless) (Case File 2013-24 CUP, CDP) (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 Natividad, seconded by Rios, to set for Public Hearing. Carried by unanimous vote.

POLICE DEPT ADMIN (302-4-1)

17. Response to request by City Council to provide information regarding the retail sale of animals in pet stores and related municipal codes. (Police)

RECOMMENDATION: None.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to request additional information including contacting current business owners. Carried by unanimous vote.

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

HOUSING AUTHORITY 2013 (404-1-2)

CONTRACT (C2013-52)

18. Resolution No. 2013-20. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION- HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SUBORDINATION AGREEMENT AND AN AMENDMENT TO THE PROJECT DEED OF TRUST SECURING THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR 372 AFFORDABLE RENTAL UNITS AT 2721 PLAZA BOULEVARD IN NATIONAL CITY. (Housing, Grants, and Asset Management)

RECOMMENDATION: Staff recommends the adoption of a Resolution to execute the Subordination Agreement and Amend the Project Deed of Trust.

TESTIMONY: None

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

STAFF REPORTS

HOUSING & GRANTS DEPT ADMIN (1104-1-9)

19. Enterprise Zone Program. (Housing, Grants & Asset Management)
- 19a. Police Chief Rodriguez reported on the success of the anti-shooting effort during New Year's festivities and plans to promote the Senior Volunteer Patrol Program.

MAYOR AND CITY COUNCIL

Vice Mayor Natividad extended Christmas wishes to everyone and thanked the City Manager for the Holiday Breakfast.

Council Member Sotelo-Solis was pleased with the discussion on the vehicle fleet, advised that she requested SANDAG to make a condensed presentation on the State Early Release Program and its impacts on the South Bay and extended Holiday wishes.

Council Member Rios spoke about the Grand Opening and ribbon cutting for a new orthopedic supply business and inquired about honoring the CIF Champion Sweetwater Football team.

Council Member Cano wished everyone a Merry Christmas.

Mayor Morrison reviewed the many holiday events that took place over the last several days and extended holiday wishes.

CLOSED SESSION REPORT

City Attorney Claudia Silva stated there was no Closed Session.

ADJOURNMENT

Motion by Sotelo-Solis, seconded by Rios, to dispense with the Regular Meeting of January 7, 2014 and to adjourn the meeting to the Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City to be held Tuesday, January 21, 2013 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 10:10 p.m.

City Clerk

The foregoing minutes were approved at the Regular Meeting of February 18, 2014.

Mayor

DRAFT

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

MEETING DATE: February 18, 2014

AGENDA ITEM NO. |

ITEM TITLE: Resolution of the City Council of the City of National City authorizing the Mayor to execute a Fifth Amendment to the Agreement for Legal Services with the Successor Agency to the Community Development Commission as the National City Redevelopment Agency and Best Best & Krieger, LLP, for the Community Youth Athletic Center legal challenge defense to increase the not to exceed amount by \$100,000 for a total not-to-exceed amount of \$562,500.

PREPARED BY: Claudia Gacitua Silva

DEPARTMENT: City Attorney

PHONE: Ext. 4222

APPROVED BY: 

EXPLANATION:

Please see attached staff report.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

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
Fifth Amendment to the Agreement with BB&K for Legal Services
Proposed resolution

STAFF REPORT

This matter is a result of the Community Youth Athletic Center (“CYAC”) legal challenge to the 2007 Redevelopment Plan Amendment. In addition to the Plan Amendment challenge, the CYAC made other claims, including violations of the Public Records Act and due process. This lawsuit has been working its way through the legal system since the Fall of 2007. Judge Denton invalidated the 2007 Redevelopment Plan Amendment, found that the Public Records Act was not complied with when draft notes and consultant’s documents were not provided, and found the CYAC was not provided due process because they did not have sufficient time to object to the plan amendment. The Court’s award of attorney’s fees totaling approximately two-million dollars (\$2,000,000) was appealed to the 4th District Court of Appeals. The case remains on-going as it has been remanded to the trial court for further proceedings after appeal regarding the attorneys’ fees, and the CYAC has petitioned for review to the California Supreme Court. The remand to the trial court to determine the amount of attorneys’ fees, if any, in light of the reversal of the due process claims, as well as other factors of consideration, will take time. The original judge has retired, thus a new judge will need to become familiar with this case, including the weeklong trial, so that an appropriate review can occur of the attorneys’ fees claimed. Accordingly, this will require an extensive amount of legal work to examine CYAC’s attorney bills in light of the Court of Appeals ruling. Thus, continued legal representation remains necessary.

Bruce Beach and Rebecca Andrews of Best Best & Krieger, LLP (“BB&K”) have been our outside counsel in this case. Given the nature and length of the case, additional funds in the amount of \$53,500 are needed for the on-going appeal.

The City Council has previously approved the following:

1. Original Agreement for Legal Services in the amount of \$160,000 (November 12, 2010).
2. First Amendment to the Agreement in the amount of \$134,000 (October 18, 2011).
3. Second Amendment to the Agreement in the amount of \$70,000 (May 15, 2012).
4. Third Amendment to the Agreement in the amount of \$45,000 (October 30, 2012).
5. Fourth Amendment to the Agreement in the amount of 53,500 (September 17, 2013).

This Fifth Amendment to the Agreement in the amount of \$100,000 is necessary for the ongoing litigation, which will bring the total not-to-exceed amount to \$562,500. The Fifth Amendment will also require the approval of the Oversight Board and State Department of Finance prior to becoming effective.

**FIFTH AMENDMENT TO AGREEMENT
BY AND BETWEEN
THE CITY OF NATIONAL CITY,
THE SUCCESSOR AGENCY
TO THE COMMUNITY DEVELOPMENT COMMISSION
AS THE NATIONAL CITY REDEVELOPMENT AGENCY,
AND
BEST BEST & KRIEGER, LLP**

This Fifth Amendment to Agreement is entered into this 18th day of February, 2014, by and between THE CITY OF NATIONAL CITY, a municipal corporation, (the "CITY"), THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY, a public body, corporate and politic, (the "SUCCESSOR AGENCY"), and BEST BEST & KRIEGER, LLP, (the "FIRM").

RECITALS

- A. The CITY, the SUCCESSOR AGENCY and the FIRM (the "Parties") entered into an agreement on October 9, 2010, ("the Agreement") wherein the FIRM agreed to provide legal services in the defense of the case entitled *Community Youth Athletic Association v. All Persons Interested in the Matter of the Amendment to National City's Redevelopment Plan as Adopted by Ordinance 2007-2295*, Case No. 37-2007-00076404-CU-EI-CTL, in the amount of \$160,000, and subject to the terms of the Agreement.
- B. The Parties entered into the First Amendment to the Agreement on October 18, 2011, (the "First Amendment") to increase the not-to-exceed amount of the Agreement by \$134,000, for a total Agreement not-to-exceed amount of \$294,000.
- C. The Parties entered into a Second Amendment on May 15, 2012 to increase the not-to-exceed amount by \$70,000 for a total not-to-exceed amount of \$364,000.
- D. The Parties entered into a Third Amendment on October 30, 2012 to increase the not-to-exceed amount of the Agreement by \$45,000 for a total not-to-exceed amount of \$409,000.
- E. The Parties entered into a Fourth Amendment on September 3, 2013 to increase the not-to-exceed amount of the Agreement by \$53,500 for a total not-to-exceed amount of \$462,500.
- F. The Parties desire to amend the Agreement to increase the not-to-exceed amount of the Agreement by \$100,000 for a total not-to-exceed amount of \$562,500.
- G. The case remains on-going as it has been remanded to the trial court for further proceedings after appeal, and CYAC has petitioned for review to the California Supreme Court, thus continued legal representation remains necessary.
- H. On February 1, 2012, all California redevelopment 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.

- I. This Fourth Amendment will require the approval of the Oversight Board to the Successor Agency and the California Department of Finance prior to being effective.

NOW, THEREFORE, the Parties agree that the Agreement entered into on October 9, 2010, and amended on October 18, 2011, May 15, 2012, October 30, 2012, and September 3, 2013, shall be amended by amending Article 3 (Compensation), Section C of the Agreement by increasing the not-to-exceed amount by \$100,000 for a total not-to-exceed amount of \$562,500.

The parties further agree that with the foregoing exception, each and every term and provision of the Agreement dated October 9, 2010, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Fourth 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**

BEST, BEST, & KRIEGER, LLP

By: _____
Ron Morrison, Chairman

By: _____
Bruce Beach, Esq.

APPROVED AS TO FORM:

By: _____
Claudia Gacitua Silva
Successor Agency Counsel

CITY OF NATIONAL CITY

By: _____
Ron Morrison, Mayor

APPROVED AS TO FORM:

By: _____
Claudia Gacitua Silva
City Attorney

RESOLUTION NO. 2014 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE MAYOR TO EXECUTE A FIFTH AMENDMENT
TO THE AGREEMENT FOR LEGAL SERVICES BY
BEST BEST & KRIEGER, LLP, FOR THE CYAC LEGAL CHALLENGE
DEFENSE TO INCREASE THE NOT TO EXCEED AMOUNT
BY \$100,000 FOR A TOTAL AMOUNT OF \$562,500

WHEREAS, on November 23, 2010, the City Council adopted Resolution No. 2010-254 approving an Agreement between the City of National City, the CDC, and Best Best & Krieger, LLP (“BB&K”), to provide legal defense services regarding the Community Youth Athletic Center (“CYAC”) litigation in the not to exceed amount of \$160,000; and

WHEREAS, on October 18, 2011, the City Council adopted Resolution No. 2011-229 approving the First Amendment to the Agreement that increased the not to exceed amount by \$134,000, bringing the total not to exceed amount to \$294,000; and

WHEREAS, on May 15, 2012, the City Council adopted Resolution No. 2012-105 authorizing the Second Amendment to the Agreement in the amount of \$70,000 for the on-going appeal process, for a total not-to-exceed amount of \$364,000; and

WHEREAS, on October 30, 2012, the City Council adopted Resolution No. 2012-220 authorizing the Third Amendment to the Agreement in the amount of \$45,000 for the on-going appeal process, for a total not-to-exceed amount of \$409,000; and

WHEREAS, on September 17, 2014, the City Council adopted Resolution No. 2013-134 authorizing the Fourth Amendment to the Agreement in the amount of \$53,500 for the on-going appeal process, for a total not-to-exceed amount of \$462,500; and

WHEREAS, this Fifth Amendment to the Agreement in the amount of \$100,000 is necessary for the ongoing litigation, which will bring the total not-to-exceed amount to \$562,500; and

WHEREAS, the Fifth Amendment must also be approved by the Oversight Board and State Department of Finance prior to becoming effective.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the Mayor to execute the Fifth Amendment to the Agreement with Best Best & Krieger, LLP (“BB&K”), to increase the not to exceed amount by \$100,000, for a total not to exceed amount of \$562,500, to cover legal services for the ongoing Community Youth Athletic Center (“CYAC”) litigation. Said Fifth Amendment to the Agreement is on file in the office of the City Clerk.

--- Signature Page to Follow ---

PASSED and ADOPTED this 18th day of February, 2014.

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: February 18, 2014

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City approving and authorizing the Mayor to sign a Utility Agreement with the State of California Department of Transportation to relocate the City of National City eight inch (8") sewer main which crosses under Interstate 805 in order to accommodate the construction of additional freeway lanes

PREPARED BY: Stephen Manganiello, City Engineer.

DEPARTMENT: Engineering & Public Works

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:

ATTACHMENTS:

1. Explanation
2. Utility Agreement
3. Notice to Owner
4. Sewer Relocation Plans
5. Resolution

EXPLANATION

The State of California Department of Transportation (Caltrans) is currently constructing additional freeway lanes along Interstate 805 within National City, which will require the relocation of an eight inch (8") sewer main which crosses under the freeway between Grove Street and Newell Street.

This sewer main was originally installed in about 1958 and services approximately twenty homes. The main runs from Grove Street down an embankment on the easterly side of the freeway at approximately 66% slope, bends forty-five degrees at the edge of the existing pavement where the slope becomes 3%, and then runs westerly under the freeway to Newell Street.

Caltrans plans call for construction of a gravity wall along the edge of the freeway at the foot of the embankment. The depth of the wall footing will require relocation of the sewer main to provide appropriate clearance from the footing.

Caltrans is requesting that the City enter into a Utility Agreement in order to allow Caltrans to perform the work necessary to relocate the sewer main, consistent with the attached sewer relocation plans. Caltrans will reimburse the City, on a time and materials basis, for plan reviews and inspections. The existing facilities are lawfully maintained in their present location and qualify for relocation at the State's expense under the provisions of Section 703 of the Streets and Highways Code.

The construction period for the widening project through National City is estimated for July 2014 through June 2015. The sewer relocation will occur within this time period and residents will be notified well in advance via door hangers. Once the sewer has been relocated, service will be impacted for a period of up to 8 hours in order to complete the transfer.

UTILITY AGREEMENT

RW 13-5 (REV 12/2012)

DISTRICT 11	COUNTY SD	ROUTE 805	POST MILE 9.5-10.3	PROJECT ID 111200216	EA 2T2501
FEDERAL PARTICIPATION N/A			OWNER'S FILE NUMBER		
FEDERAL PARTICIPATION On the Project <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			On the Utilities <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Owner Payee Data No. VC0000023346or Form STD 204 is attached **UTILITY AGREEMENT NO** 33615**DATE** _____

The State of California, acting by and through the Department of Transportation, hereinafter called "STATE," proposes to widen the outside lanes I -805, in San Diego County in National City, from Grove Street overcrossing to Plaza Blvd undercrossing

And

NAME: City of National CityADDRESS: 1243 National City Blvd, National City, CA 91950

hereinafter called "OWNER," owns and maintains an 8 inch sewer line within the limits of STATE's project which requires relocation to accommodate STATE's project.

It is hereby mutually agreed that:

I. WORK TO BE DONE

In accordance with Notice to Owner No.33615 dated 1/21/2014 STATE shall relocate OWNER's sewer line as shown on STATE's contract plans for the improvement of State Route 805, EA 2T2504 which by this reference are made a part hereof. OWNER hereby acknowledges review of STATE's plans for work and agrees to the construction in the manner proposed. Deviations from the plan described above initiated by either the STATE or the OWNER, shall be agreed upon by both parties hereto under a Revised Notice to Owner. Such Revised Notices to Owner, approved by the STATE and agreed to/acknowledged by the OWNER, will constitute an approved revision of the plan described above and are hereby made a part hereof. No work under said deviation shall commence prior to written execution by the OWNER of the Revised Notice to Owner. Changes in the scope of the work will require an amendment to this Agreement in addition to the revised Notice to Owner. OWNER shall have the right to inspect the work during construction. Upon completion of the work by STATE, OWNER agrees to accept ownership and maintenance of the constructed facilities and relinquishes to STATE ownership of the replaced facilities, except in the case of liability determined pursuant to Water Code 7034 or 7035.

II. LIABILITY FOR WORK

The existing facilities are lawfully maintained in their present location and qualify for relocation at STATE expense under the provisions of Section 703 of the Streets and Highways Code.

III. PERFORMANCE OF WORK

OWNER shall have access to all phases of the relocation work to be performed by STATE, as described in Section I above, for the purpose of inspection to ensure that the work is in accordance with the specifications contained in the Highway Construction Contract; however, all questions regarding the work being performed will be directed to STATE's Resident Engineer for their evaluation and final disposition.

UTILITY AGREEMENT NO. 33615

IV. PAYMENT FOR WORK

The STATE shall pay its share of the actual and necessary cost of the herein described work within 45 days after receipt of five (5) copies of OWNER'S itemized bill, signed by a responsible official of OWNER'S organization and prepared on OWNER'S letterhead, compiled on the basis of the actual and necessary cost and expense. The OWNER shall maintain records of the actual costs incurred and charged or allocated to the project in accordance with recognized accounting principles. The OWNER'S billing cost to the state is \$10,000.00.

It is understood and agreed that the STATE will not pay for any betterment or increase in capacity of OWNER's facilities in the new location and that OWNER shall give credit to the STATE for the salvage value of any materials or parts salvaged and retained or sold by OWNER.

Not more frequently than once a month, but at least quarterly, OWNER will prepare and submit progress bills for costs incurred not to exceed OWNER's recorded costs as of the billing date less estimated credits applicable to completed work. Payment of progress bills not to exceed the amount of this Agreement may be made under the terms of this Agreement. Payment of progress bills which exceed the amount of this Agreement may be made after receipt and approval by STATE of documentation supporting the cost increase and after an Amendment to this Agreement has been executed by the parties to this Agreement.

The OWNER shall submit a final bill to the STATE within 360 days after the completion of the work described in Section I above. If the STATE has not received a final bill within 360 days after notification of completion of Owner's work described in Section I of this Agreement, and STATE has delivered to OWNER fully executed Director's Deeds, Consents to Common Use or Joint Use Agreements, if required for OWNER's facilities, STATE will provide written notification to OWNER of its intent to close its file within 30 days and OWNER hereby acknowledges, to the extent allowed by law, that all remaining costs will be deemed to have been abandoned. If the STATE processes a final bill for payment more than 360 days after notification of completion of OWNER's work, payment of the late bill may be subject to allocation and/or approval by the California Transportation Commission.

The final billing shall be in the form of an itemized statement of the total costs charged to the project, less the credits provided for in this Agreement, and less any amounts covered by progress billings. However, the STATE shall not pay final bills which exceed the estimated cost of this Agreement without documentation of the reason for the increase of said cost from the OWNER and approval of documentation by STATE. Except, if the final bill exceeds the OWNER's estimated costs solely as the result of a revised Notice to Owner as provided for in Section I, a copy of said revised Notice to Owner shall suffice as documentation. In either case, payment of the amount over the estimated cost of this Agreement may be subject to allocation and/or approval by the California Transportation Commission.

In any event if the final bill exceeds 125% of the estimated cost of this Agreement, an Amended Agreement shall be executed by the parties to this Agreement prior to the payment of the OWNER's final bill. Any and all increases in costs that are the direct result of deviations from the work described in Section I of this Agreement shall have the prior concurrence of STATE.

Detailed records from which the billing is compiled shall be retained by the OWNER for a period of three years from the date of the final payment and will be available for audit by State and or Federal auditors. OWNER agrees to comply with Contract Cost Principles and procedures as set forth in 48 CFR, Chapter 1, Part 31, et seq., 23 CFR, Chapter 1, Part 645. If a subsequent State and/or Federal audit determines payments to be unallowable, OWNER agrees to reimburse STATE upon receipt of STATE billing.

V. GENERAL CONDITIONS

All costs accrued by OWNER as a result of STATE's request of July 25, 2013 to review, study and/or prepare relocation plans and estimates for the project associated with this Agreement may be billed pursuant to the terms and conditions of this Agreement.

If STATE's project which precipitated this Agreement is canceled or modified so as to eliminate the necessity of work by OWNER, STATE will notify OWNER in writing and STATE reserves the right to terminate this Agreement by Amendment. The Amendment shall provide mutually acceptable terms and conditions for terminating the Agreement.

UTILITY AGREEMENT NO. 33615

GENERAL CONDITIONS (Continued)

All obligations of STATE under the terms of this Agreement are subject to the passage of the annual Budget Act by the State Legislature and the allocation of those funds by the California Transportation Commission.

OWNER shall submit a Notice of Completion to the STATE within 30 days of the completion of the work described herein.

It is understood that said highway is a Federal aid highway and accordingly, 23 CFR, Chapter 1, Part 645 is hereby incorporated into this Agreement.

In addition, the provisions of 23 CFR 635.410, BA, are also incorporated into this agreement. The BA requirements are further specified in Moving Ahead for Progress in the 21st Century (MAP-21), section 1518; 23 CFR 635.410 requires that all manufacturing processes have occurred in the United States for steel and iron products (including the application of coatings) installed on a project receiving funding from the FHWA.

UTILITY AGREEMENT NO.
33615

IN WITNESS WHEREOF, the above parties have executed this Agreement the day and year above written.

STATE: DEPARTMENT OF TRANSPORTATION

OWNER: CITY OF NATIONAL CITY

By [Signature] 1/17/14
Name GREG GUTIERREZ, CHIEF Date
Title Utility Relocation Branch
Right of Way Division

By _____
Name _____ Date
Title _____

APPROVAL RECOMMENDED:

By [Signature] 1/17/14
Name Kinze Monololo Date
Title Utility Coordinator
Right of Way

By _____
Name _____ Date
Title _____

THIS AGREEMENT SHALL NOT BE EXECUTED BY THE STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION UNTIL FUNDS ARE CERTIFIED.

DO NOT WRITE BELOW - FOR ACCOUNTING PURPOSES ONLY

PLANNING AND MANAGEMENT TO COMPLETE UNSHADED FIELDS:

UTILITY COMPLETES:

T CODE	DOCUMENT NUMBER	SUP FIX	DIST	UNIT	CHG DIST	PROJECT ID	PHASE	SPECIAL DESIGNATION	FFY	FA	OBJ CODE	DOLLAR AMOUNT
	UA033615		11	2837	11	1112000216	9	933615	14		70542	\$10,000.00
	UA											

PROJECT ID FUNDING VERIFIED:

Sign: > [Signature] 1-16-14
Date
Print: > Joey York
for R/W Planning and Management

REVIEW/REQUEST FUNDING:

Sign: > _____
Date
Print: > Kinze Monololo
Utility Coordinator

THE ESTIMATED COST TO STATE FOR ITS SHARE OF THE ABOVE DESCRIBED WORK IS \$ 18,000.00 .

CERTIFICATION OF FUNDS

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure shown here.

[Signature] 1-16-14
Date

Planning and Management				Date
ITEM	CHAP	STAT	FY	AMOUNT
2660-302-0012 20-20	20	2013	13/14	10,000.00

FUND TYPE	PROJECT ID	AMOUNT
Design Funds		\$
Construction Funds	2T2504	\$ 8,000.00
RW Funds	2T2509	\$ 10,000.00
<u>1112000216</u>		
Vendor/Customer:	VC 0000023346	
Address ID:	AD001	

Distribution: 2 originals to R/W Accounting
1 original to Utility Owner
1 original to Utility File

NOTICE TO OWNER

Dist.	County	Route	PM	E.A.
11	SD	805	9.5-10.3	2T2501
Project ID: 111200216				
Federal Aid No.: N/A				
Owners File: City of National City				
Date: January 21, 2014		Freeway: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Number 33615

To: **City of National City**
1243 National City Blvd
National City, CA 91950
Attn: Charles Nissley

Because of the State Highway construction project: On I -805, in San Diego County in National City, from Grove Street overcrossing to Plaza Blvd undercrossing.

Which affects your facilities: Existing 8inch sewer facilities, which are within the limits of the State's proposed construction project.

You are hereby ordered to: Relocate sewer facilities as shown on Caltrans plan sheets: Sanitary Sewer Details SSD-1, Sanitary Sewer Details SSD-2, Sanitary Sewer Quantities SSQ-1, and Sanitary Sewer Plan SS-1.

Your work schedule shall be as follows: The relocation work is to be completed by State's contractor as listed in the Special Provisions in accordance with the Construction Contract 2T2501.

Notify **Simon Tse** Caltrans Utility Inspector at telephone number **(619) 688-6474** 48 hours prior to initial start of work, and 24 hours prior to subsequent restart when your work schedule is interrupted.

Liability for the cost of the work is: 100% STATE expense and 0% OWNER expense based on section 703 of Street and Highways Code.

Laurie Berman
DISTRICT DIRECTOR

Kim Smith
ACTING DEPUTY DISTRICT DIRECTOR
RIGHT OF WAY DIVISION

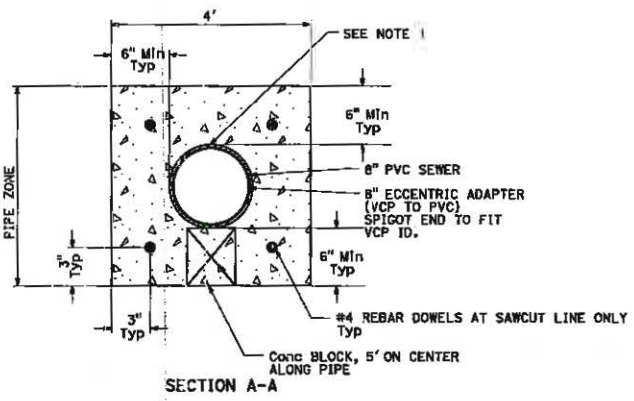
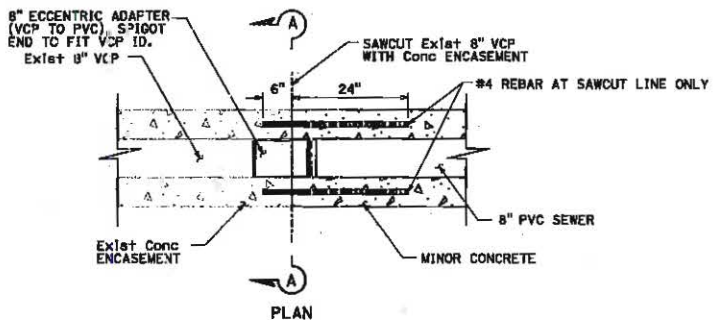
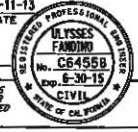
By 
Greg Gutierrez
DISTRICT UTILITY COORDINATOR

CC: Resident Engineer
Permits
R/W

THIS NOTICE DOES NOT CONSTITUTE A PERMIT. OBTAIN AN ENCROACHMENT PERMIT BEFORE STARTING WORK.

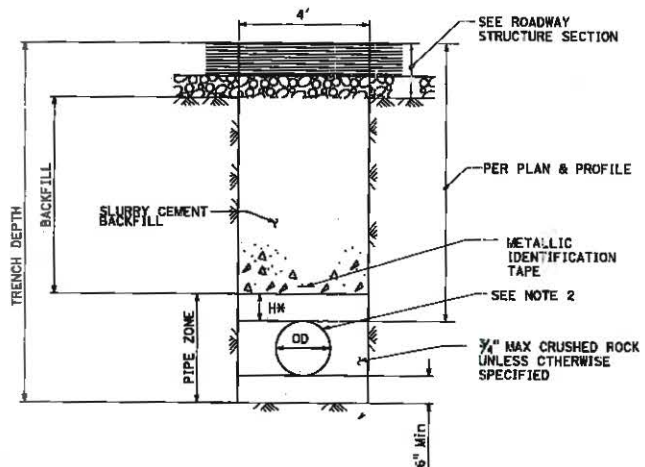
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans
 CONSULTANT FUNCTIONAL SUPERVISOR: HANY HARDIN
 CALCULATED-DESIGNED BY: EDELYNE MIZUEL
 CHECKED BY: ULYSSES F ANDINO
 REVISED BY: []
 DATE REVISED: []

Dist	COUNTY	ROUTE	POST MILE TOTAL PROJECT	SHEET No.	TOTAL SHEETS
11	SD	805	9.5/10.3		
Ulysses F. Andino REGISTERED CIVIL ENGINEER			12-11-13	DATE	
PLANS APPROVAL DATE:					
THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SHOWN CONDITIONS OF THIS PLAN SHEET.					
CH2M HILL 402 W. BROADWAY, SUITE 1450 SAN DIEGO, CA 92101					



CONCRETE ENCASEMENT

- NOTE:**
- PRIOR TO CONCRETE ENCASEMENT, WRAP 8" PVC SEWER WITH POLYETHYLENE PLASTIC SHEETING WITH MINIMUM 12" OVERLAP.



NOTES:

- HW = 12" Min FOR SLURRY CEMENT BACKFILL
6" Min FOR CONCRETE ENCASEMENT.
- PRIOR TO CONCRETE ENCASEMENT, WRAP 8" PVC SEWER WITH POLYETHYLENE PLASTIC SHEETING WITH MINIMUM 12" OVERLAP.

PIPE BEDDING AND TRENCH BACKFILL

SANITARY SEWER DETAILS
 NO SCALE
SSD-1

APPROVED FOR SEWER WORK ONLY

2012 RELEASE UNDER E.O. 14176

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans
 CONSULTANT FUNCTIONAL SUPERVISOR: MARY HAROUN
 CHECKED BY: ULYSSES FANDINO
 DESIGNED BY: EDWINE NIGEL
 REVISIONS: REVISED BY: DATE REVISED:

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET TOTAL SHEETS
11	SD	805	9.5/10.3	

12-11-13
 ULYSSES FANDINO
 REGISTERED CIVIL ENGINEER
 No. C64558
 Exp. 8-30-15
 CIVIL
 STATE OF CALIFORNIA

PLANS APPROVAL DATE: _____
 THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

CHOW HILL
 402 W. BROADWAY,
 SUITE 1450
 SAN DIEGO, CA 92101

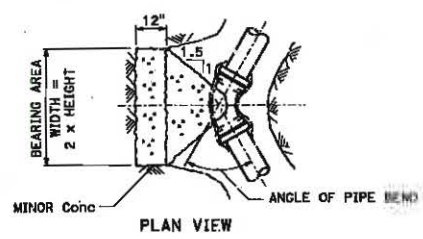
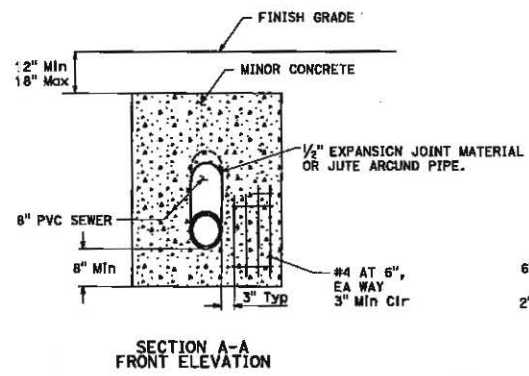
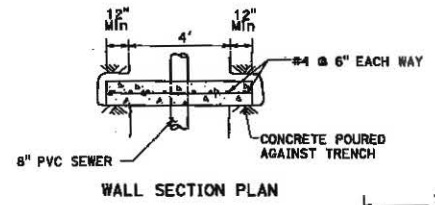


TABLE 1
 MINIMUM BEARING AREA IN SQUARE FEET

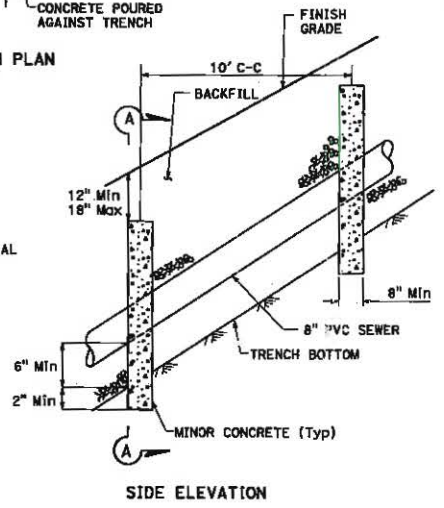
PIPE SIZE	TEES	90° BEND	45° BEND	22-1/2° BEND
8"	12	16	9	4.5

- NOTES:
- HEIGHT = $\sqrt{\frac{\text{BEARING AREA}}{2}}$
 WIDTH = 2 x HEIGHT
 - BEARING AREA BASED ON SOIL BEARING VALUE OF 1500 psf AND 225 psi LINE PRESSURE AND A MINIMUM OF 36" COVER.
 - ALL THRUST BLOCKS MUST BE PLACED AGAINST UNDISTURBED SOIL.
 - A MINIMUM OF 6 INCHES OF CONCRETE MUST BE PLACED ON VIRGIN OR COMPACTED SOIL BENEATH EACH INSTALLATION.
 - THRUST BLOCKS MUST BE CENTERED ON THE FITTING SO THAT THE BEARING AREA IS EXACTLY OPPOSITE THE RESULTANT DIRECTION OF THRUST.
 - CONCRETE MUST BE PLACED SO THAT FITTINGS WILL BE ACCESSIBLE FOR REPAIR OR REPLACEMENT.

THRUST BLOCK



CUTOFF WALL



APPROVED FOR SEWER WORK ONLY

SANITARY SEWER DETAILS
 NO SCALE
SSD-2

CUT HERE FOR TYPING: 11/07/13 03:15:44-100-2014

US 101 SANITARY SEWER QUANTITIES
 RELATIVE NUMBER SCALE 0 1 2 3
 APPROVED FOR SEWER WORK ONLY

**SANITARY SEWER QUANTITIES
SSQ-1**

(N) NOT A SEPARATE PAY ITEM, FOR INFORMATION ONLY

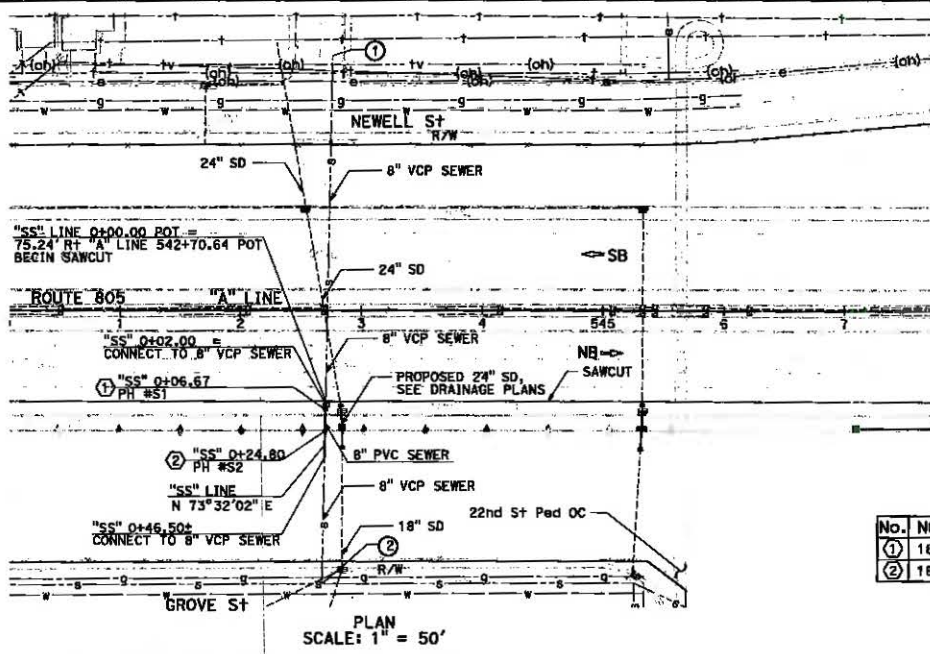
TOTAL		SEWER PLAN SHEET No.	
52	52	8" PVC SEWER PIPE (RUBBER RING JOINT)	
1	1	8" PVC 45° SWEEP (N)	
1	1	8" COUPLING (N)	
1	1	8" ECCENTRIC ADAPTER (VCP TO PVC) (N)	
47	47	METALLIC TAPE (N)	
7.1	7.1	MINOR CONCRETE (SEWER ENCASEMENT)	
1.2	1.2	MINOR CONCRETE (CUTOFF WALL)	
1	1	MINOR CONCRETE (THRUST BLOCK)	
17	17	REMOVE 8" VCP AND CONC ENCASEMENT	
33	33	REMOVE 8" VCP	
1	1	REMOVE THRUST BLOCK (N)	
1	1	REMOVE CUTOFF WALL (N)	
		SEWER PLAN SHEET No.	

SANITARY SEWER QUANTITIES

DATE	COUNTY	ROUTE	POST MILE	SHEET TOTAL
11	SD	805	9.5/10.3	11
REGISTERED CIVIL ENGINEER ULYSSES FANDINO No. CS4558 DIVISION OF PUBLIC WORKS STATE OF CALIFORNIA				
REGISTERED CIVIL ENGINEER ULYSSES FANDINO No. CS4558 DIVISION OF PUBLIC WORKS STATE OF CALIFORNIA				
432 N. BROADWAY, SAN DIEGO, CA 92101				

GENERAL NOTE:

- FOR ACCURATE RIGHT OF WAY DATA, CONTACT RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.



MANHOLE DATA

No.	LOCATION	DEPTH
①	NEWELL ST	210' Lt "A" 542+70.64
②	GROVE ST	226' Rt "A" 542+70.64

DIST COUNTY ROUTE POST MILES SHEET TOTAL
 11 SD 805 9.5/10.3 NO. SHEETS
 12-11-13
 REGISTERED CIVIL ENGINEER DATE
 ULYSSES FANDINO
 C64558
 6-30-15
 CIVIL
 STATE OF CALIFORNIA
 PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA ON ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.
 CH2M HILL
 402 W. BROADWAY,
 SUITE 1450
 SAN DIEGO, CA 92101

ABBREVIATIONS:
 OSHA OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 PH POTHOLE
 SDR STANDARD DIMENSION RATIO



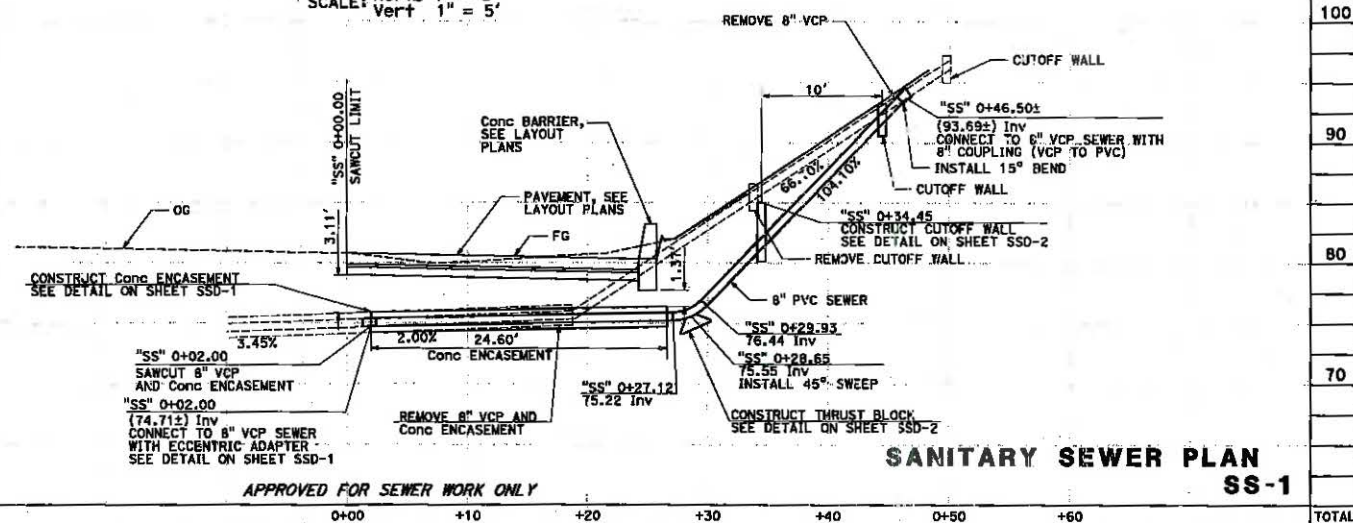
POTHOLE DATA

No.	NORTHING	EASTING	Og Elev	DEPTH
①	1824212.49	6305991.76	80.47	4.46'
②	1824217.63	6306009.15	81.12	1.16'

PLAN SCALE: 1" = 50'

PROFILE SCALE: Horiz 1" = 5', Vert 1" = 5'

NOTE:
 TIE-IN ELEVATION IS APPROXIMATE. CONTRACTOR TO VERIFY THE EXACT LOCATION OF EXISTING SEWER LINE.



SANITARY SEWER PLAN SS-1

APPROVED FOR SEWER WORK ONLY

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
 CONSULTANT FUNCTIONAL SUPERVISOR
 HARRY HANOUN
 REVISIONS:
 DESIGNED BY
 CHECKED BY
 CALCULATED-DESIGNED BY
 EDYLYNE MIQUEL
 ULYSSES FANDINO
 REVISOR
 DATE REVISOR

STATION
 CY Exc
 Emb

USER NAME: m20101011
 RELATIVE BORDER SCALE: 0 1 2 3
 SHEET NO.: 11
 TOTAL SHEETS: 10

RESOLUTION NO. 2014 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE MAYOR TO EXECUTE A UTILITY AGREEMENT WITH
THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
TO RELOCATE THE CITY OF NATIONAL CITY'S EIGHT-INCH (8")
SEWER MAIN THAT CROSSES UNDER INTERSTATE 805 IN ORDER TO
ACCOMMODATE THE CONSTRUCTION OF ADDITIONAL FREEWAY LANES

WHEREAS, California Department of Transportation ("Caltrans") is currently constructing additional freeway lanes along Interstate 805 within National City, which will require the relocation of an eight-inch (8") sewer main that crosses under the freeway between Grove Street and Newell Street; and

WHEREAS, the sewer main, which was originally installed in about 1958, services approximately twenty homes and runs from Grove Street down an embankment on the easterly side of the freeway and then runs westerly under the freeway to Newell Street; and

WHEREAS, Caltrans' plans call for construction of a gravity wall along the edge of the freeway at the foot of the embankment that will require relocation of the sewer main to provide appropriate clearance from the footing; and

WHEREAS, by entering into a Utility Agreement, Caltrans will be allowed to perform the work necessary to relocate the sewer main, and Caltrans will reimburse the City, on a time and materials basis, for plan reviews and inspections.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the Mayor to execute a Utility Agreement with the State of California Department of Transportation to relocate the City of National City's eight-inch (8") sewer main that crosses under Interstate 805 in order to accommodate the construction of additional freeway lanes. Said Utility Agreement is on file in the Office of the City Clerk.

PASSED and ADOPTED this 18th day of February, 2014.

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: February 18, 2014

AGENDA ITEM NO. |

ITEM TITLE:

Warrant Register #29 for the period of 1/8/14 through 1/14/14 in the amount of \$503,544.35. (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 1/8/14 through 1/14/14.

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>
SDG&E	310586	83,293.80	Facilities Gas & Electric
State of California	310597	65,532.91	WC Claim Costs

FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

APPROVED: _____ MIS

Reimbursement total \$503,544.35.

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 \$503,544.35.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Warrant Register #29



WARRANT REGISTER # 29

1/14/2014

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
AMAZON	BOOKS - LIBRARY	310496	1/14/14	1,066.04
BRODART CO	BOOKS - LIBRARY	310497	1/14/14	525.55
EBSCO ACCTS RECEIVABLE	PERIODICALS AND SUBSCRIPTIONS / LIBRARY	310498	1/14/14	5,445.61
SPRINT	VIDEO CONFERENCING, LONG DISTANCE	310499	1/14/14	11.46
EDCO DISPOSAL CORPORATION	WASTE DISPOSAL SERVICES / S A	310500	1/14/14	110.23
NBS	LANDSCAPE MAINTENANCE DISTRICT	310501	1/14/14	829.17
OPPER & VARCO LLP	LEGAL / ED VILLAGE/GENERAL / S A	310502	1/14/14	227.50
SDG&E	GAS AND ELECTRIC UTILITIES / S A	310503	1/14/14	280.59
AFLAC	AFLAC ACCT BDM36 - JAN 2014	310504	1/14/14	856.84
AFNI INS	LIABILITY CLAIM COSTS	310505	1/14/14	4,580.77
ALDEMCO	FOOD CONSUMABLES/NON CONSUMABLES	310506	1/14/14	4,707.34
ALEXANDER'S LEGAL SEMINARS	CIVIL LITIGATION MANUAL	310507	1/14/14	47.04
ALL FRESH PRODUCTS	FOOD / NUTRITION CENTER	310508	1/14/14	802.10
ALLIANCE SAN DIEGO	ALL PEOPLES CELEBRATION	310509	1/14/14	50.00
AQCS ENVIRONMENTAL	CONSULTING SVCS, HAZ MAT	310510	1/14/14	1,720.00
ARCO GASPRO PLUS	FUEL	310511	1/14/14	32,530.28
AT&T MCI	ATT PHONE SERVICE / 11/13/13-12/12/13	310512	1/14/14	7,436.01
ATKINS NORTH AMERICA INC	SEWER BILL/TAX ROLL PREPARATION	310513	1/14/14	9,349.00
AUSTIN DOORS	DOOR, ROLL-UP DOORS, GATES	310514	1/14/14	587.29
BJ'S RENTALS	RENTAL STUMP GRINDER HYDRAULIC 252	310515	1/14/14	2,613.60
BLACKIE'S TROPHIES AND AWARDS	MOP 67727 METAL NAME TAG - PD	310516	1/14/14	51.84
BOOT WORLD	MOP 64096 WEARING APPAREL	310517	1/14/14	483.25
BOYS & GIRLS CLUB	ANNUAL DINNER 2014	310518	1/14/14	50.00
BOYS & GIRLS CLUB	ANNUAL DINNER 2014	310519	1/14/14	50.00
BOYS & GIRLS CLUB	ANNUAL DINNER 2014	310520	1/14/14	50.00
BOYS & GIRLS CLUB	ANNUAL DINNER 2014	310521	1/14/14	50.00
BOYS & GIRLS CLUB	ANNUAL DINNER 2014	310522	1/14/14	50.00
BPI PLUMBING	PLUMBING SERVICE, REPAIR	310523	1/14/14	726.94
CA PROPERTY SPECIALISTS INC	PROFESSIONAL SERVICES	310524	1/14/14	661.25
CAHA	ANNUAL MEMBERSHIP	310525	1/14/14	900.00
CHILDREN'S HOSPITAL	CHILD ABUSE EXAMS / POLICE	310526	1/14/14	1,507.00
CINTAS DOCUMENT MANAGEMENT	MONTHLY SHREDDING / POLICE	310527	1/14/14	92.95
CLEAN HARBORS	HAZARDOUS WASTE PICKUP	310528	1/14/14	230.00
CNCA	TUITION: CA NARCOTIC CANINE ASSOC	310529	1/14/14	345.00
CNCA	TUITION: CA NARCOTIC CANINE ASSOC	310530	1/14/14	325.00
COOPER'S PLUMBING & HEATING	PLUMBING SERVICES, REPAIRS	310531	1/14/14	320.00
COUNTY OF SAN DIEGO	RCS SYSTEM MAINTENANCE / DEC 2013	310532	1/14/14	7,526.00
COUNTY OF SAN DIEGO	MAIL PROCESSING SERVICES / OCT 2013	310533	1/14/14	2,692.91
COX COMMUNICATIONS	COX COMMUNICATIONS / DEC 2013	310534	1/14/14	108.82
DANIELS TIRE SERVICE	MOP 76986 TIRES	310535	1/14/14	1,037.38
DATA TICKET INC	CITATION PROCESSING / NOV 2013	310536	1/14/14	6,664.45
DELTA DENTAL INSURANCE CO	COBRA DENTAL INS / NOV 2013	310537	1/14/14	71.03
DISCOUNT SPECIALTY CHEMICALS	LUSTER/SUDS/DISH WASHING LIQUID	310538	1/14/14	387.61
DIVISION 8 INCORPORATED	GLASS/WINDOW REPLACEMENT	310539	1/14/14	4,070.00
DREW FORD HYUNDAI	MOP 49078 AUTO PARTS	310540	1/14/14	56.10
DURON, C	ED REIMBURSEMENT	310541	1/14/14	623.47
ECOLAB	DISHWASHER SUPPLIES/SUNSHINE MEALS	310542	1/14/14	503.29
EDWARDS PHILLIPS & ASSOCIATES	LIABILITY CLAIM COSTS	310543	1/14/14	560.00
FABRICATION TECHNOLOGIES	DEPOSIT REFUND/2200 HAFFLEY AVE/ 90035	310544	1/14/14	15,000.00
FASTENAL	2"X8' TUFF EDGE EE2	310545	1/14/14	136.68



WARRANT REGISTER # 29

1/14/2014

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
FELLOWS, M	ED REIMBURSEMENT	310546	1/14/14	1,200.00
FERGUSON ENTERPRISES INC	MOP 45723 SEWER PIPES & MATERIAL	310547	1/14/14	297.56
FON-JON KENNELS	KENNEL FEES FOR POLICE K9'S	310548	1/14/14	274.00
GOODYEAR TIRE & RUBBER COMPANY	TIRES	310549	1/14/14	907.98
GOVCONNECTION, INC.	ITEM #13665589, MANUF #AA-DP0NE2B/US	310550	1/14/14	2,016.68
GOVPARTNER	GOVPARTNER(CDP) PERMIT TRACKING	310551	1/14/14	44,000.00
HDL COREN & CONE	AUDIT SVC PROPERTY TAX 2012-13 UNSECURED	310552	1/14/14	7,657.38
HEALTH & HUMAN RSRC CNTR	EMPLOYEE ASST PROGRAM	310553	1/14/14	733.90
HEALTH NET	FULL NETWORK 57135A - JAN 2014	310554	1/14/14	4,481.65
HEALTH NET	MEDICAL INS FOR JAN 2014	310555	1/14/14	1,528.85
HEALTH NET	INS N5992A - JANUARY 2014	310556	1/14/14	525.07
HUNTER'S NURSERY INC	MOP 45719 HORTICULTURAL ITEMS	310557	1/14/14	372.60
HYDRO SCAPE PRODUCTS INC	MOP 45720 PIPES, VAVLES & FITTINGS	310558	1/14/14	180.08
IACP MEMBERSHIP	MEMBERSHIP - CHIEF RODRIGUEZ	310559	1/14/14	120.00
IRON MOUNTAIN	RECORDS MGMNT/DOCUMENT STORAGE	310560	1/14/14	148.00
JJJ ENTERPRISES	ALARM MONITORING	310561	1/14/14	1,200.00
KAISER FOUNDATION HEALTH PLANS	RETIREEES INS - COBRA NOV 2013	310562	1/14/14	919.72
LEFORTS SMALL ENGINE REPAIR	FUEL TANK	310563	1/14/14	74.26
MASON'S SAW &	MOP 45729 SMALL TOOLS	310564	1/14/14	1,125.20
METRO AUTO PARTS DISTRIBUTOR	MOP 75943	310565	1/14/14	362.52
METRO FIRE & SAFETY	FIRE EXTINGUISHER, SYSTEM	310566	1/14/14	170.00
MUNICIPAL CODE CORPORATION	MUNICIPAL CODE SUPPLEMENT #40	310567	1/14/14	1,493.00
NAPA AUTO PARTS	MOP 45735 AUTO PARTS	310568	1/14/14	52.07
NATIONAL TRAINING CONCEPTS	TUITION: CRITICAL INCIDENT MGMNT FOR PAT	310569	1/14/14	88.00
NUTTALL, M	SUBSISTENCE - CA NARCOTIC CANINE ASSOC	310570	1/14/14	624.00
ORKIN PEST CONTROL	PEST MAINTENANCE	310571	1/14/14	375.73
PACIFIC TELEMAGEMENT SERVICE	PACIFIC TELEMAGEMENT PAYPHONE	310572	1/14/14	228.00
PERRY FORD	MOP 45703 R&M AUTO EQUIPMENT	310573	1/14/14	47.73
POWERSTRIDE BATTERY CO INC	PC2150S BATTERIES	310574	1/14/14	3,075.51
PRO BUILD	MOP 45707 MATERIALS & SUPPLIES	310575	1/14/14	1,070.17
PRO-EDGE KNIFE	KNIFE SHARPENING SERVICES FOR NUTRITION	310576	1/14/14	46.00
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICE	310577	1/14/14	529.23
QUIROGA, R	SUBSISTENCE - CA NARCOTIC CANINE ASSOC	310578	1/14/14	624.00
RELIANCE STANDARD	VOLUNTARY LIFE INS - JAN 2014	310579	1/14/14	2,803.27
S D COUNTY SHERIFF'S DEPT	CAL-ID COSTS / JUL 1, 2013 - DEC 31, 201	310580	1/14/14	8,745.00
SAN DIEGO DAILY TRANSCRIPT	SPEC #13-06, 1726 WILSON AVE	310581	1/14/14	632.60
SAN DIEGO MIRAMAR COLLEGE	TUITION: FIELD TRAINING OFFICER UPDATE	310582	1/14/14	92.00
SAN DIEGO PET & LAB SUPPLY	MOP 45753 K9 FOOD	310583	1/14/14	268.85
SAN DIEGO REGIONAL	TUITION - RECORDS CLERK COURSE	310584	1/14/14	463.00
SAN DIEGO STATE UNIVERSITY	CONTRACT SERVICES	310585	1/14/14	5,000.00
SDG&E	STREET GAS & ELECTRIC	310586	1/14/14	83,293.80
SEAPORT MEAT COMPANY	FOOD / NUTRITION	310587	1/14/14	1,101.53
SMART & FINAL	MOP 45756 MISC SUPPLIES - PD	310588	1/14/14	116.97
SMART SOURCE OF CA LLC	VEHICLE / VIDEO MACHINE DECALS	310589	1/14/14	1,923.41
SOUTH BAY FENCE INC.	FENCE INSTALLATION & REPAIRS	310590	1/14/14	483.00
SOUTH BAY MOTORSPORTS	R&M CITY VEHICLES	310591	1/14/14	1,340.95
SOUTHERN CALIF TRUCK STOP	MOP 45758 GAS	310592	1/14/14	113.80
SOUTHWEST SIGNAL SERVICE	TRAFFIC SIGNAL & STREET LIGHTING	310593	1/14/14	22,349.70
SPARKLETTS	SPARKLETTS WATER/DELIVERY FOR NUTRITION	310594	1/14/14	13.74
STAPLES ADVANTAGE	MOP 45704. OFFICE SUPPLIES / CITY CLERK	310595	1/14/14	71.61



**WARRANT REGISTER # 29
1/14/2014**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
STARTECH COMPUTERS	MOP / COMPUTER EQUIPMENT / MIS	310596	1/14/14	956.93
STATE OF CALIFORNIA	WC CLAIM COSTS	310597	1/14/14	65,532.91
SUPERIOR READY MIX	TACK OIL	310598	1/14/14	103.36
SWEETWATER AUTHORITY	PARKS - WATER METER INSTALLATION	310599	1/14/14	3,263.78
SYSCO SAN DIEGO	FOOD & CONSUMABLES	310600	1/14/14	1,551.71
THE CENTRE FOR ORGANIZATION	EXEC WORKSHOP	310601	1/14/14	4,414.00
THE COOLING STORE	LABOR, INSPECTION & REPAIRS AC SYSTEM	310602	1/14/14	523.17
THOMSON WEST	ON LINE LEGAL RESEARCH	310603	1/14/14	759.92
TIERRA WEST ADVISORS INC	PROFESSIONAL SERVICES / NOV 2013	310604	1/14/14	1,706.25
TODD PIPE & SUPPLY LLC	PLUMBING MATERIALS, PARTS, SUPPLIES	310605	1/14/14	1,597.01
U S BANK	CREDIT CARD PAYMENT	310606	1/14/14	726.77
U S HEALTHWORKS	MEDICAL SERVICES	310607	1/14/14	386.00
U S HEALTHWORKS	MEDICAL SERVICES	310608	1/14/14	214.00
UAAMAC	19TH ANNUAL COMMUNITY BREAKFAST	310609	1/14/14	50.00
UAAMAC	19TH ANNUAL COMMUNITY BREAKFAST	310610	1/14/14	50.00
UAAMAC	19TH ANNUAL COMMUNITY BREAKFAST	310611	1/14/14	50.00
UAAMAC	19TH ANNUAL COMMUNITY BREAKFAST	310612	1/14/14	50.00
UNDERGROUND SERVICE ALERT	UNDERGROUND SERVICE ALERT CHARGES	310613	1/14/14	115.50
UNION TRIBUNE	LEGAL NOTICES ADVERTISING	310614	1/14/14	528.40
UNION TRIBUNE PUB CO	PUBLIC NOTICING/PLANNING COMMISSION	310615	1/14/14	814.00
UNITED ROTARY BRUSH	STREET SWEEPER REPAIRS	310616	1/14/14	617.80
VALLEY POWER SYSTEMS INC	LABOR, TRANSMISSION FLUID SERVICE	310617	1/14/14	590.78
VERIZON WIRELESS	VERIZON CELL SERVICE / 11/22/13-12/21/13	310618	1/14/14	6,432.78
VERIZON WIRELESS	PHONE SERVICE / 11/24/13-12/23/13	310619	1/14/14	506.72
GRAINGER	MOP 65179 BUILDING MATERIAL	310620	1/14/14	167.96
WALTERS, W	REIMBURSEMENT - EDUCATIONAL	310621	1/14/14	272.39
WEBGIS SOLUTIONS	CONTRACT SERVICES	310622	1/14/14	3,800.00
WESTFLEX INDUSTRIAL	MOP 63850 AUTO PARTS	310623	1/14/14	70.21
			A/P Total	420,321.86
WIRED PAYMENTS				
TRISTAR RISK MANAGEMENT	DEC 2013 WC REPLENISHMENT	228406	1/13/14	50,222.49
TRISTAR RISK MANAGEMENT	IMPREST INCREASE TO \$125,000.00	228428	1/13/14	33,000.00

GRAND TOTAL

\$ 503,544.35

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 18th OF FEBRUARY, 2014.

AYES _____

NAYS _____

ABSENT _____

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

MEETING DATE: February 18, 2014

AGENDA ITEM NO. _____

ITEM TITLE:

Warrant Register #30 for the period of 1/15/14 through 1/21/14 in the amount of \$1,416,855.17.
(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 1/15/14 through 1/21/14.

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>
Pal Engineering	310662	258,902.65	8 th Street Smart Growth Revitalization Project
Ramona Paving	310671	86,891.75	8 th Street Safety Enhancements

FINANCIAL STATEMENT:

APPROVED: 

Finance

ACCOUNT NO.

APPROVED: _____

MIS

Reimbursement total \$1,416,855.17.

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 \$1,416,855.17.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Warrant Register #30



WARRANT REGISTER #30

1/21/2014

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
MONTERROSA, E	PAYROLL REPLACEMENT CHECK	310624	1/21/14	385.89
ACE UNIFORMS & ACCESSORIES INC	1285 PANTS, TRU SPEC OD GREEN	310625	1/21/14	479.60
ALTURAS IMPERIAL	REFUND OF PERMIT #70455	310626	1/21/14	4,389.00
BECERRIL, O	LICENSE REIMBURSEMENT	310627	1/21/14	70.00
BROADWAY AUTO GLASS	RIGHT SIDE - REGULATOR	310628	1/21/14	584.90
BUCKNAM INFRASTRUCTURE GRP INC	PAVEMENT MANAGEMENT SYSTEM	310629	1/21/14	500.00
BUREAU VERITAS N AMERICA INC	PEDESTRIAN CROSSING	310630	1/21/14	14,670.00
CHICK'S ELECTRIC MOTOR INC	FASCO MOTOR 1/10-1/12-1/15 HP,	310631	1/21/14	207.95
CITY OF NATIONAL CITY	AQUATIC CENTER	310632	1/21/14	2,124.00
DALEY & HEFT LLP	LIABILITY CLAIM COSTS	310633	1/21/14	9,006.74
DALEY & HEFT LLP	LIABILITY CLAIM COSTS	310634	1/21/14	3,953.18
D-MAX ENGINEERING	STORM WATER SERVICES	310635	1/21/14	12,813.28
ESPINOZA, R	REFUND OF PERMIT #71863	310636	1/21/14	33.20
ESPIRITU, D	SUBSISTENCE: POLICE BUDGET	310637	1/21/14	384.00
FASTENAL	KLIK-RIVNUT A/THRDERT	310638	1/21/14	55.73
FLEETPRIDE	NEW NEW-LP3 TYPE LOW PRESSURE	310639	1/21/14	92.45
GRAINGER	MOP 65179 CPR MOUTHPIECE - FIRE	310640	1/21/14	308.83
HANDY METAL MART INC	PA ANGLE / PW	310641	1/21/14	38.03
HANSON AGGREGATES PACIFIC	CLASS II BASE 3/4"	310642	1/21/14	423.19
HARRIS & ASSOCIATES INC	ADA ENHANCEMENTS, HIGHLAND AVE	310643	1/21/14	5,060.00
HONEYWELL INTERNATIONAL INC	LABOR, 23 HRS, CHECK SYSTEM,	310644	1/21/14	3,415.34
KAISER FOUNDATION HEALTH PLANS	RETIREEES INS DEC 2014 GRP#104220-03	310645	1/21/14	1,797.09
KIMLEY HORN AND ASSOC INC	PUBLIC WORKS RELOCATION	310646	1/21/14	27,356.78
KNOX ATTORNEY SERVICE INC	ADLER FILING - PROOF OF SERVICE	310647	1/21/14	15.75
KNOX ATTORNEY SERVICE INC	SHELL PITCHES FILING ON DEC 20, 2013	310648	1/21/14	15.75
KOCH ARMSTRONG GENERAL ENGR	RETENTION, CITYWIDE PEDESTRIAN CROSSING	310649	1/21/14	42,990.44
LASER SAVER INC	MOP 45725 INK CARTRIDGE - PD	310650	1/21/14	464.13
LOPEZ, T	TRANSLATION SERVICES	310651	1/21/14	210.00
LUNT, D	REIMB - CAPPO CONFERENCE	310652	1/21/14	165.01
MATTHEW BENDER & CO INC	CA PUBLIC SECTOR LABOR RELATIONS	310653	1/21/14	992.87
MATUTE, M	REFUND - PERMIT FEES	310654	1/21/14	427.20
MAYER REPROGRAPHICS	AQUATIC CENTER	310655	1/21/14	237.01
MCDUGAL LOVE ECKIS	LIABILITY CLAIM COSTS	310656	1/21/14	277.71
METRO FIRE & SAFETY	5LB DRY CHEMICAL RECHARGE	310657	1/21/14	148.52
MEYERS NAVE	BUSINESS AMORTIZATION	310658	1/21/14	247.50
NATIONAL CITY ROTARY CLUB	DUES/LUNCHES	310659	1/21/14	195.00
NEXUS IS INC	NEXUS PHONE MOVES AT PD	310660	1/21/14	210.00
NINYO & MOORE	8TH ST. SMART GROWTH SOIL TESTING	310661	1/21/14	1,685.25
PAL GENERAL ENGINEERING INC	8TH ST. SMART GROWTH REVITALIZATION PROJECT	310662	1/21/14	258,902.65
PALACIOS CUSTOM IRON WORKS	REFUND OF PERMIT FEES	310663	1/21/14	1,029.35
PDR	2014 EDITION PDR	310664	1/21/14	65.20
PMW ASSOCIATES	TUITION: POLICE BUDGET ACADEMY	310665	1/21/14	393.00
PRO BUILD	MOP 45707 MISC SUPPLIES - FIRE	310666	1/21/14	138.11
PROJECT PROFESSIONALS CORP	EFS REPAIR, TRAIN DEPO	310667	1/21/14	7,201.67
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICE	310668	1/21/14	963.99
R J SAFETY SUPPLY	LIME CLASS-3 PULLOVER HOODED SWEATSHIRT	310669	1/21/14	344.99
RACHEL VALDEZ AND CO PAYEE	LIABILITY CLAIM COSTS	310670	1/21/14	4,500.00
RAMONA PAVING	8TH ST. SAFETY ENHANCEMENTS	310671	1/21/14	86,891.75
RAUCH DETISCH & STEINKE	PLAZA BLVD WIDENING PROJECT	310672	1/21/14	2.66
RBF CONSULTING	8TH ST. SAFETY ENHANCEMENTS	310673	1/21/14	2,311.70



**WARRANT REGISTER #30
1/21/2014**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
REYNOLDS, S	REFUND OF PERMIT 2013-3659 & 2013-3661	310674	1/21/14	36,941.36
ROUSTON, J	LICENSE REIMBURSEMENT	310675	1/21/14	60.00
SAFDIE RABINES ARCHITECTS	AQUATIC CENTER	310676	1/21/14	48,105.87
SAFRAN MORPHOTRUST	INVESTIGATIVE SERVICES	310677	1/21/14	36.00
SAN DIEGO REGIONAL	TUITION: MANAGEMENT COURSE	310678	1/21/14	1,670.00
SANDPIPA	FIDELITY INSURANCE	310679	1/21/14	6,138.00
SDG&E	METER & SERVICE	310680	1/21/14	1,760.00
STANICH, C	REIMB - UNIFORMS	310681	1/21/14	134.52
STAPLES ADVANTAGE	MOP 45704 OFFICE SUPPLIES - HR	310682	1/21/14	2,247.56
STARTECH COMPUTERS	MOP 61744 MISC SUPPLIES - MIS	310683	1/21/14	998.26
STEWARTS TITLE OF CALIFORNIA	MCKINLEY PARCELS	310684	1/21/14	500.00
THE SOCO GROUP, INC.	HYDROCARBONS, LIQUID / PW	310685	1/21/14	279.91
THOMSON WEST	ON LINE LEGAL SVCS	310686	1/21/14	759.92
TRI NORTH BUILDERS INC	REFUND OF PERMIT #71277	310687	1/21/14	1,179.49
TYWON MCKAY JACKSON	LIABILITY CLAIM COSTS	310688	1/21/14	650.00
VALENZUELA, A	REIMBURSEMENT - RECERTIFICATION FEES	310689	1/21/14	217.00
VALLEY INDUSTRIAL SPECIALTIES	ROYAL WATER CLOSET FLUSHOMETER	310690	1/21/14	1,602.48
VISTA PAINT	MOP 68834 MISC SUPPLIES - NSD	310691	1/21/14	1,411.59
WILLY'S ELECTRONIC SUPPLY	MOP 45763 MISC SUPPLIES - MIS	310692	1/21/14	137.76
Z A P MANUFACTURING INC	REMOVE & REFACE STREET SIGN	310693	1/21/14	2,286.22
ZOLL MEDICAL CORP	LIFEBAND 3 PACK	310694	1/21/14	3,494.81

A/P Total 609,787.14

	<u>Start Date</u>	<u>End Date</u>	
SECTION 8 HAPS PAYMENTS	1/15/2014	1/21/2014	2,858.59

PAYROLL

<u>Pay period</u>	<u>Start Date</u>	<u>End Date</u>	<u>Check Date</u>	
2	12/24/2013	1/6/2014	1/15/2014	804,209.44

GRAND TOTAL

\$ 1,416,855.17

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 18th OF FEBRUARY, 2014.

AYES _____

NAYS _____

ABSENT _____

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

MEETING DATE: February 18, 2014

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing of the City Council of the City of National City to consider establishment of Residential Permit Parking District "K" on both sides of E. 26th Street between "B" Avenue and "D" Avenue, and on the east side of the 2500 block of "B" Avenue, pursuant to City Council Policy 710 "Residential Permit Parking Program" (TSC 2013-25)

PREPARED BY: Kenneth Fernandez, P.E.

DEPARTMENT: Engineering and Public Works

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:

Hold hearing to consider establishment of Residential Permit Parking District "K"

BOARD / COMMISSION RECOMMENDATION:

At their meeting on December 11, 2013, the Traffic Safety Committee unanimously approved the staff recommendation to establish Residential Permit Parking District "K".

ATTACHMENTS:

1. Explanation
2. Staff Report to the Traffic Safety Committee on December 11, 2013 (TSC 2013-25)
3. Affidavit of Posting "Notice of Public Hearing"
4. Exhibits – Proposed and Existing Residential Permit Parking Districts
5. Table – Time of Day Restrictions for Residential Permit Parking Districts

EXPLANATION

The purpose of the public hearing is to consider establishment of Residential Permit Parking District "K." The process for establishing a Residential Permit Parking District is governed by City Council Policy No. 710, "Residential Permit Parking Program." In determining whether a residential area identified as eligible for residential permit parking may be designated as a Residential Permit Parking District, City Council shall take into account factors which include but are not limited to the following:

- 1) The extent of the desire and need for the residents to have residential permit parking;
- 2) The extent to which legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking restriction;
- 3) The extent to which vehicles parking in the area during the period proposed for parking restriction are commuter vehicles rather than resident vehicles – for the purpose of the parking survey and analysis, "resident" vehicles were considered as those registered to owners residing "within" the proposed Residential Permit Parking District boundaries and "commuter" vehicles were considered as those registered to owners residing "outside" of the proposed District boundaries;
- 4) The extent to which motor vehicles registered to persons residing within the proposed Residential Permit Parking District boundaries cannot be accommodated by the number of available off-street parking spaces.

Background

Ms. Maria Erickson and Ms. Alma Fernandez, residents of 2535 and 2525 "B" Avenue, respectively, have requested the establishment of a Residential Permit Parking District on both sides of E. 26th Street between "B" Avenue and "D" Avenue, and on the east side of the 2500 block of "B" Avenue, to address lack of available on-street public parking. Currently, there are nine active Residential Permit Parking Districts: "A", "C", "D", "E", "F", "G", "H", "I", and "J" (District "B" was subsequently removed by City Council action at the request of area residents.) This report addresses establishment of a new Residential Permit Parking District "K" as illustrated in the attached exhibit. The proposed District excludes the street frontage of all commercial properties, apartment complexes and condominiums.

As previously stated, the process for establishing a Residential Permit Parking District is governed by City Council Policy No. 710, "Residential Permit Parking Program." The first step in the process is for interested residents to initiate and distribute a petition in support of the District. The petition shall clearly state the boundaries of the proposed District. According to the Policy, at least 60% percent of homeowners within the proposed boundaries of the District are required to sign the petition in order for staff to perform a formal evaluation. Ms. Erickson and Ms. Fernandez distributed a petition to their neighbors and returned the signed petition to the Engineering Department for review. Staff confirmed that approximately 80% of the homeowners residing within the proposed District boundaries signed the petition.

Analysis and Recommendations

Consistent with Policy No. 710, Engineering staff coordinated with Neighborhood Services to have Parking Regulations Officers conduct a series of license plate surveys on vehicles parked curbside within the proposed District boundaries over a four-week period. Days of week and times of day were staggered to achieve an equitable sample. The purpose of the survey is to verify parking demand and determine the percentage of vehicles registered to owners residing within the proposed District versus those residing outside of the District. The National City Police Department processed the license plate numbers from the surveys to obtain the property addresses associated with the registered vehicle owners and emailed the results to Engineering.

Per Policy No. 710, in order to consider establishment of a new Residential Permit Parking District, at least 70% of the available curbside parking spaces within the proposed District must be occupied by commuter vehicles (as previously defined by staff for the purpose of the survey and analysis.) The survey results and analysis indicate that approximately 81% of the vehicles surveyed were registered to owners that reside outside of the District. It shall be noted that approximately 34% of the vehicles surveyed were registered to owners that reside in either the apartments or condominiums located adjacent to the proposed District. Only approximately 19% of the vehicles surveyed were registered to owners that reside within the District boundaries. The results also confirm that parking within the proposed District is in high demand due to the lack of available on-street parking observed during the field surveys.

At their meeting on December 11, 2013, the Traffic Safety Committee unanimously approved the staff recommendation to establish Residential Permit Parking District "K" on both sides of E. 26th Street between "B" Avenue and "D" Avenue, and on the east side of the 2500 block of "B" Avenue, with the understanding that Engineering staff would obtain additional information from residents to establish appropriate time restrictions for the District. Staff mailed letters to homeowners and tenants in proximity to the proposed District inviting them to attend the Traffic Safety Committee Meeting. A handful of residents attended, all in support of the District.

Engineering staff field-verified the time restrictions associated with the nine existing Residential Permit Parking Districts and prepared a summary table (see attached.) Most of the time restrictions are early morning to early evening, Monday through Friday. Only one District is posted for permit holders 24-hours a day, seven days a week.

Staff contacted Ms. Erickson and Ms. Fernandez regarding their preferred time restriction for the District. They suggested a "24/7" parking restriction for non-permit holders. For consistency with the other Districts, staff asked Ms. Erickson and Ms. Fernandez to consider a 12-hour time restriction. Ms. Erickson and Ms. Fernandez met with their neighbors who reached a consensus that posting a time restriction of 10:00am-10:00pm, Monday through Saturday would be most appropriate.

Notice of Public Hearing

On February 5, 2014, Public Hearing Notices were posted at various City Hall bulletin boards and along E. 26th Street and "B" Avenue within the proposed Residential Permit Parking District "K" boundaries. On February 7 and 14, 2014, the Public Hearing Notice was advertised in the San Diego Union-Tribune. The Public Hearing Notice was also mailed to homeowners and

tenants in proximity to the proposed District. An affidavit was signed by the City Clerk and Engineering staff at least 10 days prior to the February 18, 2014 meeting (see attached.)

Issuance of Permits and Restrictions

Residents living within the boundaries of a Residential Permit Parking District may purchase an annual parking permit for \$35, which is valid for one year effective February 1st through January 31st. The option to “prorate” is unavailable at this time given the current fee structure. Applicants are required to provide proof of residency and valid vehicle registration in order to be eligible for a permit. After verification and proof of payment, staff will issue a placard, which must be clearly displayed in the vehicle. Up to two annual permits may be purchased per household. In addition, annual permit holders may apply for up to two temporary visitor permits per household at no cost. The temporary permits are valid for up to 14 days.

Only permit holders with valid Residential Permit Parking District placards and/or those with valid disabled persons placards may park within the District during the posted time restrictions. Per the California Vehicle Code and City ordinance, vehicles (with or without placards) may not be parked at the same location on any public street for more than 72 consecutive hours.

**NATIONAL CITY TRAFFIC SAFETY COMMITTEE
AGENDA REPORT FOR DECEMBER 11, 2013**

ITEM NO. 2013-25

ITEM TITLE: **REQUEST TO ESTABLISH RESIDENTIAL PARKING DISTRICT "K" ON BOTH SIDES OF E. 26TH STREET BETWEEN "B" AVENUE AND "D" AVENUE, AND ON THE EAST SIDE OF "B" AVENUE NORTH OF E. 26TH STREET (BY M. ERICKSON/A. FERNANDEZ)**

PREPARED BY: Kenneth Fernandez, P.E., Acting Assistant Civil Engineer,
Engineering and Public Works Department, Engineering Division

DISCUSSION:

Ms. Maria Erickson and Ms. Alma Fernandez, residents of 2535 and 2525 "B" Avenue, respectively, have requested the establishment of a residential parking district in their surrounding neighborhood on both sides of E. 26th Street between "B" Avenue and "D" Avenue, and on the east side of "B" Avenue north of E. 26th Street to address on-street public parking. According to both Ms. Erickson and Ms. Fernandez, the number of vehicles regularly parked on the street often times nearly occupies a majority of available public parking regardless of the time or day of the week. There is a similar parking condition immediately to the west at "A" Avenue where Parking District "I" is in operation. Currently, there are nine active residential parking districts: "A", "C", "D", "E", "F", "G", "H", "I", and "J". This report addresses a proposed tenth Residential Parking District "K".

Two citizen-initiated petitions were created and distributed around the neighborhood. Both petitions clearly stated the action being requested and specific location of said action. It was then submitted to Engineering staff for review. The neighborhood is composed of commercial, single-family, multiple-family, apartment complex, and condominium residences. This proposed parking district excludes the frontage of the commercial, apartment complex, and condominium residences. Engineering staff analyzed the petitions in accordance with the Residential Permit Parking Program - Policy Number 710.

First, at least 60% percent of homeowners within the proposed boundaries of the residential parking permit district are required to sign the petition in order to move forward with the process. *This condition was met.*

Second, Engineering requested that the City's Neighborhood Services Division, Parking Enforcement Section provide data throughout a four-week window and record the license plates of vehicles parked in the proposed district. Data was collected in the early morning and again in the late afternoon/early evening except on Sundays. *This task was completed.*

Next, Engineering analyzed the data and compared it with DMV vehicle registration information (a.k.a. 10-28 Forms) provided by the City's Police Department. Staff then differentiated parked vehicles registered to residents within the proposed parking districts to those parked vehicles not registered within or associated to a commercial, apartment complex, and condominium residences adjacent to the proposed parking district. As such, it was determined that approximately 80 % of the vehicles parked did not belong to the proposed residential parking district.

If a residential parking district is established, those residents within the district are able to purchase an annual parking placard for \$35 year-round. Each permit is valid effective February 1st and expires on January 31st of the following year. Qualified residents are allowed to purchase up to two placard (or up to four placards if the residence is located on a corner lot). Currently, there is no proration of the district parking permit fee if purchased after February 1st. Those residents with a valid parking or disabled placard shall be allowed to park in the same location within the district for up to 72 continuous hours. Vehicles without a properly displayed permit or with a permit but at a different parking district than that assigned to them may be cited and/or towed.

STAFF RECOMMENDATION:

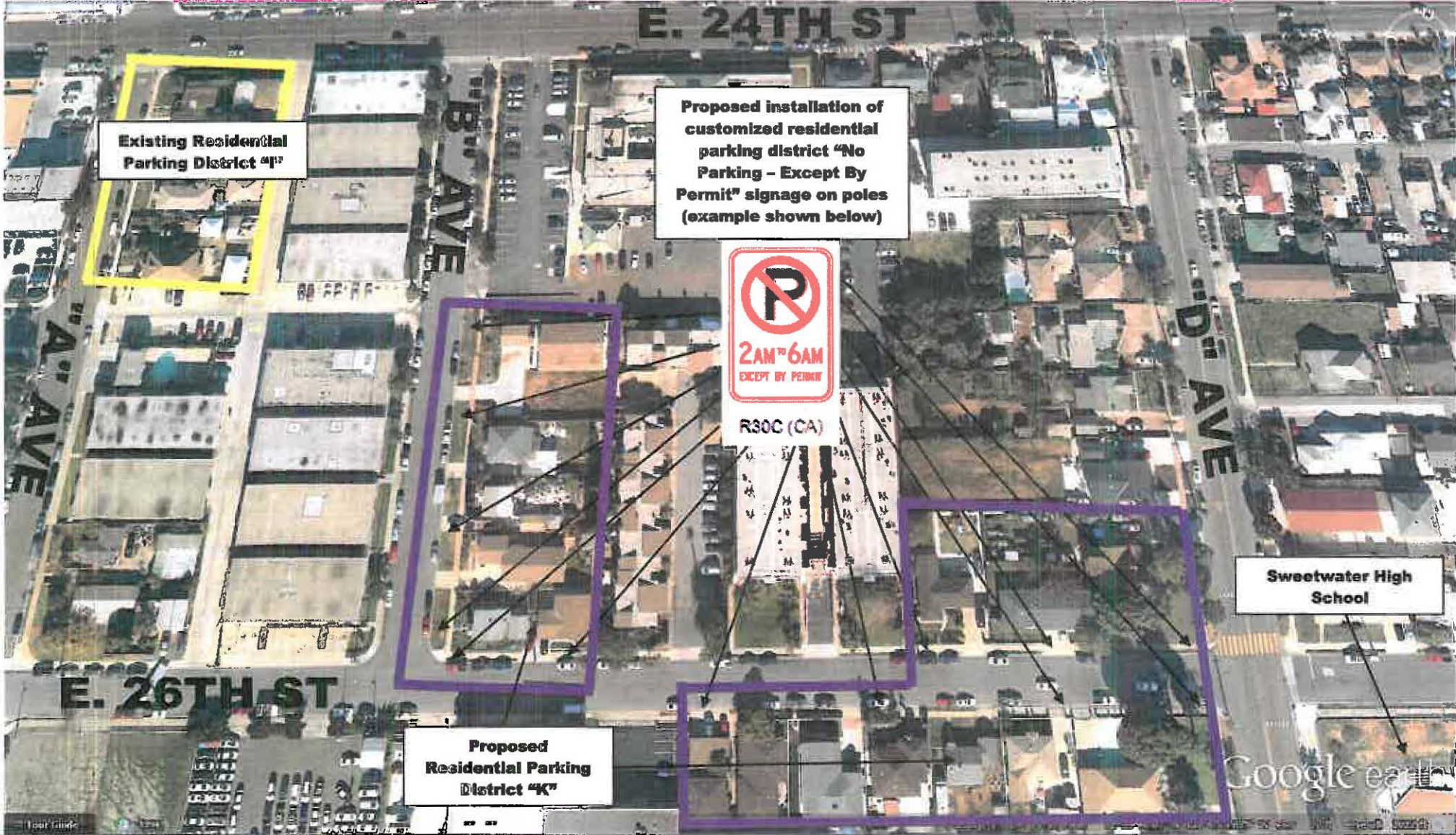
Given the data collected, analyzed, and evaluated per Policy Number 710, Staff recommends the following enhancements in establishing Residential Parking District "K" on both sides of E. 26th Street between "B" Avenue and "D" Avenue, and on the east side of "B" Avenue north of E. 26th Street for the purpose of addressing on-street public parking:

1. Order and Install "No Parking except vehicles displaying District "K" or disabled parking placard" signage with "Start" and "End" indicators on poles with time-, day, and parking district-restricted verbiage on the public right-of-way.

EXHIBITS:

1. Location Map
2. Photos
3. Current Residential Permit Parking Map with proposed Parking District "K"
4. Residential Permit Parking Program - Policy Number 710

Location Map with Recommended Enhancements (TSC Item: 2013-25)





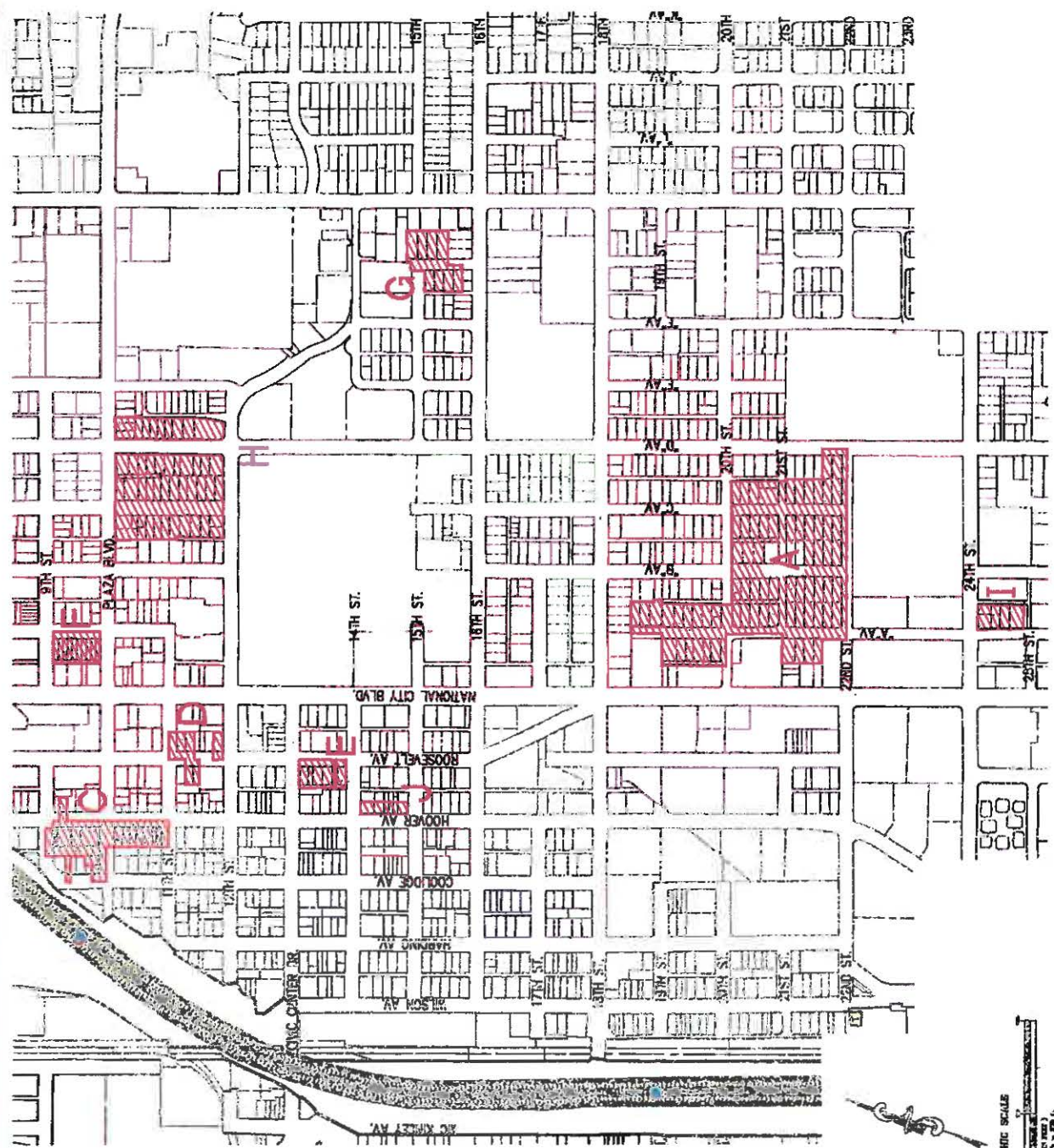
Eastside of "B" Avenue looking northeast from E. 26th Street



E. 26th Street looking west from 300 block of E. 26th Street



E. 26th Street looking east from 300 block of E. 26th Street



LEGEND



EXISTING RESIDENTIAL PERMIT PARKING DISTRICT



INTERSTATE / STATE HIGHWAY

NOTE:

PARKING DISTRICT "B" WAS REMOVED BY CITY COUNCIL ACTION



COMPREHENSIVE TRANSPORTATION ACTION PLAN

EXISTING RESIDENTIAL PERMIT PARKING DISTRICTS



CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

POLICY
NUMBER: 710

ADOPTED: August 23, 1994

AMENDED OR
REVISED:

Page 1 of 9

Purpose

The purpose of this policy statement is to regulate a Residential Permit Parking Program heretofore established by the City Council.

A petition for a Residential Permit Parking Area shall be directed to the Traffic Safety Committee. Before further processing of a request for a Residential Parking Permit District the petition shall be signed by 60% of the owners within the proposed boundaries of the Residential Parking Permit District.

The Traffic Safety Committee shall direct the City Engineer to proceed with the processing of this program in conformance with the following stated procedures.

SECTION 1. Definitions

(a) "Residential Area" shall mean a contiguous area consisting of primarily residential uses containing public streets or parts thereof;

(b) "Residential Permit Parking Area" shall mean the adjacent public street frontage to a residential area designated as herein provided wherein resident motor vehicles displaying a valid permit as described herein shall be exempt from parking restrictions established pursuant to this policy statement;

(c) "Resident Vehicle" shall mean a motor vehicle parked in a residential area in which it is registered with the State of California Department of Motor Vehicles or a similar registering entity;

(d) "Commuter Vehicle" shall mean a motor vehicle, other than one described in subparagraph (e) herein, parked in a residential area in which it is not registered with the State of California Department of Motor Vehicles;

(e) "Transient Vehicle" shall mean a motor vehicle which has been issued a temporary residential parking permit pursuant to this policy statement;

(f) "Motor Vehicle" shall include an automobile, truck, recreation vehicle, motorcycle or other motor-driven or self-propelled form of transportation.

CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

POLICY
NUMBER: 710

ADOPTED: August 23, 1994

AMENDED OR
REVISED:

Page 2 of 9

(g) "Owns" shall mean that a person has at least one-quarter interest in a parcel of real property within a residential permit parking area.

(h) "Lease" shall mean that a person pays rent or other remuneration for use of a parcel of real property as his residence or place of business.

(i) "Person" shall mean natural person, joint venture, Joint Stock Company, partnership association, club, company, corporation, business trust, organization, or the agent, employee, lessee, manager, officer or servant of any of them.

(j) "City Engineer" shall mean the City Engineer of the City of National City or his designee.

(k) "Clerk" shall mean the person or officer who is or acts as clerk of the City Council of the City of National City.

l) "Code" shall mean National City Municipal Code.

SECTION 2. Designation of Residential Permit Parking Areas

(a) The City Council shall, upon the recommendation of the Traffic Safety Committee and subsequent to a public hearing consider for designation as residential permit parking areas those residential areas meeting and satisfying the objective criteria therefore established in this policy statement.

(b) The City Council shall then designate by resolution certain residential areas as residential permit parking areas in which motor vehicles displaying a valid parking permit may stand or be parked without limitations by parking time or parking area restrictions established by this policy statement. Said resolution shall also state the applicable parking regulation and period of the day for its application, and the fee to be charged upon permit issuance.

CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

POLICY
NUMBER: 710

ADOPTED: August 23, 1994

AMENDED OR
REVISED:

Page 3 of 9

SECTION 3. Designation Criteria

(a) A residential area shall be deemed eligible for consideration as a residential permit parking area if, based on studies prepared at the direction of the City Engineer, objective criteria establish that the residential area is impacted by commuter vehicles for any extended period during the day or night, or weekends, or during holidays.

(b) In determining whether a residential area identified as eligible for residential permit parking may be designated as a residential permit parking area, the City Council shall take into account factors which include but are not limited to the following:

(1) The extent of the desire and need for the residents for residential permit parking;

(2) The extent to which legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking restriction;

(3) The extent to which vehicles parking in the area during the period proposed for parking restriction are commuter vehicles rather than resident vehicles;

(4) The extent to which motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of available off-street parking spaces.

(c) The following are set forth as minimum criteria in determining whether to proceed with a recommendation for approval of a Residential Permit Parking District:

(1) The Residential Parking Permit District shall consist of at least one side of a street section between two consecutive intersecting streets.

(2) At least 70 percent of the available curbside parking spaces are occupied by commuter vehicles during the time the parking study is being conducted.

CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

POLICY
NUMBER: 710

ADOPTED: August 23, 1994

AMENDED OR
REVISED:

Page 4 of 9

SECTION 4. Designation Process

(a) When directed to do so by the Traffic Safety Committee, the City Engineer shall cause to have such surveys and studies as are deemed necessary to determine whether a residential area is eligible for residential permit parking.

(b) Upon the completion of the surveys or studies, the City Engineer shall provide a written report to the Traffic Safety Committee on the subject of:

- (1) Eligibility of the residential area under consideration for residential permit parking;
- (2) Tentative boundaries for the proposed residential permit parking area; and
- (3) Appropriate area prohibition or time limitation on parking and the period of the day for its application.

(c) The Traffic Safety Committee shall review the report and its findings and subsequently make a recommendation to the City Council to approve or deny the proposed Residential Parking Permit District. The City Council at the next possible Council meeting following the Traffic Safety Committee meeting may set a date for a public hearing on the establishment of the proposed Residential Permit Parking District.

(d) The Clerk shall cause notice of such hearing to be published twice in a local newspaper of general circulation in the city. The first publication shall be not less than ten days prior to the date of such hearing.

(e) The City Engineer shall cause notice of such hearing to be posted conspicuously, at not more than one hundred foot intervals and at all street intersections, in the proposed residential permit parking area.

(f) The notice shall clearly state the purpose of the hearing; the location and date and time of the hearing; the tentative boundaries of the proposed residential permit parking area; and that any interested person shall be entitled to appear and be heard.

CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

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SECTION 5. Public Hearing

(a) At the public hearing, the City Council may review the written reports, surveys and studies, take public testimony and determine whether the proposed Residential Permit Parking District is justified and desired by the residents within the boundaries of the district and the immediate neighborhood. The City Council may then designate by resolution the new Residential Permit Parking District and direct the City Engineer to cause the appropriate signing of the District per Section 7.

SECTION 6. Issuance of Permits

(a) The City Engineer is hereby authorized and directed to issue, upon proper written application therefore, a parking permit. Each such permit shall list the license number of the motor vehicle for which it is issued, and the date when it was issued. No more than one parking permit shall be issued to each motor vehicle for which application is made. The City Engineer is authorized to issue such rules and regulations, not inconsistent with this policy statement, governing the manner in which persons shall qualify for parking permits;

(b) Parking permits may be issued for motor vehicles only upon application of the following persons;

(1) A legal resident of the residential permit parking area who has a motor vehicle registered in his/her name, or who has a motor vehicle for his/her exclusive use and under his/her control;

(2) A person who owns or leases commercial property and actively engages in business activity within a residential permit parking area. However, no more than one parking permit may be issued for each business establishment for a motor vehicle registered to or under the control of such a person.

(c) Proof of residency shall be demonstrated by providing rent or utility receipts or other such documents that verifies residency to the satisfaction of the City Engineer.

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TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

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(d) Proof of motor vehicle ownership or vehicle use and control shall be demonstrated by providing a valid vehicle registration card and a valid drivers license.

(e) Temporary residential parking permits may be issued for vehicles which are:

(1) Owned, rented or under the operational control of any person who owns or leases property in the residential permit area, or (2) used in providing services to persons or property in the residential permit area. Temporary residential parking permits may also be issued to vehicles owned by temporary visitors who are residing in the residential permit parking area. Such temporary residential parking permits shall have all of the rights and privileges of a regular permit. A temporary parking permit shall be valid for no more than fourteen days from the date of issuance. No resident of a residential permit parking area shall be issued more than two temporary parking permits at one time. A temporary residential parking permit issued to a vehicle providing services or to vehicles owned by temporary visitors shall be considered to be a temporary permit issued to the resident of the property where the services are provided or the temporary visitors are residing.

(f) Long-term visitor parking permits may be issued to residents of a permit district who require regular service or care over a long period of time. The resident must establish the need for a long-term permit by indicating a disability or a hardship situation that requires regular at-home care or some other assistance for a period of more than two weeks. A resident shall be limited to one such long-term visitor permit which may be transferable to the vehicles of multiple care or service providers. Each care or service provider shall register their vehicle(s) with the Engineering Department. The long-term permit shall be valid for one year after the date of issuance. Long-term visitor parking permits issued per this paragraph shall be counted against the permit limits of paragraph (g).

(g) The number of permits issued to any one address in a residential area shall be limited to the number of curbside spaces along the property frontage or two, whichever is greater. Non-single family residential addresses shall be limited to two permits. The determination of the number of spaces along the property frontage shall be made by the City Engineer.

CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

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SECTION 7. Posting of Residential Permit Parking Area

Upon adoption by the City Council of a resolution designating a residential permit parking area, the City Engineer pursuant to Title II of the Code shall cause appropriate signs to be erected in the area indicating, prominently, thereon the area prohibition or time limitation, period of the day for its application, and conditions under which permit parking shall be exempt therefrom.

SECTION 8. Display of Permits

Permits shall be displayed in a manner determined by the Chief of Police.

SECTION 9. Permit Parking Exemptions

A resident motor vehicle or transient motor vehicle on which is displayed a valid parking permit as provided for herein shall be permitted to stand or be parked in a residential permit parking area without being limited by time restrictions or area prohibitions established pursuant to this policy. Said resident motor vehicle or transient motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to an authority other than this policy. All other motor vehicles other than vehicles specified in Title II of the Code and vehicles where the operator or the passenger being transported by said vehicle displays a license issued under the provisions of Section 22511.5 of the California Vehicle Code, parked within a residential permit parking area shall be subject to the time restrictions or area prohibitions adopted as provided in this policy, as well as the penalties provided for herein.

A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

SECTION 10. Application for and Duration of Permit

Each parking permit issued by the City Engineer shall be valid for not more than one year from the date of issuance. Permits shall expire on the last day of the anniversary month of the formation of the area in such manner as may be required by the City Engineer. Each application or reapplication for a parking permit shall contain information sufficient to identify the applicant, his residence address or address of real property owned or

CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

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leased within a residential permit parking area, and the license number of the motor vehicle for which application is made, and such other information that may be deemed relevant by the City Engineer.

SECTION 11. Permit Fees

- (a) The annual renewal fee for a residential parking permit shall be \$10.00 and shall be revised by resolution at such time when user fees in general are updated.
- (b) The fee for a temporary residential parking permit shall be two dollars (\$2.00).

SECTION 12. Penalty Provisions

- (a) It shall be unlawful and a violation of this policy unless expressly provided to the contrary herein, for any person to stand or park a motor vehicle for a period exceeding the time limitation or in violation of the area prohibition established pursuant hereto. Said violation shall be an infraction punishable in accordance with the provisions of Title II of the Code.
- (b) It shall be unlawful and a violation of this policy for a person to falsely represent himself as eligible for a parking permit or to furnish false information in an application therefore;
- (c) It shall be unlawful and a violation of this policy for a person holding a valid parking permit issued pursuant hereto to permit the use or display of such permit on a motor vehicle other than that for which the permit is used. Such conduct shall constitute an unlawful act and violation of this policy both by the person holding the valid parking permit and the person who uses or displays the permit on a motor vehicle other than that for which it is issued;
- (d) It shall be unlawful and a violation of this policy for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit or permits without written authorization from the City Engineer or designate. It shall further be unlawful and a violation of this policy for a person to knowingly use or

CITY COUNCIL POLICY

TITLE: RESIDENTIAL PERMIT PARKING PROGRAM

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display a facsimile or counterfeit parking permit in order to evade area prohibitions or time limitations on parking applicable in a residential permit parking area. A violation of this subsection shall be a misdemeanor punishable in accordance with the provisions of Section 11.12 of the Code.

SECTION 13. Revocation of Permit

The City Engineer or designate is authorized to revoke the residential parking permit of any person found to be in violation of this policy and, upon written notification thereof, the person shall surrender such permit to the City Engineer. Failure when so requested to surrender a residential parking permit so revoked shall constitute a violation of law and of this policy.

SECTION 14. Severability

The provisions of this policy are severable and if any provisions, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of the policy or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this policy would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, section, word or part had not been included therein, or if such person or circumstance to which the policy or part thereof is held inapplicable had been specifically exempted therefrom.

SECTION 15. Sunset Provision and Removal of Designation.

(a) Each residential permit parking area may be re-evaluated for eligibility 2 years after the date of designation and every 2 years thereafter. The City Engineer shall apply the same criteria as provided in Section 3 to determine if the area is still eligible for the designation.

(b) The designation process set forth in this policy statement shall be utilized by the City Engineer and the City Council in determining whether to remove a designation as a residential permit parking area from a particular residential area or portion thereof.

AFFIDAVIT OF POSTING
NOTICE OF PUBLIC HEARING

STATE OF CALIFORNIA)
)
County of San Diego)

KENNETH FERNANDEZ, being first duly sworn, certifies:


THAT he is now and has been the ACTING ASSISTANT CIVIL ENGINEER of the CITY OF NATIONAL CITY:

THAT the City Council of National City will hold a Public Hearing on February 18, 2014, to consider **ESTABLISHING RESIDENTIAL PARKING DISTRICT "K" ON BOTH SIDES OF E. 26TH STREET BETWEEN "B" AVENUE AND "D" AVENUE, AND ON THE EAST SIDE OF THE 2500 BLOCK OF "B" AVENUE, PURSUANT TO CITY COUNCIL POLICY 710 ENTITLED RESIDENTIAL PERMIT PARKING PROGRAM.**

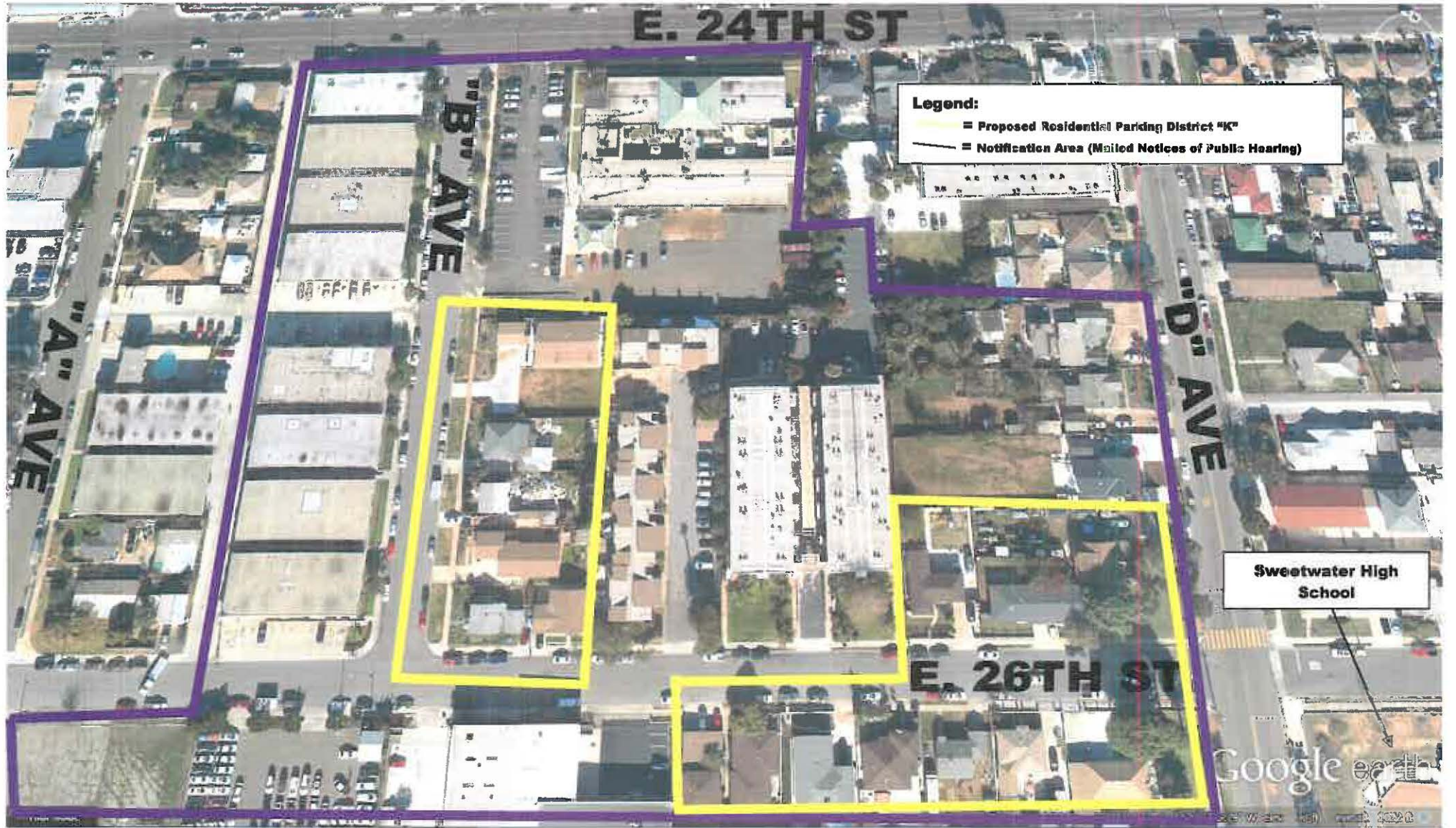
THAT he caused the notices of said Public Hearing to be posted at intervals of no more than 100 feet as prescribed by law, on the 5th day of February 2014 and thereafter, he made this affidavit and filed it with the City Clerk of the City of National City.

Dated at National City, California this 5th day of February, 2014.


Kenneth Fernandez
Acting Assistant Civil Engineer

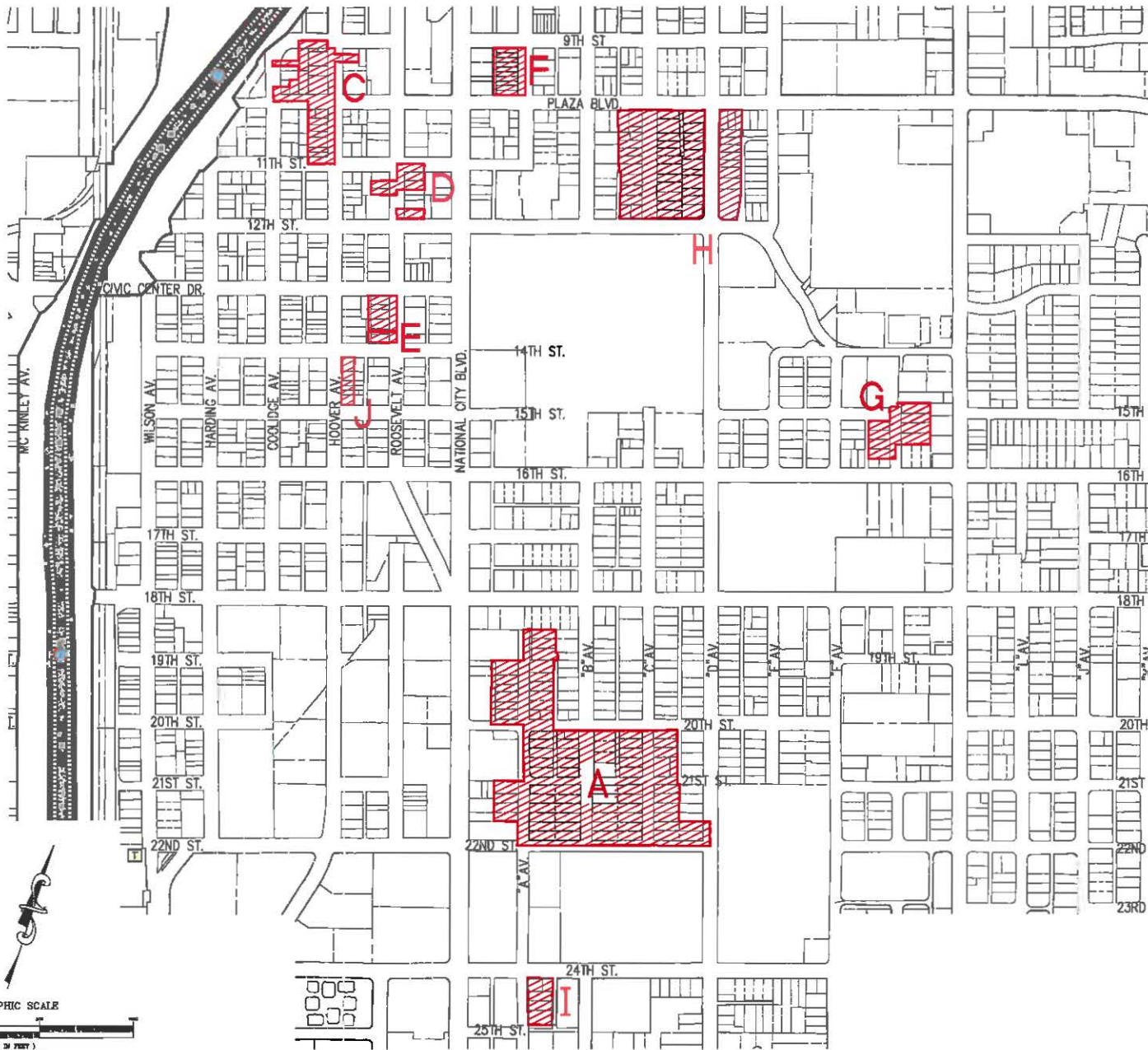

Michael R. Dalla, CMC
City Clerk

Notification Area for Proposed Residential Permit Parking District "K"



Proposed Residential Permit Parking District "K"






LEGEND

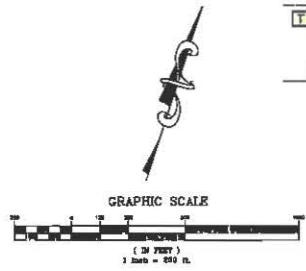
-  EXISTING RESIDENTIAL PERMIT PARKING DISTRICT
-  INTERSTATE / STATE HIGHWAY

NOTE:
 PARKING DISTRICT "B" WAS REMOVED BY CITY COUNCIL ACTION



**COMPREHENSIVE
 TRANSPORTATION
 ACTION PLAN**

**EXISTING RESIDENTIAL
 PERMIT PARKING DISTRICTS**



Existing Residential Permit Parking Districts - Time of Day Parking Restrictions

Parking District	General Location	Time of Day Parking Restrictions	Notes
A	E 20th St & B Ave	8AM-7PM, Daily	
B			Removed by City Council Action
C	W Plaza Blvd & Hoover Ave	7AM-7PM, Mon-Fri	
D	W 11th St & Roosevelt Ave	7AM-7PM, Mon-Fri	
E	W 14th St and Roosevelt Ave	7AM-7PM, Mon-Fri	
F	E 9th St & A Ave	6PM-6AM, Mon-Fri, All day Sat & Sun	
G	E 16th St & G Ave	7AM-7PM, Mon-Sun	
H	E Plaza Blvd & C Ave	7AM-7PM, Mon-Fri	
I	E 24th St & A Ave	7AM-7PM, Mon-Fri	
J	W 14th St & Hoover Ave	24/7	
K	E 26th St & B Ave	10AM-10PM, Mon-Sat	Proposed District

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

MEETING DATE: February 18, 2014

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the reinvestment of \$2 million in a CDARS account with Neighborhood National Bank for a one-year term.

PREPARED BY: Mark Roberts, Director of Finance

DEPARTMENT: Finance

PHONE: 619-336-4265

APPROVED BY: 

EXPLANATION:

The City of National City deposited \$2 million in a Certificate of Deposit Account Registry Service ("CDARS") account with Neighborhood National Bank in September 2007. This investment has matured and has been renewed every 12 months since. The current investment matures March 6, 2014.

A decision regarding reinvestment of these funds must be made prior to the maturity date.

As of February 4, 2014, the 12-month rate at which the City of National City can reinvest in a CDARS account through Neighborhood National Bank is .70%. (This rate is subject to change prior to February 18, 2014. Staff will provide the most current rate at that time.)

By comparison, the current or most recent rates of return of the City's other investments are:

- San Diego County Pooled Money Fund – .419%;
- Local Agency Investment Fund ("LAIF") – .244%; and
- Chandler Asset Management – .37%.

FINANCIAL STATEMENT:

See attached.

APPROVED:  Finance

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Reinvest \$2 million in a CDARS account with Neighborhood National Bank for a one year term.

BOARD / COMMISSION RECOMMENDATION:

NA

ATTACHMENTS:

1. Resolution
2. Lending impact report

Neighborhood National Bank
Lending Impacted by CDARS Program in The City of National City
From 06/01/03 to 12/31/13

Since National City's CDARS Deposit

National City deposited \$2 million in a CDARS account with Neighborhood National Bank on September 13, 2007, and subsequently deposited an additional \$1 million. The \$3 million CDARS funds from National City go into a pool of funds that the Bank then has available to lend to business and individual borrowers. In National City the Bank has been able to grant 24 loans; commercial, commercial real estate, and consumer loans, since the City's CDARS deposit with the Bank. The loans have been granted to 23 entities for a total of \$8,457,738. The Bank has assisted these businesses to grow by lending more than double the amount of the total \$3 million deposit. Or, in other words, National City's investment return is well over 100%.

The 15 business loans totaled \$4,453,606 to 10 companies: one automobile parts/accessory stores, one car wash, five supermarkets, one property Management Company, a machine shop/engraver and a local contractor. Using an average of 11 employees per business, based on SBA loan applications, an estimated 88 jobs were created/retained by 8 of these businesses.

The 7 commercial real estate loans totaled \$3,994,331.80 for three retail projects covering 7 retail units, one warehouse and three loans to purchase or refinance 24 housing units.

Two consumer loans totaling \$9,800 were for personal, family, or household purposes.

The total loans made since National City's CDARS deposits were received at the Bank have been made in 9 of the 15 census tracts comprising the City. The amount of lending in each tract follows:

Census Tract	Dollar Amount of Loans Made
114.00	\$1,961,000
115.00	\$12,900
116.02	\$436,000
117.00	\$4,160,446
118.02	\$8,800
119.02	\$343,500
120.01	\$594,260
121.02	\$325,750
122.00	\$615,082

Each census tract represents an area of the City.

Since CDARS Program Began at the Bank

Since the CDARS program began at the Bank in June 2003 to December, 2013, the Bank has granted 46 loans (business, commercial real estate, construction, and consumer loans) to 34 entities in National City for a total of \$17,574,938.

Commercial loans to small businesses, which are defined as those businesses having annual revenues (sales) equal to \$1 million or less. 28 business loans totaling \$5,835,738 were made to:

- ◆ 15 small businesses (17 loans)
- ◆ 7 larger sized businesses (11 loans).

Using an average of 11 employees per business, based on SBA loan applications, an estimated 275 jobs were created/retained by 25 of these businesses.

Two construction loans in the amount of \$5,126,500 created 30 dwelling units.

Commercial Real Estate loans totaling \$6,569,250 covered 1 office building, 1 industrial building, 1 warehouse, 7 retail units, 20 apartment units, 4 single family units, and 1 church.

Three consumer loans totaling \$43,450 were made for personal, family, or household purposes.

Further, these loans are fairly disbursed throughout National City. The loans are made in 13 out of the 15 census tracts comprising the city. The amount of lending in each tract follows:

Census Tract	Dollar Amount of Loans Made
114.00	\$2,247,000
115.00	\$1,265,900
116.01	\$25,000
116.02	\$672,450
117.00	\$9,386,946
118.01	\$367,500
118.02	\$58,800
119.02	\$343,500
120.01	\$909,810
120.03	\$232,000
121.01	\$372,700
121.02	\$325,750
122.00	\$1,367,582

Reflecting the current economy and tighter regulatory environment, Neighborhood National Bank made fewer loans in the past three years, than in previous years. However, there are signs that the economy and the Bank have “turned the corner” in order to be able to assist the City of National City’s businesses and individuals. A small bank, Neighborhood National Bank’s goal has always been to help make a big difference in the communities it serves. There is no question that the City of National City’s CDARS deposits have assisted Neighborhood National Bank in its efforts to accomplish this goal.

Neighborhood National Bank currently has approved 2 apartment building loans totaling \$1,980,000, anticipated to close first quarter, 2014.

RESOLUTION NO. 2014 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE REINVESTMENT OF \$2 MILLION IN A CERTIFICATE
OF DEPOSIT ACCOUNT REGISTRY SERVICE ACCOUNT WITH
NEIGHBORHOOD NATIONAL BANK FOR A ONE-YEAR TERM

WHEREAS, in September, 2007, the City of National City deposited \$2 Million in a Certificate of Deposit Account Registry Service (“CDARS”) account with Neighborhood National Bank; and

WHEREAS, this investment has matured and must be reinvested prior to the maturity date.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the reinvestment of \$2 Million in a Certificate of Deposit Account Registry Service (“CDARS”) account with Neighborhood National Bank.

PASSED and ADOPTED this 18th day of February, 2014.

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: February 18, 2014

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the Mayor to sign an Agreement between and among the County of San Diego and participating cities and jurisdictions regarding the Next Generation Regional Communications System providing communication services to Public Safety and Public Service Agencies operating in San Diego County and Imperial County with an anticipated cost of \$1.75 million and on-going maintenance costs payable by March 31, 2016. (Fire)

PREPARED BY: Walter Amedee

DEPARTMENT: Fire

PHONE: 619-336-4556

APPROVED BY: 

EXPLANATION:

The County's Regional Communications System has helped sustain communications among the region's public safety and public service partners for emergency and disaster response communications. The Next Generation Regional Communications System (NextGen RCS) Agreement was approved by the San Diego County Board of Supervisors on December 3, 2013. This Agreement defines the terms and conditions of participation in the NextGen RCS and provides incentives promoting early commitment to participation.

Early commitment to participation is crucial to establishing system requirements necessary to the contracting process and to giving all parties an estimate of the cost of participation. To that end, a 15% late signing financial penalty is included in the Agreement for agencies that approve and sign this agreement after March 31, 2014. For agencies that approve and sign the Agreement after July 31, 2014, the late signing financial penalty is increased to 25%. The NextGen RCS Agreement will not immediately replace the 1995 RCS Agreement or existing customer agreements will remain in effect until March 31, 2016.

The NextGen RCS Agreement states that a financing mechanism will be made available by the County, but details are not available. National City's estimated costs to join the NextGen RCS Agreement is \$1,750,444 and on-going maintenance costs payable by March 31, 2016. Staff recommends authorizing the Mayor to sign the NextGen RCS Agreement.

FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

APPROVED: _____ MIS

The NextGen RCS Agreement states that a financing mechanism will be made available by the County, but details are not available. National City's estimated costs to join the NextGen RCS Agreement is \$1,750,444 and on-going maintenance costs payable by March 31, 2016.

ENVIRONMENTAL REVIEW:

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Staff recommends authorizing the Mayor to sign the Next Generation Regional Communications System Agreement.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

1. Next Generation Regional Communications System Agreement
2. Resolution

Agreement
Between and Among the County of San Diego
and
Participating Cities and Jurisdictions
Regarding the Next Generation Regional Communication System
Providing Communication Services to Public Safety and Public Service Agencies
Operating in San Diego County and Imperial County
("NextGen RCS Agreement")

1. THE 1995 RCS AGREEMENT; TRANSITION TO NEXT GENERATION RCS

1.1 The 1995 RCS Agreement. Effective March 7, 1995, the County of San Diego ("County") and certain local governments and agencies entered into an agreement entitled the "San Diego County – Imperial County Regional Communications System Agreement Between the County of San Diego and Participating Cities and Jurisdictions Regarding the Implementation, Governance, Method of Funding and Costs of a Regional Radio System Providing Communication Services to Public Safety and Public Service Agencies Operating in San Diego County and Imperial County" (referred to as the "1995 RCS Agreement," a copy of which is attached as **Exhibit A**. Additional local governments and agencies signed onto the 1995 RCS Agreement, and all original and additional signatories (referred to as "1995 RCS Parties") are listed in **Exhibit B**. The 1995 RCS Agreement provides for the operation of a regional communication system by the County through its Sheriff's Department with the financial contribution of the 1995 RCS Parties. Other agencies and entities ("Customers") are allowed to use the RCS, upon recommendation by the RCS Board of Directors, through contracts with the County wherein a Customer pays fees as approved by the Board of Directors, with the revenues from such contracts flowing to the RCS Operating Account and RCS Trust Fund maintained by the County.

1.2 1995 RCS Governance. The 1995 RCS Agreement establishes a governance structure wherein the County, through the Sheriff's Department Wireless Services Division, operates and maintains the RCS with other County departments providing additional administrative support, and the County Board of Supervisors having ultimate fiscal and operational control over the RCS. The 1995 RCS Agreement establishes an RCS Board of Directors to make recommendations to the Board of Supervisors.

1.3 1995 RCS Fiscal Components. There are three basic fiscal components to RCS Party participation in the 1995 RCS Agreement and use of the RCS: (1) contribution to the construction of the RCS “backbone”, (2) monthly operating charges, and (3) each RCS Party’s own equipment and certain infrastructure costs. 1995 RCS Parties have paid or are paying their contribution to the backbone construction through several fiscal vehicles, including financing provided by the County and County Service Area (CSA) 135, formed pursuant to Government Code section 25210 et. seq. Relevant actions pertaining to CSA 135 include, but may not be limited to the following: In Fiscal Years 1995-1996 and 1996-1997, pursuant to Government Code section 25210.77a (repealed 2009), the County levied parcel charges for CSA 135. On June 2, 1998, voters in three cities approved special taxes without sunset dates to replace the parcel charges as follows: The City of Poway (CSA 135 Zone F) - Proposition J; The City of Del Mar (CSA 135 Zone B) - Proposition F; The City of Solana Beach (CSA 135 Zone H) - Proposition L.

1.4 1995 RCS Agreement Extensions. On May 5, 2009 (Minute Order No. 2) on recommendation of the RCS Board of Directors, the County Board of Supervisors approved the extension of the RCS Agreement to March 31, 2013. On August 7, 2012 (Minute Order No. 1), again on recommendation of the RCS Board of Directors, the County Board of Supervisors approved the extension of the 1995 RCS Agreement to March 31, 2016 in order to allow sufficient time to transition to a new or “next generation” (“NextGen RCS”) replacement regional communication system and to develop a new participating agency agreement governing the new system.

1.5 Next Generation Regional Communication System (“NextGen RCS”). The transition from the existing RCS to the NextGen RCS is to be implemented and facilitated by this NextGen RCS Agreement and will occur over the course of approximately five years as follows: The County intends to issue the Request for Proposals for the NextGen RCS (“NextGen RFP”) near the middle of calendar year 2014, close NextGen RFP responses by end of calendar year 2014, and award the NextGen RCS Contract in mid-2015. It is further anticipated that while performance on the NextGen RCS Contract will begin shortly thereafter, infrastructure and equipment replacement of the RCS by the NextGen RCS will begin in early 2016. It is anticipated that NextGen RCS installation will be completed in late 2018.

1.6 NextGen RCS Agreement; Purpose. The purpose of this NextGen RCS Agreement is to establish a degree of certainty among all Parties to the 1995 RCS Agreement and additional parties as to participation and partnership in the NextGen RCS. Such degree of certainty is necessary because the County, as the contracting and administering entity, must issue the Request For Proposals (“NextGen RCS RFP”) in 2014, and the scope of work, funding and financing discussions require a framework for participation be in place. This NextGen RCS Agreement also provides incentive for 1995 RCS Parties to execute this NextGen RCS

Agreement and become NextGen RCS Parties, indicating their good faith intention to participate, by establishing late joining penalties as set forth in section 3 of this NextGen RCS Agreement.

1.7 Transition from 1995 RCS Agreement. The purposes of this NextGen RCS Agreement include establishing participation in the sharing of NextGen RCS Shared Backbone Infrastructure costs and NextGen RCS governance. Given that the transition from the RCS to the NextGen RCS will occur in stages and over time, the NextGen RCS Parties agree that the 1995 RCS Agreement shall continue to be operative and govern the operation, maintenance, governance and administration of the RCS system until such time as the 1995 RCS Agreement expires in 2016, *except as follows*: This NextGen RCS Agreement will govern with respect to matters pertaining to setting NextGen RCS performance objectives, NextGen RCS implementation planning, and other matters that may relate to the NextGen RCS after transition from the RCS is complete. Upon expiration of the 1995 RCS Agreement, this NextGen RCS Agreement shall govern the RCS as it evolves to the NextGen RCS. Thus, from the execution of this NextGen RCS Agreement to the expiration of the 1995 RCS Agreement, there will be, to the extent required by the foregoing, dual governance structures, including dual boards of directors, which may or may not have members in common.

1.8 NextGen RCS Agreement; Authority. On *December 3, 2013 (Item No. 6)*, the Board of Supervisors authorized the Clerk of the Board to execute this NextGen RCS Agreement on behalf of the County. Each other NextGen RCS Party was authorized to enter into this NextGen RCS Agreement as indicated on their individual signature page.

2. NEXTGEN RCS OVERVIEW

2.1 1995 RCS. The RCS replaced the participating public service and public safety agencies' existing radio communication systems throughout San Diego and Imperial counties with what was at the time a modern, trunked radio system.

2.2 NextGen RCS. The NextGen RCS will replace, modernize and update the RCS and shall provide effective and reliable voice radio communications for routine intra- and inter-agency operations as well as inter-agency communications throughout the region during mutual aid and disaster operations. The NextGen RCS will include the following subsystems: a new trunked voice system, new microwave backhaul network, and a conventional voice system.

2.2.1 Trunked Voice System Description. The Trunked Radio System consists of the radio transmission equipment located at remote radio sites and the centralized system networking and management equipment necessary to provide voice radio services to the participating agencies in the RCS service area.

2.2.2 Microwave Backhaul Network Description. The Microwave Backhaul Network consists of the point-to-point radio and data switching equipment necessary to interconnect the sites where components of the trunked radio system and conventional radio systems (network hub and remote radio sites) are located.

2.2.3 Conventional Voice System Description. The Conventional Voice System consists of non-trunked ("conventional") radio base station equipment installed at remote radio sites to support voice radio communications between users of the RCS trunked radio system and non-RCS user agencies as required in day-to-day, mutual aid and disaster operations. The conventional voice system also provides limited backup voice communications capability in the event of a trunked system failure.

2.3 "Public Safety" and "Public Service" Agencies Defined

2.3.1 Public Safety agencies include all public law enforcement, fire service, EMS and disaster preparedness agencies in San Diego County and Imperial County.

2.3.2 Public Service agencies includes the State of California Department of Transportation (Caltrans) District 11 and other participating public agencies in the counties of San Diego and Imperial whose primary responsibility is providing citizens with services other than law enforcement, fire service, EMS, and disaster preparedness. Public Service agencies may also include Private-Non-Profit agencies operating under an agreement with a public agency.

2.4 Mutual Aid Communications. All law enforcement, fire service, EMS, disaster preparedness and participating public service agencies in San Diego County and Imperial County shall have access to mutual aid communications capabilities.

3. NEXTGEN RCS PARTICIPATION PARAMETERS AND CONTINGENCIES

3.1 Time Is Of The Essence. Due to the aging of the RCS, time is of the essence in the deployment of the NextGen RCS. Due to the anticipated construction time, the County intends to issue the NextGen RFP near the middle of calendar year 2014, close NextGen RFP responses by the end of 2014, and award the NextGen Contract in mid-2015. In order to provide a measure of confidence that there will be a certain level of participation and sharing in the NextGen RCS Shared Infrastructure Cost (See section 11.2), and to provide a minimal degree of certainty to the County of San Diego before it undertakes the extensive task of preparing and issuing a request for proposals or other form of solicitation to potential vendors of the NextGen RCS, the County has asked, and the NextGen RCS Parties have agreed to the participation parameters herein.

3.2 Signing Deadline. 1995 RCS Parties and other local governments and agencies that desire to be NextGen Parties must sign this NextGen RCS Agreement no later than March 31, 2014.

3.3 Late Signers; Penalties. 1995 RCS Parties or other local governments or agencies who have not signed the NextGen RCS Agreement by March 31, 2014 will be allowed to later sign onto the NextGen RCS Agreement and become NextGen RCS Parties during the period April 1, 2014 to July 31, 2014; however, such late-joining NextGen RCS Parties (“late signers”) will pay their NextGen RCS Shared Infrastructure Cost they would have paid had they executed this NextGen RCS Agreement by March 31, 2014, plus a late penalty amounting to 15% of the original participation share. Penalty fees will be handled according to Section 3.5.

3.3.1 1995 RCS Parties or other local governments or agencies who have not signed the NextGen RCS Agreement by July 31, 2014, will be allowed to sign onto the NextGen RCS Agreement and become NextGen RCS Parties until January 1, 2015; however, such late-joining NextGen RCS Parties (also “late signers”) will pay the NextGen RCS Shared Infrastructure Cost they would have paid had they executed this NextGen RCS Agreement by March 31, 2014, plus a late penalty amounting to 25% of the original participation share.

3.4 Final Cut Off. No 1995 RCS Parties or other local governments or agencies will be allowed to sign onto the NextGen RCS Agreement and become NextGen RCS Parties after January 1, 2015.

3.5 Disposition of Penalties Collected. Late penalties will be deposited to the NextGen RCS Trust Fund.

3.6 Financing. For NextGen RCS Parties that choose not to pay their share of the total NextGen RCS Shared Infrastructure Cost in total within sixty days of the issuance of the revised Exhibit C and prior to contract award, which is anticipated to occur in the spring or summer of 2015, a financing mechanism will be determined and made available by the County. Nothing in this section prohibits any NextGen RCS Parties from pursuing and obtaining their own financing. Payment and financing agreements will be separate and apart from this NextGen RCS Agreement. Financing mechanisms will not be available to pay for late signing penalties.

3.7 Contingencies. To facilitate the execution of this NextGen RCS Agreement, it is understood that a NextGen RCS Party may choose to be excused from performing under this NextGen RCS Agreement if any of the following contingencies are not met:

3.7.1 Vendor Contract – A contract must be awarded pursuant to the County’s NextGen RCS RFP or other solicitation.

3.7.2 County Funding. Funds for the County to undertake the NextGen RCS project must exist.

3.7.3 Actual Shared Infrastructure Costs. The total NextGen RCS Shared Infrastructure Costs, as determined by the vendor contract, does not exceed the budgetary estimate in Exhibit C by more than 10 percent (10%).

4. SCOPE OF AGREEMENT; CERTAIN REQUIREMENTS

4.1 NextGen RCS Parties. The purpose of the NextGen RCS and NextGen RCS Agreement is to provide a next generation communications system that provides optimum service to the NextGen RCS Parties. To that end, the NextGen RCS will be designed to provide optimum required service. Additionally, the NextGen RCS Parties, while executing this NextGen RCS Agreement, do not intend to cede any of their constitutional or statutory autonomy.

4.2 Frequency Licensing Or Transfer. NextGen RCS Parties shall co-license or transfer their currently allocated 800 MHz frequencies to the County of San Diego for use in the NextGen RCS.

5. NEW NEXTGEN PARTIES

5.1 "New Parties" are defined as public safety and public service agencies that are not "1995 RCS Parties". New Parties will be allowed to participate in this agreement and become a NextGen RCS Party.

5.2 If participation by a New Party requires enhancement or expansion of coverage beyond what is provided by the existing RCS on the effective date of this NextGen RCS Agreement, the New Party shall pay the costs associated with such enhancement or expansion, separate and apart from the financial responsibilities addressed in this NextGen RCS Agreement.

5.3 For informational purposes only that may be of benefit to the 1995 Parties, the County has identified potential New Parties and they are listed in Exhibit D.

6. NEXTGEN RCS PERFORMANCE REQUIREMENTS

6.1 Reliability. The NextGen RCS shall be designed to provide a high level of redundancy and reliability to support mission critical public safety communications. The overall system availability design objective shall be 99.999%. (Note: 99.999% system availability is the public safety "best practice" design objective; it is not a formally adopted standard.)

6.2 Design Objectives. The NextGen RCS design objectives for the performance of portable and mobile voice and the quality of coverage provided shall be determined by the NextGen RCS Board of Directors and appropriate County of San Diego staff.

6.3 Loading Requirements. The NextGen RCS shall be designed to meet the loading requirements of the anticipated busiest hour for all planned users over the life of the system.

6.4 Coverage Plan. The goal of the NextGen RCS is to provide the same general coverage footprint as is provided by the existing RCS and to correct existing deficiencies where practicable. The actual NextGen RCS radio service coverage plan shall be determined by a NextGen RCS Project Management Office to be created by the Sheriff's Department and with the consultation of the NextGen RCS Board of Directors.

7. NEXTGEN RCS ACCESS PRIORITIES

7.1 User Prioritization. In the event that all radio channels in the RCS are busy, users wanting to speak shall be prioritized as follows, regardless of how long they have been waiting:

7.1.1 Priority One - Emergency Identification. An Emergency Identification is defined as the message received when a public safety member calls for immediate assistance by activating an emergency button or switch on the user radio equipment.

7.1.2 Priority Two - Public Safety

7.1.2.1 - Public Safety includes the normal daily radio transmissions of law enforcement, fire service, paramedic providers and disaster preparedness personnel using the RCS.

7.1.2.2 - Public Safety also includes RCS users whose normal lower priorities have been temporarily changed to resolve an unusual occurrence or large scale disaster.

7.1.3 Priority Three - Non-Public Safety, Special Event. Non-Public Safety, Special Event includes planned events involving public service agency participants that are beyond the scope of their normal daily operations.

7.1.4 Priority Four - Non-Public Safety, Regular. Non-Public Safety, Regular includes the normal daily radio transmissions of public service agencies using the system.

8. NEXTGEN RCS GOVERNANCE; CONTINUED RCS GOVERNANCE

8.1 . Limited Period Of Concurrent Governance. It is the intent of the NextGen RCS Parties that there shall be concurrent operation of, and governance by, this NextGen RCS

Agreement and the 1995 RCS Agreement during the construction of the NextGen RCS, as set forth in Section 1.7 above.

8.2 General NextGen RCS Governance Structure. The County of San Diego Sheriff's Department will operate and maintain the NextGen RCS. Other departments of the County of San Diego will provide support as necessary. As the governing body for the County, the Board of Supervisors shall have ultimate fiscal and operational control over the NextGen RCS and shall be ultimately responsible for the overall administration and direction of the RCS through interaction with the NextGen RCS Board of Directors, the assigned San Diego County staff and the NextGen RCS Parties.

9. NEXTGEN RCS BOARD OF DIRECTORS

9.1 Representation. There shall be a NextGen RCS Board of Directors, subject to the Ralph M. Brown Act (California's Open Meeting Law), that shall be the advisory body to the Board of Supervisors with respect to matters concerning the NextGen RCS, and shall make recommendations to the Board of Supervisors that serve the interest of all NextGen RCS Parties.

Except as noted below, the Board of Directors shall be composed of 10 (ten) directors representing public safety and public service agencies as outlined below:

County of San Diego (ONE)

City Manager (ONE)

San Diego County Sheriff's Department (ONE)

San Diego County Municipal Police Department (ONE)

San Diego County Fire Agencies (TWO)

Imperial Valley Emergency Communications Authority (TWO)

State of California Department of Transportation (ONE)

Schools Group (ONE)(Schools Group membership on the Board requires that at least four school districts are NextGen RCS Parties)

9.2 Members. Members of the NextGen RCS Board of Directors shall be determined in the following manner, according to the type of agency.

9.2.1 County of San Diego. The representative for the County of San Diego shall be the Deputy Chief Administrative Officer for Public Safety or his/her designee, preferably the Director of the Office of Emergency Services.

9.2.2 City Manager. The City Manager representative shall be a City Manager of a NextGen RCS agency selected by the San Diego City/County Managers Association.

9.2.3 Sheriff's Department. The delegate from the San Diego Sheriff's Department shall be the Sheriff or the Sheriff's designee.

9.2.4 Police. The municipal police representative shall be a police chief or designate from a NextGen Party municipal police department who shall be selected by the San Diego County Police Chiefs' and Sheriff's Association.

9.2.5 Fire. The two fire service representatives shall be fire chiefs or designees from NextGen RCS Party fire departments or fire services who shall be selected by the San Diego County Fire Chiefs' Association.

9.2.6 Imperial Valley Emergency Communications Authority ("IVECA"). IVECA shall designate two members of its Board of Directors to serve on the NextGen RCS Board of Directors.

9.2.7 Caltrans. The representative for Caltrans shall be selected by appropriate state authority.

9.2.8 Schools Group. The representative from the RCS Schools Group shall be selected by mutual agreement (or majority vote) of the superintendents of the member school districts.

9.3 Responsibilities of the NextGen RCS Board of Directors. Responsibilities shall include but not be limited to:

- Adopting by-laws to govern the NextGen RCS Board of Director's internal operations, consistent with the provisions of this Agreement.
- Meeting quarterly or more frequently, if necessary.
- Developing and approving NextGen RCS operating policies and procedures.
- Identifying participating agency needs and requirements.
- Addressing concerns of participating agencies.

- Reviewing and adopting recommendations regarding the establishment of system priorities and talk groups.
- Establishing subcommittees as necessary to ensure the interests and concerns of NextGen RCS Parties are represented and to ensure technical issues are thoroughly researched.
- Formulating the annual budget and submitting it to the County Board of Supervisors, via the Sheriff's Department, for approval.
- Monitoring the implementation of the NextGen RCS.
- Conducting programmatic reviews.
- Overseeing the establishment of long range plans.
- Making recommendations to the County Board of Supervisors.
- Making recommendations concerning the approval of customer contracts and rates for NextGen RCS services.

9.3.1 Board Transition. As set forth in Section 1.6 and 1.7, upon expiration of the 1995 RCS Agreement, the NextGen RCS Board of Directors shall have all the responsibilities set forth in this section also with respect to the RCS as it transitions to the NextGen RCS.

9.4 NextGen RCS Board of Directors Terms and Qualifications

9.4.1 Written Designation. Members of the NextGen RCS Board of Directors ("NextGen RCS Directors") shall be designated in a writing submitted to the Sheriff's Department by their respective NextGen RCS Party appointing authority. The term for each NextGen RCS Director shall be determined by her or his respective appointing authority provided, however, that each NextGen RCS Director shall at all times be an incumbent of a NextGen RCS Party. All NextGen RCS Directors serve at the pleasure of their appointing authority.

9.4.2 Alternates. The NextGen RCS Party appointing authority shall also select an alternate to the NextGen RCS Directors. Alternate members are encouraged to attend

regular Board of Directors meetings, but shall vote only in the absence of the primary NextGen RCS Director. No proxy voting is allowed.

9.4.3 Chairperson and Vice-Chairperson. The Chairperson and a Vice Chairperson of the NextGen RCS Board of Directors shall be biennially elected by a majority vote of the NextGen RCS Directors. The Chairperson and Vice Chairperson shall serve at the discretion of a majority of the NextGen RCS Directors, i.e., they may be replaced at any time by a majority vote of the NextGen RCS Directors. The Chairperson and Vice-Chairperson shall be selected from members representing NextGen RCS Parties other than IVECA, Caltrans and the Schools Group. For a NextGen RCS Board of Directors meeting to occur, either the Chairperson or Vice-Chairperson, and not their alternates, must be present.

9.5 Attendance at NextGen RCS Board of Directors meetings

9.5.1 NextGen RCS Directors are expected to attend all possible meetings to represent their group interests and to help conduct NextGen RCS business. Arrangements should be made for the alternate to attend in the absence of the primary representative.

9.5.2 The NextGen Board of Directors shall develop and promulgate a policy relating to attendance and absences by Directors and alternates.

9.5.3 Resignation from the NextGen RCS Board of Directors shall be submitted in writing to the chairperson and to the appointing authority.

9.6 NextGen RCS Board of Directors Voting

9.6.1 Members of the NextGen RCS Board of Directors and committees formed by NextGen RCS Board of Directors (“committees”) shall vote on all items on the basis of one vote per member.

9.6.2 A quorum for the conduct of business exists when six (6) of the members are present at NextGen RCS Board of Directors meetings and three (3) of the six present represent NextGen RCS Parties other than IVECA, Caltrans or the Schools Group.

9.6.3 For any action to be taken by the Board of Directors, the vote in favor of the action must be a majority vote of the members of the Board of Directors present.

10. SHERIFF’S DEPARTMENT; WIRELESS SERVICES DIVISION

10.1 Sheriff’s Wireless Services Division (“WSD”) staff shall serve as advisors and staff to the NextGen RCS Board of Directors. The Manager of the WSD shall serve as the NextGen RCS Manager.

10.2 WSD staff shall manage the day-to-day operation and maintenance of the NextGen RCS subject to direction from and review by the NextGen RCS Board of Directors.

10.3 WSD staff shall provide support as necessary, but shall not have a voting right on any business before the NextGen RCS Board of Directors.

10.4 WSD staff shall perform the functions necessary to ensure that specific system performance guarantees are maintained throughout the term of the agreement.

10.5 **WSD Manager**. As the manager and operator of the NextGen RCS, the Sheriff's Department, and more specifically the WSD manager and staff, shall have the responsibility to:

10.5.1 Implement the NextGen RCS.

10.5.2 Seek NextGen RCS Board of Directors approval of major policy decisions.

10.5.3 Develop contracts with vendors.

10.5.4 Provide appropriate staff support to the NextGen RCS Board of Directors.

10.5.5 Retain employees and agents.

10.5.6 As authorized and limited by the County, acquire, hold or dispose of property necessary to operate the NextGen RCS.

10.5.7 Charge participating agencies for expenses incurred in ongoing maintenance and operation of the NextGen RCS.

10.5.8 Implement policy a set by the County, the Sheriff and the NextGen RCS Board of Directors.

10.5.9 Monitor and maintain NextGen RCS performance.

10.5.10 In conjunction with the NextGen RCS Board of Directors, develop and recommend the annual NextGen RCS budget to the County Board of Supervisors.

10.5.11 Reassign NextGen RCS priorities in extraordinary circumstances and make emergency repairs as required.

10.5.12 Provide information and support as necessary to the NextGen RCS Board of Directors.

10.5.13 Provide operating reports and technical information as necessary to assist the NextGen RCS Board of Directors.

10.5.14 Establish and maintain accounts and records, including personnel, property, financial, programmatic and other records deemed necessary by the NextGen RCS Board of Directors to ensure proper accounting for all ongoing operations and maintenance costs.

10.5.15 Use the records to justify any recommended adjustments to agency monthly operating charges.

10.6 **Notice of WSD Staff Changes.** The Sheriff's Department shall provide the NextGen RCS Board of Directors timely advance notice of impending personnel changes affecting any management staff assigned NextGen RCS responsibilities.

11. INFRASTRUCTURE, EQUIPMENT, SERVICES AND FISCAL ELEMENTS

11.1 **Infrastructure.** The NextGen RCS shall be divided into two infrastructure components: (a) the "shared backbone infrastructure" and (b) the participating agencies' infrastructure and equipment. These two parts are divided by a "line of demarcation" at the NextGen RCS network connection, which is the microwave network or common carrier termination point(s) used to interconnect the agency's radio consoles and other electronic communications devices to the RCS network.

11.2 **NextGen RCS Shared Backbone Infrastructure Costs.** The NextGen RCS Shared Backbone Infrastructure Cost is defined as the total cost of the equipment and services required to plan, design, procure and implement a P25 Trunked Voice Land Mobile Radio System, Microwave Transport Network, and Mutual Aid Conventional Radio System. NextGen RCS Shared Backbone Infrastructure costs shall not include agency equipment or services used to connect to the NextGen RCS (such as agency owned microwave transport or leased commercial connectivity), dispatch center equipment, and subscriber radios (mobile, portable, control stations) and ancillary devices.

11.3 **NextGen RCS Shared Backbone Infrastructure Cost Apportionment – Imperial County Agencies.** The NextGen RCS shall support NextGen Parties in both San Diego County and Imperial County. In 1995, local government entities in Imperial County formed the Imperial Valley Emergency Communications Authority (IVECA). IVECA was formed as a Joint Powers Authority to provide public safety communications services to the residents of the County of Imperial and its constituent cities. NextGen RCS Backbone Infrastructure costs for Imperial County sites, except as noted in 11.3.2, shall be the responsibility of IVECA.

11.3.1 IVECA shall bear the full cost of and retain ownership of all infrastructure installed in Imperial County which primarily supports IVECA agencies. IVECA shall also bear the

cost for any software and licenses required to operate the IVECA infrastructure on the NextGen RCS.

11.3.2 Costs for infrastructure installed at the two NextGen RCS sites that border the two counties, Hendrix Peak and Superstition Mountain, will be apportioned between San Diego County infrastructure costs and IVECA infrastructure costs based on talk group usage ratio calculated for calendar year 2013.

11.3.3 IVECA shall be responsible for paying a proportional cost of the "RCS Core" infrastructure equipment. The "RCS Core" is comprised of the computers networking devices that manage and control the NextGen RCS. The proportion shall be based on the same formula used to determine proportional costs for all SD County participating agencies (the average number of subscriber radios each participating agency had active on the RCS on September 1, 2013 and July 1, 2014 based on RCS billing invoices. The average number of radios on the system on those dates will be measured against the total number of all participating agency subscriber radios.)

11.3.4 The Request for Proposals issued by the County shall require responding vendors to include a proposal for separate vendor financing for IVECA.

11.3.5 IVECA may be excused from performance under this NextGen RCS Agreement if IVECA is unable to obtain financing on terms acceptable to IVECA.

11.4 San Diego County Agencies; Cost apportionment. NextGen RCS Shared Backbone Infrastructure costs for San Diego County governments and agencies that are NextGen RCS Parties but that are not members of the Imperial Valley Emergency Communications Authority are as follows:

11.4.1 The NextGen RCS Parties agree that they must pay a proportional cost of the NextGen RCS Shared Backbone Infrastructure costs.

11.4.2 NextGen RCS Parties further agree that they shall be responsible for paying their one-time NextGen RCS Shared Backbone Infrastructure Cost as determined by the apportionment model in Exhibit C, including any penalties for late signing, and any financing cost.

11.4.3 Total cost for the NextGen RCS Shared Backbone Infrastructure supporting San Diego County will be divided among all San Diego County NextGen RCS Parties. The portion of the total cost allocated to each NextGen RCS Party will be based on the number of radios each NextGen RCS Party has on the RCS, i.e., the "Radio Inventory Method" ("RIM"). In order to provide NextGen RCS Parties a pre-RIM calculation opportunity to make *bona fide*

adjustments to their radio inventories based on their respective individual agency requirements, the RIM calculation will be done as follows:

- Each NextGen RCS Party's radio inventory for purposes of the RIM calculation will be an average of the number of subscriber radios each NextGen RCS Party had on the RCS on September 1, 2013 and July 1, 2014. The average number of radios over those two dates will be measured against the total number of all participating agency subscriber radios.
- If two or more agencies consolidate, the active radio quantities will be combined from each agency for the two dates listed above.
- For New Parties that did not have radios on the RCS prior to or on September 1, 2013, their radio inventory for purposes of the RIM calculation will be determined by a review of the New Party's requirements for radio communications services on the NextGen RCS in the future. The review shall be conducted by County staff and presented to the RCS Board of Directors for approval.

11.4.4 Subscriber Radio Inventory Reductions. Radios deactivated from the RCS between May 1, 2013, and July 1, 2014, will be permanently deprogrammed from the RCS and will not allowed to be reactivated for use on the RCS or NextGen RCS except as direct one-to-one replacements for radios that are lost or become nonfunctional.

11.5 Final Cost Apportionment Totals. After all NextGen Parties have signed the agreement and after the final contract amount for the NextGen system has been determined, the County will issue an amendment to this agreement to update Exhibit C. (See section 14.3.) The amended Exhibit C will provide the final cost apportioned to each NextGen Party for shared infrastructure costs based on the final contract cost and total number of radios (to calculate the cost per radio). Exhibit C will include the September 1, 2013 and July 1, 2014 radio inventory totals for each agency and the final average.

11.6 Connection Costs; Maintenance. All NextGen RCS Parties, including both San Diego County and IVECA agencies, are responsible for all costs associated with procuring and installing the equipment necessary to connect to the NextGen RCS network and infrastructure and ongoing costs of connecting to the NextGen RCS. This shall not include maintenance of agency-owned microwave equipment used to connect to the NextGen RCS network which will be performed by the Sheriff's Department as a component of the NextGen RCS microwave network (supported by the NextGen RCS monthly operating fees).

11.6.1 Maintenance and other costs associated with the provision of primary and back up electrical power and other facility related costs in support of agency owned equipment shall be the responsibility of the agency.

11.7 Agency Subscriber and Dispatch Equipment. Subscriber and dispatch equipment are not part of the backbone infrastructure. The costs of purchasing, operating, and maintaining P25 compatible radio equipment, P25-compatible dispatch equipment, and any ancillary agency equipment is the sole responsibility of NextGen Parties.

11.8 Monthly Operating Fees

11.8.1 The costs of ongoing operations and maintenance of the trunked voice radio system, microwave network, and conventional radio systems shall be allocated to the participating agencies on a per radio basis.

11.8.2 The cost per radio shall be limited to those radios used on the NextGen RCS during normal operations.

11.8.3 Radios temporarily added by an agency to handle a disaster or emergency shall not be a part of determining the agency's ongoing NextGen RCS costs unless the radios are retained for normal operations following resolution of the disaster or emergency.

11.8.4 The monthly per-radio network operating fee shall be in effect for a period of one year and shall be adjusted annually to reflect actual costs.

11.9 Other Fees. User fees for as-needed services such as programing and de-programing radios, training, or other services may be implemented by the NextGen RCS Board of Directors as required.

11.10 NextGen RCS Reserve "Trust Fund"

11.11.1 The RCS TRUST FUND was established by the Board of Supervisors on June 19, 2001 (14) for the purpose of having funds available for contingencies and future RCS upgrades, enhancements and eventual replacement.

11.12.2 Reserve funds, including interest, shall be maintained in the RCS Trust Fund.

11.13.3 All excess monthly operating fee revenue shall be transferred to the RCS Trust Fund at the close of each fiscal year.

11.14.4 Other revenue from non-parties shall either be used for NextGen RCS operations or may be directed to the RCS Trust Fund upon recommendation of the NextGen RCS Board of Directors and approval of the Board of Supervisors.

11.15.5 The NextGen RCS Board of Directors shall recommend to the Board of Supervisors the disbursement of money from the RCS Trust Fund as required.

12. PURCHASE OF NEXTGEN COMPATIBLE EQUIPMENT BY NEXTGEN PARTIES

12.1 Compatibility of Equipment Purchased By NextGen RCS Parties. It is the responsibility of each NextGen RCS Party to ensure that when purchasing equipment to connect to the NextGen RCS that such equipment is compatible. The NextGen RCS will be a "standards based" P25 system which is compatible with subscriber radios and dispatch consoles from numerous manufacturers provided the equipment has been tested and certified as being P25 compliant. NextGen RCS Parties may submit the specifications of equipment they intend to purchase to the WSD for back up verification of compatibility. However, the County bears no responsibility for the purchase of incompatible equipment.

12.2 Contract "Piggybacking". The County agrees that it will endeavor to include a "piggyback clause" in contracts into which it enters that involve NextGen RCS equipment. For purposes of this NextGen RCS Agreement, a "piggyback clause" means written permission for other government agencies to enter into contracts with the vendor on equally favorable or better terms and conditions.

13. TERM OF AGREEMENT

13.1 The term of the Agreement is for twenty (20) years from the date of this Agreement.

14. AGREEMENT MODIFICATION; ENTIRE AGREEMENT

14.1. Except as otherwise provided herein, all changes to the NextGen RCS Agreement may only be amended in writing with the approval of the governing bodies of all parties to this NextGen RCS Agreement. Prior to processing an amendment, a recommendation shall be requested from the NextGen RCS Board of Directors.

14.2. Except as otherwise provided herein, this NextGen RCS Agreement constitutes the entire agreement of the parties and any previous oral or written agreements are superseded by this NextGen RCS Agreement except as provided for in this NextGen RCS Agreement, except to the extent that (1) State or Federal agencies may require standard form contracts incorporating the terms of this NextGen RCS Agreement, (2) supplemental agreements may be required

relating to IVECA, and (3) separate agreements may be required related to financing and frequency licensing or transfer.

14.3 Exhibit C Revisions. Notwithstanding any other provision of this NextGen RCS Agreement, including but not limited to section 14.1, the NextGen Parties agree that, when final system costs are known, the County is authorized by the NextGen RCS Parties to amend Exhibit C of this NextGen RCS Agreement to reflect the final system costs in accordance with the cost apportionment method described in section 11. The NextGen Parties agree that the final Exhibit C as amended by the County and in accordance with the apportionment method described in section 11 (see, in particular, section 11.5) shall be the legally-binding Exhibit C to this NextGen RCS Agreement without further approval by the NextGen RCS Parties. The County shall distribute the amended final Exhibit C to the NextGen RCS Parties.

15. TERMINATION BY A NEXTGEN RCS PARTY OF ITS PARTICIPATION

15.1 Notice. In order to terminate participation prior to the end of the TWENTY year term, the withdrawing agency must provide to the NextGen RCS Board of Directors and the Sheriff's Department no less than a one year written notice of intent to terminate participation. In the event there are extensions to the NextGen RCS Agreement, written notice of termination must be given no less than 120 days prior to the end of the extension.

15.2 Conditions of Termination. A NextGen RCS Party may terminate pursuant to Section 15.1 on the following conditions:

15.2.1 The terminating NextGen RCS Party must return to the Sheriff's Department all County-purchased equipment unless the Sheriff's Department determines otherwise.

15.2.2 The terminating NextGen RCS Party is responsible for any and all NextGen RCS debts attributable to that NextGen RCS Party, regardless of extra-contractual consequences of termination, including but not limited to breach by the terminating NextGen Party of its own financing obligations or CSA 135 obligations.

15.2.3 If a terminating NextGen RCS Party brought frequencies to the NextGen RCS, the terminating NextGen Party and the NextGen RCS Board of Directors shall negotiate in good faith a settlement that either returns the same or equivalent operable frequencies to the terminating NextGen Party, or provides equitable compensation if frequencies are left with the NextGen RCS.

16. GOVERNING LAW

This NextGen RCS Agreement shall be governed, interpreted, construed and enforced in accordance with the laws of the State of California.

17. DISPUTE RESOLUTION

NextGen RCS Parties shall meet, confer and attempt in good faith to resolve any disputes involving performance under this NextGen RCS Agreement. Disputes that are not resolved by the NextGen RCS Parties shall, upon written request by any one of the NextGen RCS Parties involved in the dispute, be submitted to non-binding mediation by a mediator agreed upon by the NextGen RCS Parties involved in the dispute. If the NextGen RCS Parties involved in the dispute cannot agree on a mediator, they shall ask the American Arbitration Association to appoint a mediator. Each party shall bear its own costs of participating in the mediation.

18. SIGNATURE PAGES

Each signature page shall include a description and reference to the source of authority for the person who is signing to execute contracts on behalf of their NextGen RCS Party. This NextGen RCS Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same agreement.

Signature Page to NextGen RCS Agreement

Name of Party: County of San Diego

Party Authorization and Acceptance

On December 3, 2013 (Date), Item or Agenda No. 6,

the San Diego County Board of Supervisors
(Name of Governing Body)

Authorized the Undersigned
to Accept, Agree to and Execute This NextGen RCS Agreement on behalf of the

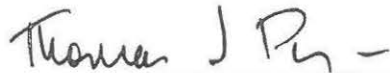
County of San Diego
(Name of Party)

As reflected in the attached Minute Order or similar documentation of the action taken.

Typed Name and Title of Authorized Party Official:

Thomas J. Pastuszka
Clerk of the Board of Supervisors

Signature of Authorized Party Official:

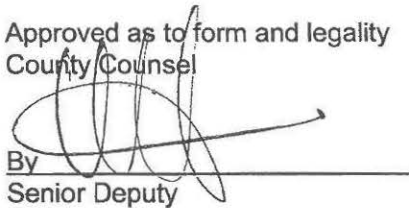


Date of Signature:

12.9.13

Approved as to form and legality
County Counsel

By _____
Senior Deputy



Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: <u>12/3/13</u>	Minute Order No. <u>6</u>
By: <u>Nancy Vinkovich</u>	Date: <u>12/6/13</u>
Deputy Clerk of the Board Supervisors	

SR

Signature Page to NextGen RCS Agreement

Name of Party: _____

Party Authorization and Acceptance

On _____ (Date), Item or Agenda No. _____,

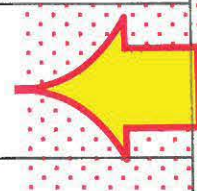
the _____
(Name of Governing Body)

Authorized the Undersigned
to Accept, Agree to and Execute This NextGen RCS Agreement on behalf of the

(Name of Party)

As reflected in the attached Minute Order or similar documentation of the action taken.

Typed Name and Title of Authorized Party Official: _____



Signature of Authorized Party Official: _____

Date of Signature: _____

**SIGN
HERE**

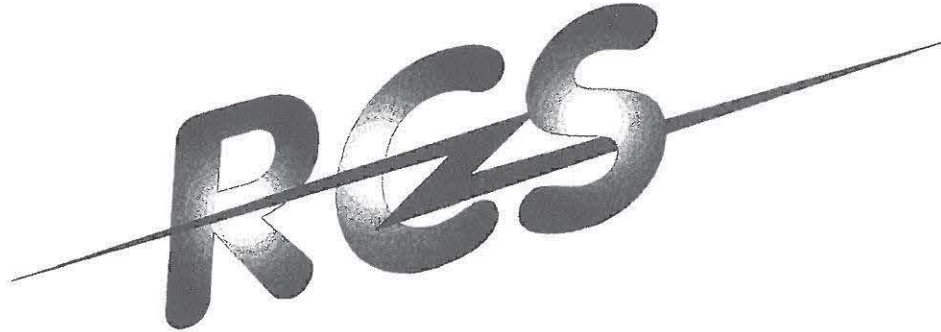
List of Exhibits

<i>Exhibit A</i>	<i>San Diego County-Imperial County Regional Communications System Agreement of March 7, 1995</i>
<i>Exhibit B</i>	<i>1995 RCS Parties</i>
<i>Exhibit C</i>	<i>Estimated RCS NextGen System Cost. (Includes Exhibit C-1, C-2, and C-3)</i>
<i>Exhibit C-1</i>	<i>Cost Apportionment for San Diego County Shared Infrastructure Per Party</i>
<i>Exhibit C-2</i>	<i>Cost Apportionment for RCS NextGen Core (Portion of the Shared Infrastructure Cost)</i>
<i>Exhibit C-3</i>	<i>Cost Apportionment for the Combined Infrastructure and RCS NextGen Core</i>
<i>Exhibit D</i>	<i>Potential New RCS NextGen Parties</i>

Exhibit A

**"San Diego County-Imperial County Regional Communications System
Agreement of March 7, 1995"**

San Diego County – Imperial County



Regional Communications System

Agreement

Between the County of San Diego and Participating Cities and Jurisdictions Regarding the Implementation, Governance, Method of Funding and Costs of a Regional Radio System Providing Communication Services to Public Safety and Public Service Agencies Operating in San Diego County and Imperial County.

March 7, 1995

San Diego County - Imperial County
REGIONAL COMMUNICATIONS SYSTEM AGREEMENT
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San Diego County — Imperial County
REGIONAL COMMUNICATIONS SYSTEM
Participating Agency Agreement

1. Purpose and Intent of Agreement

- 1.1. This Memorandum of Agreement dated as of March 7, 1995, between the parties named in Exhibit "A" and the County of San Diego, a political subdivision of the State of California, provides for the development and operation of a Regional Communications System (*RCS*) benefiting the radio communication needs of public safety and public service agencies operating in the counties of San Diego and Imperial.
- 1.2. Nothing in this Agreement is intended to lessen participating member jurisdictions' authority over and responsibility for events occurring within their jurisdiction.
- 1.3. In order to provide an alternate source of funding for agencies participating in the RCS, the County of San Diego has formed County Service Area (*CSA*) 135 pursuant to Government Code (*GC*) Section 25210.1 et. seq.
- 1.4. For participating agencies deciding to use CSA 135 to fund their system costs, the County intends to levy parcel charges according to benefit per §25210.77a GC.

NOW THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

2. Regional Communications System (*RCS*) Overview

- 2.1. The RCS will replace the participating public service and public safety agencies' existing radio communication systems throughout San Diego and Imperial counties with a modern, trunked radio system.
 - 2.2. The RCS will include a separate Mobile Data System (*MDS*) that will be used to transmit data for regional public safety and public service users over 800 MHz radio frequencies dedicated to that purpose. Participation in the *MDS* is not mandatory, and the *MDS* coverage area will be subject to agency participation.
 - 2.3. The RCS shall provide effective and reliable radio communications for routine intra-agency operations as well as inter-agency communications throughout the region during mutual aid and disaster operations. Public safety and public service agencies throughout the counties of San Diego and Imperial will have the opportunity to join the RCS.
 - 2.4. For the purposes of this Agreement, *Public Safety* and *Public Service* agencies are defined to include:
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- 2.4.1. **Public Safety** includes all law enforcement, fire service, EMS and disaster preparedness agencies in San Diego County and Imperial County.
 - 2.4.2. **Public Service** includes the State of California Department of Transportation (**CALTRANS**) District 11 and other participating agencies in the counties of San Diego and Imperial whose primary responsibility is providing citizens with services other than law enforcement, fire service and disaster preparedness.
 - 2.5. All law enforcement, fire service, disaster preparedness and participating public service agencies in San Diego County and Imperial County shall have access to mutual aid communications capabilities.
 - 2.6. Communications with agencies that have installed their own 800 MHz radio systems shall be facilitated via interfaces to the RCS.
- 3. Agreement Contingencies**
This agreement is void unless financing for the radio system infrastructure is approved by the San Diego County Board of Supervisors and the necessary financing closes. As to the County of Imperial, this Agreement shall terminate if a CSA or other funding mechanism for communications purposes is not established within two years of the date of this Agreement.
- 4. RCS Participants**
- 4.1. The RCS shall be designed to support the requirements of San Diego and Imperial county public safety and designated public service participants.
 - 4.2. CALTRANS radio requirements shall be supported throughout District 11, which includes the counties of San Diego and Imperial in their entirety.
 - 4.3. All participants shall receive equitable representation on the Regional Communications System Member Board (**RCS Member Board**) as set forth in this Agreement.
 - 4.4. As part of implementing this agreement, participating agencies shall co-license or transfer their currently allocated 800 MHz frequencies to the County of San Diego for use in the RCS.
 - 4.5. No actions by the RCS Board of Directors, by the County of San Diego or by the County of Imperial may be so broad in nature that they negatively affect or impact the operational or legal integrity of its individual member agencies.
- 5. Additional Participants**
- 5.1. As system capacity permits, the RCS Board of Directors may approve other agencies joining the RCS on a case-by-case basis after the date of this Agreement.
 - 5.2. Priority consideration shall be given to agencies with licensed, public safety/public service 800 MHz frequencies that can be co-licensed or trans-

ferred to the RCS, if such action can result in enhanced radio communications capabilities for all participants.

6. Performance Requirements

- 6.1. The RCS shall be designed to provide a high level of service and responsiveness, with region-wide coverage and capacity for all planned users throughout the term of this Agreement.
- 6.2. The RCS design objectives for the performance of portable and mobile voice and data radio equipment, and the quality of coverage provided shall be determined by the RCS Board of Directors and appropriate County of San Diego staff.
- 6.3. The RCS shall be designed to meet the loading requirements of the anticipated busiest hour for all planned users over the life of the system.
- 6.4. The actual RCS coverage plan shall be determined by the RCS Board of Directors.

7. RCS Access Priorities

- 7.1. In the event that all radio channels in the RCS are busy, users wanting to speak shall be prioritized as follows, regardless of how long they have been waiting.
 - 7.1.1. **Priority One — *Emergency Identification.***
An Emergency Identification is defined as the message received when a public safety member calls for immediate assistance by activating an emergency button or switch on the user radio equipment.
 - 7.1.2. **Priority Two — *Public Safety***
 - 7.1.2.1. Public Safety includes the normal daily radio transmissions of law enforcement, fire service, paramedic providers and disaster preparedness personnel using the RCS.
 - 7.1.2.2. Public Safety also includes RCS users whose normal lower priorities have been temporarily changed to resolve an unusual occurrence or large scale disaster.
 - 7.1.3. **Priority Three — *Non-Public Safety, Special Event.***
Non-Public Safety, Special Event includes planned events involving public service agency participants that are beyond the scope of their normal daily operations.
 - 7.1.4. **Priority Four — *Non-Public Safety, Regular.***
Non-Public Safety, Regular includes the normal daily radio transmissions of public service agencies using the system.

8. RCS Governance

- 8.1. The overall goal in governing the RCS shall be to establish an operational and management structure that will provide authority to participants during the RCS's development and in the subsequent ongoing administration and management throughout the term of this agreement. Exhibit "D" depicts an RCS governance flowchart.
- 8.2. The RCS Member Board and the RCS Board of Directors are established by this Agreement, the duties and responsibilities of which are set forth in §10 and §11.
- 8.3. The governance objectives include:
 - 8.3.1. Provide a structure which retains administration and fiscal responsibility of the system in the control of the participating agencies.
 - 8.3.2. Allow the use of a CSA funding mechanism.
 - 8.3.3. Establish an organization which facilitates decision making.
 - 8.3.4. Leverage resources where appropriate.
 - 8.3.5. Develop an organization which will remain flexible and meet the needs of the participants over the term of the agreement.

9. Roles and Responsibilities

As required by the California CSA law, the San Diego County Board of Supervisors shall have ultimate legal and fiscal control over the RCS. Subject to such ultimate control, the Board of Supervisors shall delegate the fiscal control and operational administration of the RCS to the RCS Board of Directors.

10. RCS Member Board

- 10.1. Each of the parties to this Agreement desires to participate in the governance of the RCS as a member of the Regional Communications System Member Board to be formed under the provisions of this Agreement.
- 10.2. The Regional Communications System Member Board shall have responsibility for, and shall provide administration of components of the RCS that are common to all participating agencies.
- 10.3. Each participating agency shall appoint one representative to serve on the RCS Member Board. Representatives to the RCS Member Board shall serve at the pleasure of their respective appointing authority.
- 10.4. A participating jurisdiction with multiple agencies whose public safety and service radio communication needs are being met by the RCS shall be entitled to one representative on the RCS Member Board for each type of agency. (I. E., a participating city whose police and fire departments use the RCS shall have a RCS Member Board representative from each department.)

- 10.5. The RCS Member Board shall be responsible for recommending operational changes and for participating in other committees, or in other ways deemed appropriate by the RCS Board of Directors.
- 10.6. The RCS Member Board shall be responsible for approving the annual budget.

11. RCS Board of Directors

- 11.1. The RCS Board of Directors shall be composed of RCS representatives of each type of participating public safety/public service agency.
- 11.2. Members of the RCS Board of Directors shall be determined in the following manner, according to the type of agency.

11.2.1. San Diego County:

- 11.2.1.1. The delegate from the San Diego Sheriff's Department shall be the Sheriff or the Sheriff's designate.
- 11.2.1.2. The representative for the County of San Diego shall be the Chief Administrative Officer (CAO) or the CAO's designate, preferably from the Office of Disaster Preparedness.
- 11.2.1.3. The municipal police representative shall be a police chief or designate from RCS member agencies who shall be selected by the San Diego County Police Chiefs and Sheriff's Association.
- 11.2.1.4. The municipal fire representative shall be a fire chief or designate from RCS member agencies who shall be selected by the San Diego County Fire Chiefs Association.
- 11.2.1.5. The fire district representative shall be a fire chief or designate from RCS member agencies who shall be selected by the San Diego County Chapter, Fire Districts Association of California.
- 11.2.1.6. The North County Dispatch Joint Powers Authority (JPA) representative shall be a fire chief or designate from RCS member agencies who shall be selected by the North County Dispatch JPA governing body.
- 11.2.1.7. The Heartland Communications Facility JPA (HCFA) representatives shall be designates from RCS member agencies who shall be selected by the HCFA governing body.

11.2.2. Imperial County:

- 11.2.2.1. The delegate from the Imperial County Sheriff's Office shall be the Sheriff or a designate.

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- 11.2.2.2. The representative for the County of Imperial shall be the CAO or a designate.
 - 11.2.2.3. The municipal police representative shall be a police chief or designate from RCS member agencies who shall be selected by the Imperial County Police Chiefs Association.
 - 11.2.2.4. The municipal fire representative shall be a fire chief or designate from RCS member agencies who shall be selected by the Imperial County Fire Chiefs Association.
 - 11.2.2.5. The fire district representative shall be a fire chief or designate from RCS member agencies who shall be selected by the Imperial County Chapter, Fire Districts Association of California.
 - 11.2.3. The representative for CALTRANS shall be a designate selected by appropriate state authority.
 - 11.2.4. This Agreement provides for the addition of two public service members of the RCS Board of Directors, to be added when public service agencies join the RCS.
 - 11.3. The RCS Board of Directors shall be responsible for the overall administration and direction of the RCS through interaction with the San Diego County Board of Supervisors, the assigned San Diego County staff and the RCS Member Board.
 - 11.4. Specific responsibilities of the RCS Board of Directors shall include:
 - 11.4.1. Formulating the annual budget and submitting it to the RCS Member Board for approval.
 - 11.4.2. Identifying participating agency needs and requirements.
 - 11.4.3. Establishing subcommittees as necessary to ensure the interests and concerns of each user agency are represented and to ensure technical issues are thoroughly researched.
 - 11.4.3.1. The RCS Board of Directors shall establish a committee of MDS user agencies to administer the MDS and to make appropriate recommendations.
 - 11.4.3.2. If all RCS user agencies are MDS participants, administration of the MDS shall revert to the RCS Board of Directors.
 - 11.4.4. Monitoring the implementation of the RCS.
 - 11.4.5. Reviewing and adopting recommendations regarding the establishment of system priorities and talk groups.
 - 11.4.6. Developing and approving RCS operating policies and procedures.

- 11.4.7. Overseeing the establishment of long range plans.
- 11.4.8. Overseeing scheduled system reviews at intervals determined by the RCS Board of Directors, but not to exceed three years.
- 11.4.9. Budgeting and approving the disbursement of money from all CSA 135 funds.
- 11.4.10. Making recommendations to the San Diego County Board of Directors regarding the inclusion of additional RCS participants.
- 11.4.11. Addressing concerns of participating agencies.
- 11.4.12. Adopting appropriate actions to adjust RCS policies or procedures.
- 11.4.13. Adopting by-laws to govern the RCS Board of Director's internal operations.
- 11.4.14. Meeting quarterly or more frequently, if necessary.
- 11.4.15. Appointing a new Chairperson annually.
- 11.4.16. Conducting an annual fiscal audit.
- 11.4.17. Conducting periodic RCS audits.
- 11.4.18. Discharging other duties as required by statute.

12. Representation on the RCS Board of Directors

- 12.1. As of the date of this Agreement, the following types of agencies shall be represented by appointment to the RCS Board of Directors:
 - 12.1.1. San Diego County:
 - 12.1.1.1. Sheriff's Department
 - 12.1.1.2. County Representative (Office of Disaster Preparedness)
 - 12.1.1.3. Municipal Police
 - 12.1.1.4. Municipal Fire
 - 12.1.1.5. Fire Districts
 - 12.1.1.6. North County Dispatch Joint Powers Authority
 - 12.1.1.7. Heartland Communications Facility Joint Powers Authority
 - 12.1.2. Imperial County:
 - 12.1.2.1. Sheriff's Department
 - 12.1.2.2. County Representative
 - 12.1.2.3. Municipal Police
 - 12.1.2.4. Municipal Fire

12.1.2.5. Fire Districts

12.1.3. CALTRANS

12.1.4. Public Service agencies shall select two delegates at large.

13. RCS Board of Directors Terms and Qualifications

- 13.1. Terms for members of the RCS Board of Directors shall be determined by their appointing authority. All members of the Board of Directors serve at the pleasure of their respective appointing authority.
- 13.2. The appointing authority shall also select an alternate to the RCS Board of Directors. Alternate members are encouraged to attend regular Board of Directors meetings, but shall vote only in the absence of the regular member.
- 13.3. Only representatives of agencies participating in the RCS may be selected to the RCS Board of Directors.
- 13.4. The Chairperson and a Vice Chairperson of the RCS Board of Directors shall be biannually elected by a majority vote of the Directors. During their term, the Chairperson and Vice Chairperson shall serve at the discretion of a majority of the Directors.
- 13.5. Attendance at Board of Directors meetings:
 - 13.5.1. Members of the Board of Directors are expected to attend all possible meetings to represent their group interests and to help conduct RCS business. Arrangements should be made for the alternate to attend in the absence of the primary representative.
 - 13.5.2. To remain on the Board of Directors, a director may not exceed more than three absences from regularly scheduled Board of Directors meetings during a County of San Diego fiscal year (July 1 through June 30).
 - 13.5.3. If a director exceeds more than the allowable three absences in a fiscal year, the Board of Directors shall request a replacement from the appointing authority unless, because of extraordinary circumstances, the Board of Directors votes to allow one additional absence.
 - 13.5.4. Alternate directors shall be subject to the same requirements for all meetings they are required to attend.
 - 13.5.5. An absence by both the primary director and the alternate director representing the same appointing authority shall be counted against both parties.
 - 13.5.6. By vote of the Board of Directors, a leave of absence may be granted to a primary or alternate director for no more than 180 days. Only one leave of absence may be granted in any twelve month period.

13.5.7. Resignation from the Board of Directors shall be submitted in writing to the chairperson and to the appointing authority.

14. Attendance and Participation by the Public

- 14.1. *Ralph M. Brown Act.* All meetings of the RCS Board of Directors and RCS Member Board shall be noticed and conducted in accordance with the provisions of the Ralph M. Brown Act (GC §54950 et. seq.).
- 14.2. Local, state and federal representatives of public safety or service agencies who are not parties to this Agreement may participate in RCS Board of Directors, Member Board or committee meetings as members of the public, but shall not have voting rights.
- 14.3. Representatives from non-participating agencies may not serve in any official capacity in respect to RCS administration, management or operation.

15. RCS Voting Requirements

- 15.1. Members of the RCS Member Board, Board of Directors and committees shall vote on all items on the basis of one vote per member.
- 15.2. A quorum for the conduct of business exists when a majority of the members are present at Board of Directors, Member Board and other committee meetings.
- 15.3. Actions on all boards and committees shall be determined by a majority vote of members present at a meeting when a quorum exists.
- 15.4. An agency may not designate another agency to be its proxy.
- 15.5. In the case of RCS Board of Directors actions, the alternate delegate shall only have a voting right in the absence of the regular delegate.

16. County of San Diego, Department of Information Services (DIS) Support Staff Role

- 16.1. DIS staff shall serve as an advisory and staff function to the RCS Member Board and RCS Board of Directors.
- 16.2. DIS staff shall manage the day-to-day operation of the RCS subject to direction from and review by the RCS Board of Directors .
- 16.3. DIS staff shall provide support as necessary, but shall not have a voting right on any business before the RCS Member Board, the RCS Board of Directors, or any committees.
- 16.4. DIS staff shall perform the functions necessary to ensure that specific system performance guarantees are maintained throughout the term of the agreement.
- 16.5. As the manager and operator of the RCS, the Department of Information Services shall have the responsibility to:

Participating Agency Agreement



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- 16.5.1. Provide appropriate staff support to the RCS Board of Directors as requested, within budgetary restraints.
 - 16.5.2. Seek RCS Board of Directors approval of major policy decisions related to the RCS.
 - 16.5.3. Develop contracts with vendors and submit to RCS Board of Directors for approval.
 - 16.5.4. Implement the regional 800 MHz public safety voice and data radio systems.
 - 16.5.5. Retain employees and agents.
 - 16.5.6. Acquire, hold or dispose of property necessary to operate the RCS.
 - 16.5.7. Charge participating agencies for expenses incurred in ongoing maintenance and operation of the RCS.
 - 16.5.8. Implement policy.
 - 16.5.9. Monitor and maintain RCS performance.
 - 16.5.10. In conjunction with the RCS Board of Directors, develop and recommend the annual RCS budget.
 - 16.5.11. Reassign RCS priorities in extraordinary circumstances and make emergency repairs as required.
 - 16.5.12. Provide information and support as necessary to the RCS Board of Directors.
 - 16.5.13. Provide operating reports and technical information as necessary to assist the RCS Board of Directors.
 - 16.5.14. Establish and maintain accounts and records, including personnel, property, financial, programmatic and other records deemed necessary by the RCS Board of Directors to ensure proper accounting for all ongoing operations and maintenance costs.
 - 16.5.15. Use the records to justify any adjustment to agency benefit charges.
- 16.6. The Director of DIS shall provide the RCS Board of Directors timely advance notice of impending personnel changes affecting any management staff assigned RCS responsibilities.
- 17. Agency Costs and CSA Benefit Charges**
- 17.1. The Department of Information Services shall implement, manage and operate the 800 MHz trunked radio backbone and microwave systems.
 - 17.1.1. Costs for agencies participating at the time the RCS is implemented are reflected in Exhibit "B". MDS participation costs are separate from voice radio system costs.



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- 17.1.2. Costs for agencies joining subsequent to the implementation of the RCS:
- 17.1.2.1. The County of San Diego shall assume the costs of implementing the voice and data radio backbone systems in areas where agencies have not committed to RCS participation.
 - 17.1.2.1.1. RCS coverage in those areas shall meet the requirements of the County of San Diego.
 - 17.1.2.1.2. Costs to enhance coverage to satisfy the needs of an agency joining the RCS subsequent to the original implementation shall be the joining agency's responsibility.
 - 17.1.2.2. An agency joining the RCS shall be responsible for paying their original one-time costs as represented in Exhibit "B", plus financing costs that have incurred since the date of this Agreement. The RCS Board of Directors shall reimburse appropriate financing expenses to the County of San Diego in relation to §17.1.2.3.

(EXAMPLE: If Santee decides to join the RCS after five years of the 15 year agreement have passed, their costs will include:

 - (1) their estimated one-time costs as shown in Exhibit "B" and,*
 - (2) associated financing costs for the first five years, as shown in Exhibit "C".*

The RCS Board of Directors shall then reimburse the County of San Diego for principal and financing expenses that resulted because of Santee's absence during the initial five years.)
 - 17.1.2.3. An agency or jurisdiction that wants to join the RCS must pay a proportional cost of the overall voice radio backbone and microwave development investment.

If the agency or jurisdiction decides to use CSA 135 for funding, it must file an application with the San Diego County Local Area Formation Commission (LAFCO) to join CSA 135. Each agency is responsible for its own costs associated with the LAFCO process.
 - 17.1.2.4. All funds received from agencies joining the RCS shall be deposited in the CSA 135 account for appropriate distribution by the RCS Board of Directors.

17.2. The agency may use a funding method other than CSA 135 to pay for its RCS origination and operating expenses.

Participating Agency Agreement



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- 17.3. Ongoing operations and maintenance costs shall be shared equally by the participating agencies and shall be based on the established formula. (See Exhibit "B")
- 17.4. Monthly Operating Fees
- 17.4.1. The costs of ongoing operations and maintenance of the trunked voice radio system, mobile data radio system and microwave system shall be allocated to the participating agencies on a per radio basis.
- 17.4.1.1. The cost per radio shall be limited to those radios used on the RCS during normal operations.
- 17.4.1.2. Radios temporarily added by an agency to handle a disaster or emergency shall not be a part of determining the agency's ongoing RCS costs unless the radios are retained for normal operations following resolution of the disaster or emergency.
- 17.4.1.3. The costs of ongoing operations and maintenance on the voice system and the mobile data system shall be determined separately, since not all agencies will decide to use both systems. Therefore, the monthly operating fees for radios on each system may be different.
- 17.4.2. After resolving which agencies are participating and determining the actual number of radios to be included in each system (voice and data), the cost per agency shall be finalized.
- 17.4.3. The final cost shall be in effect for a period of one year and shall be adjusted annually to reflect actual costs.
- 17.5. Reserve Funds in CSA 135 Account
- 17.5.1. One of the responsibilities of the RCS Board of Directors is to budget the disbursement of money from the CSA 135 account.
- 17.5.2. All funds received by the County of San Diego from all RCS participating agencies, for the purpose of funding the RCS shall be deposited into the CSA 135 account.
- 17.5.3. Reserve funds, including interest, shall be maintained in the CSA 135 account for the purposes of contingencies and for RCS upgrades and enhancements.
- 17.5.4. CSA 135 reserve funds can only be used for Regional Communications System purposes and on approval of the RCS Board of Directors by majority vote.
- 17.5.5. The RCS Board of Directors shall review CSA 135 fund levels annually and take appropriate action.
- 17.6. CSA 135 Zone Option and Costs
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- 17.6.1. Each participating agency shall have the ability to customize their own CSA 135 requirements for other RCS components, including user equipment, communications center equipment and operating costs, by developing a CSA zone.
 - 17.6.2. Each agency establishing a zone shall have the responsibility to develop an annual zone budget and zone benefit fee schedule.
 - 17.6.3. The CSA funds generated within the zone may only be utilized to meet the requirements of that zone.
 - 17.7. Unless otherwise agreed, maintenance of agency owned RCS equipment shall be provided by Department of Information Services staff assigned to the RCS. All associated maintenance costs shall be included as a part of the agency monthly operating fees.
 - 17.8. Maintenance and other costs associated with the provision of primary commercial and back up 110/240 volt A. C. electrical power shall be the responsibility of the agency.
 - 17.9. Unless otherwise determined by separate agreement, each participating agency shall be responsible for the costs associated with connecting to the RCS backbone from the point of demarcation to the agency radio system equipment.
- 18. Point of Demarcation for Responsibility of Equipment**
- 18.1. Unless otherwise determined by separate agreement, the demarcation point between RCS responsibility and agency responsibility is the microwave radio channel bank equipment termination blocks that are used to interconnect the agency radio consoles and other electronic devices used for voice and data communications to the channel banks.
 - 18.2. Each participating agency shall be responsible for all costs associated with their mobile data system application development, user equipment and integration from the point of demarcation.
- 19. Purchase of RCS Compatible Equipment**
- 19.1. Each participating agency agrees to meet County of San Diego specifications, including brands and models when appropriate, for associated equipment used to interconnect to the RCS.
 - 19.2. Participating agencies agree to submit specifications of radio system related equipment orders to County RCS staff to ensure compatibility before purchase.
 - 19.3. Associated equipment may be purchased through the County of San Diego to insure compatibility and favored pricing.
- 20. Term of Agreement**
The term of agreement is for fifteen years from the date of this Agreement.
- 21. Agreement Modification; Entire Agreement**
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- 21.1. This Agreement may only be amended in writing with the approval of the governing bodies of all parties to this Agreement. Prior to processing an amendment, a recommendation shall be requested from the RCS Board of Directors.
- 21.2. This Agreement constitutes the entire agreement of the parties and any previous oral or written agreements are superseded by this Agreement. Subsequent agreements may be entered into with CALTRANS and the County of Imperial concerning RCS matters.

22. Termination of Agreement

- 22.1. In order to terminate participation prior to the end of the fifteen year term, the withdrawing agency must provide no less than a one year written notice of intent to terminate participation.
- 22.2. Termination shall be granted provided that the withdrawing party:
 - 22.2.1. Returns to the RCS all equipment for value that the RCS Board of Directors determines is required to maintain the RCS for all remaining users; and,
 - 22.2.2. If the termination compromises the legality of the CSA benefit charges in the jurisdiction of the withdrawing agency, such agency shall be responsible for the remaining debt payments which would have aggregated from the CSA.
 - 22.2.3. If an agency that brought frequencies to the RCS opts to terminate, the RCS Board of Directors shall negotiate a settlement that either returns the same or equivalent operable frequencies, or provides equitable compensation if frequencies are left with the RCS.

23. Arbitration

- 23.1. If settlement on an issue cannot be reached between the grieving or terminating agency and the RCS Board of Directors, binding arbitration shall be employed to reach a settlement.
- 23.2. The arbitrator shall be selected by mutual agreement of the RCS Board of Directors and the terminating agency.
- 23.3. It shall be the duty of the arbitrator to hear and consider evidence submitted by the parties and to thereafter make written findings of fact and a disposition of the settlement which shall be binding in nature, except as to issues of law.
- 23.4. Each party to a hearing before an arbitrator shall bear his own expenses in connection therewith.
- 23.5. All fees and expenses of the arbitrator shall be borne one-half by remaining members of the RCS and one-half by the grieving or withdrawing agency.

Participating Agency Agreement

IN WITNESS WHEREOF, the parties hereto do affix their signatures.


COUNTY OF SAN DIEGO

Board of Supervisors Approval
Date: MAR 7 1995

By 
Chairwoman Dianne Jacob

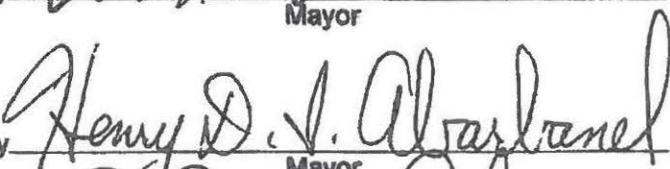
CITY OF CARLSBAD

Council Approval
Date: MARCH 22, 1995

By 
Mayor

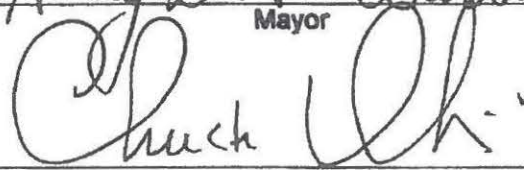
CITY OF DEL MAR

Council Approval
Date: 4-3-95

By 
Mayor

CITY OF ENCINITAS

Council Approval
Date: MARCH 22, 1995

By 
Mayor

CITY OF IMPERIAL BEACH

Council Approval
Date: _____

By _____
Mayor

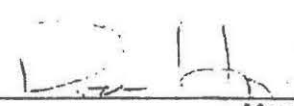
CITY OF LEMON GROVE

Council Approval
Date: _____

By _____
Mayor

CITY OF POWAY

Council Approval
Date: 4-18-95

By 
Mayor

CITY OF SAN MARCOS

Council Approval
Date: 5/13/95

By 
Mayor
City Manager R

CITY OF SOLANA BEACH

Council Approval
Date: 4-17-95

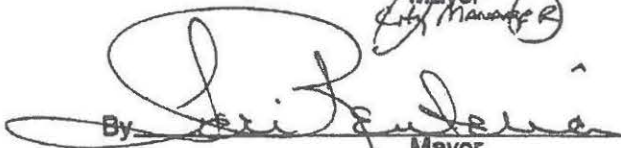
By 
Mayor

Exhibit "A"
Participating Agency Agreement

PARTIES TO THE MARCH 7, 1995 AGREEMENT

1. **Alpine Fire Protection District**
2. **Bonita-Sunnyside Fire Protection District**
3. **Borrego Springs Fire Protection District**
4. **City of Carlsbad**
5. **City of Del Mar**
6. **City of Encinitas**
7. **City of Imperial Beach**
8. **City of Lemon Grove**
9. **City of Poway**
10. **City of San Marcos**
11. **City of Solana Beach**
12. **City of Vista**
13. **California Department of Transportation, District 11**
14. **County of Imperial (all county and city public safety agencies, all territories)**
15. **County of San Diego (county public safety and service agencies)**
16. **Deer Springs Fire Protection District**
17. **East County Fire Protection District**
18. **Heartland Communications Dispatch Facility JPA**
19. **Julian - Cuyamaca Fire Protection District**
20. **Lakeside Fire Protection District**
21. **Lower Sweetwater Fire Protection District**
22. **North County Dispatch JPA**
23. **Pine Valley Fire Protection District**
24. **Rancho Santa Fe Fire Protection District**
25. **Rural Fire Protection District**
26. **San Miguel Consolidated Fire Protection District**
27. **Valley Center Fire Protection District**

Exhibit "B"
Participating Agency Agreement

ESTIMATED AGENCY ONE-TIME COSTS
Combined Voice and Data Backbone

Jurisdiction	Number of Persons*	Number of Benefit Units*	Per Cent of Total Benefit Units	Data One-Time \$ Based on Benefit Unit % **	Voice One-Time \$ Based on Benefit Unit %	Estimated Annual Cost Data ***	Estimated Annual Cost Voice ***
Unincorporated	178,479	1,124,170	31.28%	\$2,498,528	\$8,755,256	\$300,874	\$1,054,312
Carlsbad	34,851	203,725	5.67%	452,790	1,588,650	54,525	191,085
Del Mar	4,880	19,533	0.54%	43,413	152,127	5,228	18,319
Encinitas	19,785	158,735	4.42%	352,797	1,236,259	42,484	148,871
Imperial Beach	4,938	63,198	1.76%	140,481	492,198	16,914	59,271
Lemon Grove	8,940	65,225	1.81%	144,988	507,985	17,457	61,172
Poway	14,445	111,924	3.11%	248,757	871,688	29,955	104,969
San Marcos	12,878	118,743	3.30%	283,913	924,794	31,780	111,364
Solana Beach	12,900	47,868	1.33%	105,939	371,228	12,757	44,703
Vista	19,630	203,328	5.66%	451,907	1,583,558	54,418	190,693
Chula Vista	35,652	380,726	10.04%	801,733	2,809,405	98,545	338,310
Coronado	10,458	62,388	1.74%	138,661	485,890	16,698	58,611
El Cajon	17,918	240,280	6.68%	533,991	1,871,192	64,303	225,330
La Mesa	16,051	168,820	4.69%	374,767	1,313,246	45,130	158,142
National City	8,823	113,982	3.17%	253,331	887,714	30,506	108,699
Oceanside	48,610	406,690	11.32%	903,889	3,167,377	108,847	381,417
Santee	14,596	125,247	3.48%	278,368	975,448	33,521	117,464
TOTAL	461,890	3,594,159	100%	\$7,988,212	\$27,882,013	\$961,944	\$3,370,611

* Based on 1994 counts. Does not include Benefit Units for trailer parks in the cities. The approach still needs to be refined with the individual cities.

** Data One-time cost is for backbone only. It does not include agency integration costs.

*** Based on 8.5% annual percentage rate.

Exhibit "C"
Participating Agency Agreement

ESTIMATED COSTS OF AGENCY ENTERING SYSTEM AFTER MARCH 7, 1995
City of SanTEE

Number of Benefit Units 125,247

Percent of Total Benefit 3.48%

Financing Costs of One Time Cost for 15 Years at 8.5% APR

Principal *	Financing	Total	Annual Payment
\$975,448	\$786,510	\$1,761,958	\$117,464

Annual Payment if Join in Year

Year	Annual Payment
1	\$117,464
2	\$125,854
3	\$135,535
4	\$146,830
5	\$160,178
6	\$176,196
7	\$195,773
8	\$220,245
9	\$251,708
10	\$293,660
11	\$352,392
12	\$440,490
13	\$587,319
14	\$880,979
15	\$1,761,958

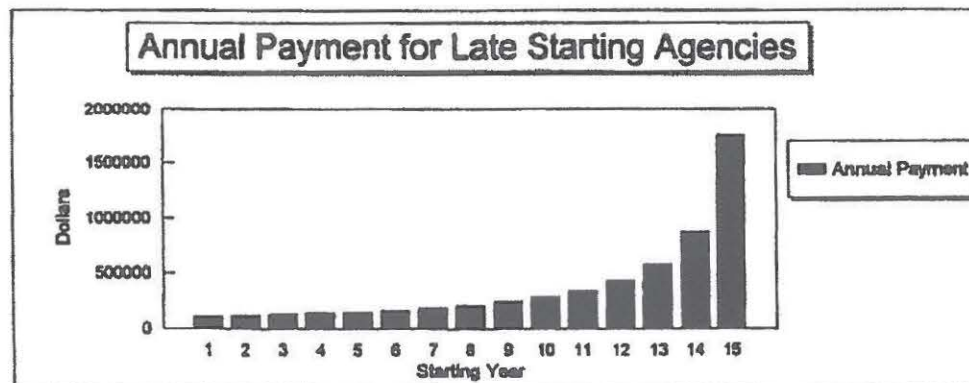


Exhibit "D"
Participating Agency Agreement

GOVERNANCE STRUCTURE

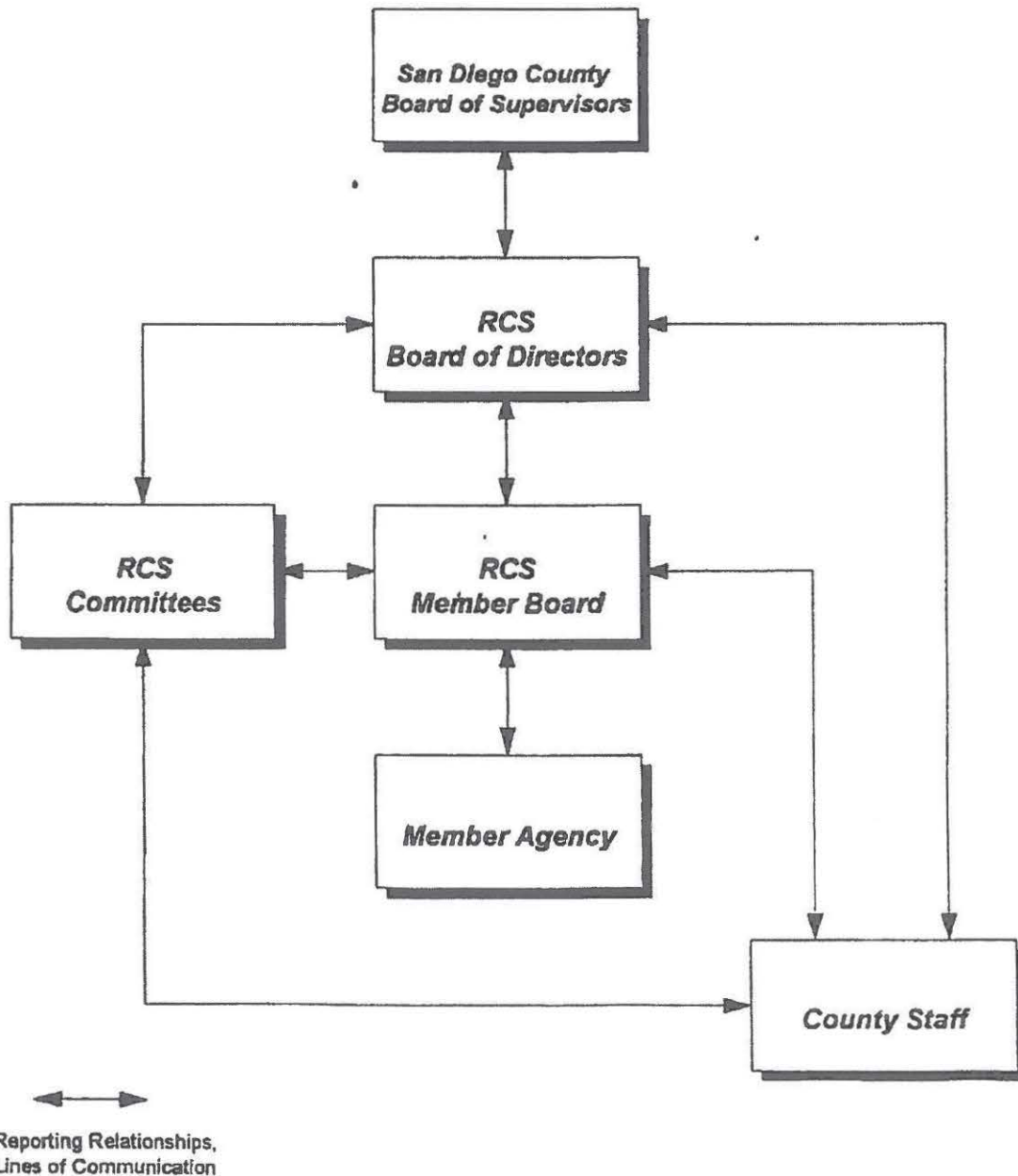


Exhibit B

1995 RCS Parties

1995 RCS Parties	Status
Alpine Fire Protection District	Existing
Bonita-Sunnyside Fire Protection District	Existing
Borrego Springs Fire Protection District	Existing
City of Carlsbad	Existing
City of Chula Vista	Existing
City of Coronado	Existing
City of Del Mar	Existing
City of El Cajon	Existing
City of Encinitas	Existing
City of Escondido	Existing
City of Imperial Beach	Existing
City of La Mesa	Existing
City of Lemon Grove	Existing
City of National City	Existing
City of Oceanside	Existing
City of Poway	Existing
City of San Marcos	Existing
City of Santee	Existing
City of Solana Beach	Existing
City of Vista	Existing
County of San Diego	Existing
Deer Springs Fire Protection District	Existing
Heartland Communications Facility Joint Powers Authority	Existing
Imperial Valley Emergency Communications Authority (IVECA)	Existing
Julian-Cuyamaca Fire Protection District	Existing
Lakeside Fire Protection District	Existing
Metropolitan Transit System	Existing
Mira Costa Community College District	Existing
North County Dispatch Joint Powers Authority	Existing
North County Fire Protection District	Existing
North County Transit District	Existing
Rancho Santa Fe Fire Protection District	Existing
San Diego Rural Fire Protection District	Existing
San Diego Unified Port District	Existing
San Miguel Consolidated Fire Protection District	Existing
Santee School District	Existing
State of California Department of Transportation (Caltrans)	Existing
State of California, California Highway Patrol/El Cajon CHP	Existing
Valley Center Fire Protection District	Existing
Viejas Reservation Fire Department	Existing
Vista Fire Fire Protection District	Existing
<i>Pine Valley Fire Protection District¹</i>	<i>Former</i>
<i>Padre Dam Water District²</i>	<i>Former</i>
<i>East County Fire Protection District³</i>	<i>Former</i>

¹Original Signator - Never came on system (no radios on system)

²Terminated RCS Agreement on January 7, 2013

³Consolidated with San Miguel Consolidated Fire District in 2008

Exhibit C

Estimated RCS NextGen System Cost

NextGen Shared Infrastructure Cost	
NextGen System Components - Shared Infrastructure	Estimated Cost
Estimated Total Shared Infrastructure Cost	\$ 105,000,000
Less estimated IVECA Infrastructure of \$9 Million (includes estimated proportional share of NexGen core)	\$ (9,000,000)
Less Grants/RCS Trust Fund	\$ (10,000,000)
Estimated Remaining Shared Infrastructure Costs to be Apportioned among San Diego County NextGen RCS Parties	\$ 86,000,000

Estimated Total Subscriber Radio Count	
Total Estimated NextGen Parties Subscriber Radio Count	13,953

To Calculate Your Agency's Estimated Cost Apportionment

1. Divide the **Remaining Costs to be Apportioned** by the **Total Estimated NextGen Parties Subscriber Radio Count**. Multiply this number by the projected average number of your agency's subscriber radios for the two dates.

Formula

$$\frac{\text{Remaining Costs to be Apportioned}}{\text{Estimated Total Subscriber Radio Count}} \times \text{Two Year Average Radio Count} = \text{Estimated Agency Cost for Shared Infrastructure}$$

Example

1. Agency X has an average of 50 radios for the two dates.
2. Total Estimated Cost of System divided by the Total Estimated Parties Subscriber Radio Count is \$6,164
3. Fifty (50) subscriber radios X \$6,164 estimated cost = Estimated Agency Cost \$308,177

Exhibit C-1

Cost Apportionment for San Diego County Shared Infrastructure Per Party: Costs are apportioned in two categories-- infrastructure and core. Below are the estimated shared infrastructure apportionment costs per agency

San Diego County Party Name	Radio Count 9/1/13	Radio Count 7/1/2014	Average Radio Count	Estimated Cost for San Diego Shared Infrastructure
Alpine Fire Protection District	26			
Bonita-Sunnyside Fire Protection District	16			
Borrego Springs Fire Protection District	21			
City of Carlsbad	436			
City of Chula Vista	694			
City of Coronado	182			
City of Del Mar	97			
City of El Cajon	460			
City of Encinitas	246			
City of Escondido	752			
City of Imperial Beach	117			
City of La Mesa	291			
City of Lemon Grove	95			
City of National City	284			
City of Oceanside	744			
City of Poway	296			
City of San Marcos	419			
City of Santee	176			
City of Solana Beach	58			
City of Vista	284			
County of San Diego	5,848			
Deer Springs Fire Protection District	21			
Heartland Communications Facility JPA	12			
Julian-Cuyamaca Fire Protection District	29			
Lakeside Fire Protection District	98			
Metropolitan Transit System	251			
Mira Costa Community College District	20			
North County Dispatch JPA	18			
North County Fire Protection District	127			
North County Transit District	33			
Rancho Santa Fe Fire Protection District	92			
San Diego Rural Fire Protection District	107			
San Diego Unified Port District	299			
San Miguel Consolidated Fire Protection District	135			
Santee School District	44			
State of CA Department of Transportation (Caltrans)	893			
State of California, CA Highway Patrol/El Cajon CHP	174			
Valley Center Fire Protection District	25			
Viejas Reservation Fire Department	33			
Potential New Party				
Potential New Party				
Potential New Party				
TOTAL	13,953			

Exhibit C-2

Cost Apportionment for RCS NextGen Core (Portion of the Shared Infrastructure Costs): Costs are apportioned in two categories--infrastructure and core. Below are the estimated RCS NextGen Core apportionment costs per agency for both San Diego County agencies and the Imperial Valley Emergency Communications Authority (IVECA).

San Diego County Parties & IVECA	Radio Count 9/1/13	Radio Count 7/1/2014	Average Radio Count	Estimated Cost for RCS NextGen Core
Alpine Fire Protection District	26			
Bonita-Sunnyside Fire Protection District	16			
Borrego Springs Fire Protection District	21			
City of Carlsbad	436			
City of Chula Vista	694			
City of Coronado	182			
City of Del Mar	97			
City of El Cajon	460			
City of Encinitas	246			
City of Escondido	752			
City of Imperial Beach	117			
City of La Mesa	291			
City of Lemon Grove	95			
City of National City	284			
City of Oceanside	744			
City of Poway	296			
City of San Marcos	419			
City of Santee	176			
City of Solana Beach	58			
City of Vista	284			
County of San Diego	5,848			
Deer Springs Fire Protection District	21			
Heartland Communications Facility JPA	12			
Julian-Cuyamaca Fire Protection District	29			
Lakeside Fire Protection District	98			
Metropolitan Transit System	251			
Mira Costa Community College District	20			
North County Dispatch, JPA	18			
North County Fire Protection District	127			
North County Transit District	33			
Rancho Santa Fe Fire Protection District	92			
San Diego Rural Fire Protection District	107			
San Diego Unified Port District	299			
San Miguel Consolidated Fire Protection District	135			
Santee School District	44			
State of CA Department of Transportation (Caltrans)	893			
State of California, CA Highway Patrol/El Cajon CHP	174			
Valley Center Fire Protection District	25			
Viejas Reservation Fire Department	33			
IVECA*	1,302			
Potential New Party				
Potential New Party				
Potential New Party				
TOTAL	15,255		-	-

*IVECA will pay for infrastructure for Imperial County (an estimated \$ 9,000,000) and a portion of the NextGen core costs.

Exhibit C-3

Cost Apportionment for the Combined Infrastructure and RCS NextGen Core: Costs are apportioned in two categories-- infrastructure and core. Below are both the estimated Combined Infrastructure and RCS Core apportionment costs per agency.

San Diego County Parties & IVECA	Exhibit C-1 Estimated Cost for San Diego Shared Infrastructure	+	Exhibit C-2 Estimated Cost for RCS NextGen Core	=	Combined Estimated Cost for San Diego Shared Infrastructure and NextGen RCS Core (C-1 + C-2)
Alpine Fire Protection District					
Bonita-Sunnyside Fire Protection District					
Borrego Springs Fire Protection District					
City of Carlsbad					
City of Chula Vista					
City of Coronado					
City of Del Mar					
City of El Cajon					
City of Encinitas					
City of Escondido					
City of Imperial Beach					
City of La Mesa					
City of Lemon Grove					
City of National City					
City of Oceanside					
City of Poway					
City of San Marcos					
City of Santee					
City of Solana Beach					
City of Vista					
County of San Diego					
Deer Springs Fire Protection District					
Heartland Communications Facility JPA					
Julian-Cuyamaca Fire Protection District					
Lakeside Fire Protection District					
Metropolitan Transit System					
Mira Costa Community College District					
North County Dispatch, JPA					
North County Fire Protection District					
North County Transit District					
Rancho Santa Fe Fire Protection District					
San Diego Rural Fire Protection District					
San Diego Unified Port District					
San Miguel Consolidated Fire Protection District					
Santee School District					
State of CA Department of Transportation (Caltrans)					
State of California, CA Highway Patrol/El Cajon CHP					
Valley Center Fire Protection District					
Viejas Reservation Fire Department					
IVECA*					
Potential New Party					
Potential New Party					
Potential New Party					
TOTALS					

Exhibit D

Potential New RCS NextGen Parties

Potential New Parties	Radio Count Sept 1, 2013	Radio Count July 1, 2014	Average Radio Count
Barona Fire Department	35		
Cajon Valley Union School District	125		
California Department of Corrections & Rehabilitation Division of Adult Parole Operations	109		
California Department of Corrections & Rehabilitation Office of Correctional Safety	13		
California State University San Marcos (Police)	49		
Grossmont Union High School District	128		
Grossmont-Cuyamaca Community College	15		
Jamul-Dulzura Unified School District	15		
La Jolla Band of Luiseño Indians (La Jolla Tribal Police)	4		
Los Coyotes Police Department	6		
Olivenhain Municipal Water District	3		
Palomar College	41		
Pala Band of Mission Indians	25		
Pauma Band of Luiseño Mission Indians (Pauma Band of Mission Indians)	21		
Poway Unified School District	240		
Ramona Water District Fire Department	21		
Rancho Santa Fe Patrol	17		
San Diego Association of Governments (SANDAG)	59		
San Diego County Regional Airport Authority	164		
San Diego Humane Society	34		
San Diego State University (Police & Parking)	102		
Southwestern College Police Dept.	22		
Sycuan Band of the Kumeyaay Nation (Sycuan Fire/Police Department)	72		
University of California San Diego (Police and Environment Health & Safety)	108		
Vista Unified High School District	188		

RESOLUTION NO. 2014 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN AND AMONG THE COUNTY OF SAN DIEGO AND PARTICIPATING CITIES AND JURISDICTIONS REGARDING THE NEXT GENERATION REGIONAL COMMUNICATIONS SYSTEM PROVIDING COMMUNICATION SERVICES TO PUBLIC SAFETY AND PUBLIC SERVICE AGENCIES OPERATING IN SAN DIEGO COUNTY AND IMPERIAL COUNTY WITH AN ANTICIPATED COST OF \$1.75 MILLION AND ON-GOING MAINTENANCE COSTS PAYABLE BY MARCH 31, 2016

WHEREAS, the County's Regional Communications System has helped sustain communications among the region's public safety and public service partners for emergency and disaster response communications; and

WHEREAS, the Next Generation Regional Communications System ("NextGen RCS") Agreement, which defines the terms and conditions of participation in the NextGen RCS and provides incentives promoting early commitment to participation, was approved by the San Diego County Board of Supervisors on December 3, 2013; and

WHEREAS, early commitment to participation is crucial to establishing system requirements necessary to the contracting process and to give all parties an estimate of the cost of participation because a 15% late signing financial penalty is included in the Agreement for agencies that approve and sign this Agreement after March 31, 2014. For agencies that approve and sign the Agreement after July 31, 2014, the late signing financial penalty is increased to 25%; and

WHEREAS, the NextGen RCS Agreement will not immediately replace the 1995 RCS Agreement or existing customer agreements which will remain in effect until March 31, 2016; and

WHEREAS, National City's estimated costs to join the NextGen RCS Agreement is \$1,750,444 and on-going maintenance costs payable by March 31, 2016

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City hereby authorizes the Mayor to execute the Next Generation Regional Communications System Agreement between and among the County of San Diego and participating cities and jurisdictions for communications services to public safety and public service agencies operating in San Diego and Imperial County. Said Fifth Amendment to the Agreement is on file in the office of the City Clerk.

PASSED and ADOPTED this 18th day of February, 2014.

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: February 18, 2014

AGENDA ITEM NO. |

ITEM TITLE:

TEMPORARY USE PERMIT—3rd Annual Mabuhay Festival & 116TH Philippine Independence Celebration at Kimball Park on June 14, 2014 from 10 a.m. to 4 p.m. with request of waiver of fees.

PREPARED BY: |Vianey Rivera |

DEPARTMENT: Neighborhood Services Division

PHONE: |(619) 336-4364|

APPROVED BY: _____

EXPLANATION:

This is a request from the Mabuhay Foundation to conduct the 3rd Annual Mabuhay Festival & 116th Philippine Independence Celebration at Kimball Park on June 14, 2014 from 10 a.m. to 4 p.m. Setup for this event will commence on June 13, 2014 at 4 p.m. and dismantling on June 15, 2014 by 6 p.m.

This festival promotes pride in the Filipino cultural heritage. This event will include participation from various groups representing businesses, civic organizations, local government, educational institutions, public agencies and nonprofit organizations showcasing Philippine arts and crafts, talents and trade. Security will be provided by event staff and volunteers.

Note: This organization event was approved in 2012 & 2013 by council with no waiver of fees.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

The City has incurred \$237.00 for processing the TUP through various City departments, \$200.00 for Fire Department fees and \$1,672.82 for Public Works.
Total fees are \$2,109.82

ENVIRONMENTAL REVIEW:

N/A|

ORDINANCE: INTRODUCTION: | | **FINAL ADOPTION:** | |

STAFF RECOMMENDATION:

|Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees |

BOARD / COMMISSION RECOMMENDATION:

N/A|

ATTACHMENTS:

|Application for a Temporary Use Permit with recommended approvals and conditions of approval. |

**CITY OF NATIONAL CITY
NEIGHBORHOOD SERVICES DIVISION
APPLICATION FOR A TEMPORARY USE PERMIT
RECOMMENDED APPROVALS AND CONDITIONS OF APPROVAL**

SPONSORING ORGANIZATION: **Mabuhay Foundation**

EVENT: 3rd Annual Mabuhay Festival & 116th Philippine Independence Celebration

DATE OF EVENT: **June 14, 2014**

TIME OF EVENT: **10am to 4pm**

APPROVALS:

DEVELOPMENT SERVICES	YES [x]	NO []	SEE CONDITIONS [x]
COMMUNITY SERVICES	YES [x]	NO []	SEE CONDITIONS [x]
RISK MANAGER	YES [x]	NO []	SEE CONDITIONS [x]
NEIGHBORHOOD SERVICES	YES [x]	NO []	SEE CONDITIONS [x]
PUBLIC WORKS	YES [x]	NO []	SEE CONDITIONS [x]
FINANCE	YES [x]	NO []	SEE CONDITIONS [x]
FIRE	YES [x]	NO []	SEE CONDITIONS [x]
POLICE	YES [x]	NO []	SEE CONDITIONS [x]
CITY ATTORNEY	YES [x]	NO []	SEE CONDITIONS [x]

CONDITIONS OF APPROVAL:

RISK MANAGER

Other than requiring the standard insurance certificate and endorsement naming the City of National City as an additional named insured, I think we are ok to proceed.

Please let me know if you require our input during the review of the insurance information or you have any further questions.

CITY ATTORNEY

Requires an indemnification and hold harmless agreement, and a policy of general liability insurance, with the City and its officials, employees, agents and volunteers as additional insureds, with amounts of coverage to be determined by the Risk Manager.

DEVELOPMENT SERVICES

Engineering: There are no projects located in these locations at this time. I have no other comments.

Building has no comments

Planning: Sound system/speakers shall face away from residential areas. All activities shall comply with Title 12 (Noise) of the Muni Code.

FINANCE

All vendors must be licensed. Food vendors need health permits.

I need a list of the vendors at least 2 weeks prior to the event.

PUBLIC WORKS

Street Division:

1. Staff will barricade parking lot before and remove after the event.
2. Staff will post no parking sign affected parking lot before the event.
3. The cost to provide street personal support for this event is estimated to be

Man Hrs.	2 X \$32.57 = \$65.14
Overtime Hrs.	4 X \$48.85 = \$195.40
Equipment	6 X \$19.09 = \$114.54
No Parking Signs	20 X \$0.45 = \$9.00
Barricades	4 X \$0.35 = \$1.40
TOTAL:	\$385.48

Parks Division:

1. Three hours for set up on Friday, June 13 to mark off the valve boxes and irrigation. Overtime rate at \$46.58 (\$139.74)
2. One staff for the duration of event (8 hrs from 9:00 am to 5:00 pm) for litter control and to service public restrooms. Overtime rate at \$46.58 (\$372.64)
3. Two hours for final inspection Storm Water Compliance Inspection for Special Event Report and litter clean up. Overtime rate at \$46.58 per hour (\$93.16)
4. The event organizers must provide night time security on Friday, June 13.
5. Event organizers did not request city stage or public address system.
6. Total \$605.54

Facilities Division:

1. Custodian OT hrs	10 hrs x \$22.26	\$ 222.60
2. Electrician OT hrs	10 hrs x \$33.32	\$ 333.20
2 Tables	51 x \$100	\$ 51.00
3. Chairs	100 x \$.75	\$ 75.00
4. Total for event is		\$ 681.80

Park Division	\$605.54	(Acct #105-442-000-102-0000)
Facilities Division	\$681.80	(Acct #626-422-223-102-0000)

POLICE

I will ask for a couple of Reserve Officers to work the event since they are not having a parade this year.

COMMUNITY SERVICES

No involvement.

FIRE

Request Meeting With Organizers Prior To Event \$200.00 After Hour Inspection Fee

Stipulations required by the Fire Department for this event are as follows:

- 1) Access to the street to be maintained at all times, to both entrances and Fire Department connections for fire sprinkler systems, standpipes, etc.
- 2) Fire Department access into and through the booth areas are to be maintained at all times. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Please provide emergency access to rear of Faire
- 3) Fire Hydrants shall not be blocked or obstructed.
- 4) Participants on foot are to move immediately to the sidewalk upon approach of emergency vehicle(s).
- 5) Vehicles in roadway are to move immediately to the right upon approach of emergency vehicle(s).
- 6) Provide a 2A:10BC fire extinguisher at both stages. Extinguishers to be mounted in a visible location between 3½' to 5' from the floor to the top of the extinguisher. Maximum travel distance from an extinguisher shall not be more than 75 feet travel distance.
- 7) Provide 2A:10BC fire extinguishers in all food areas. Extinguisher to be mounted in a visible location between 3½' to 5' from the floor to the top of the extinguisher. **If grease or oil is used in cooking, a 40:BC or class "K" fire extinguisher will be required. Please contact the National City Fire Department for direction on K type extinguisher.** Maximum travel distance from one extinguisher to another shall not be more than 75 feet travel distance. **All fire extinguishers to have a current State Fire Marshal Tag attached. Please see attached example**
- 8) If tents or canopies are used, tents having an area in excess of 200 square feet and or canopies in excess of 400 square feet or multiple tents and or canopies placed together equaling or greater than the above stated areas, are to be used, they shall be flame-retardant treated with an approved State Fire Marshal seal attached. A ten feet separation distance must be maintained between tents and canopies. A permit from the Fire

Department must be obtained. ***Cooking shall not be permitted under tents or canopies unless the tents or canopies meet “State Fire Marshal approval for cooking. Approval from the National City Fire Department is required to cook under tents or canopies. Please contact the National City Fire Department for direction.***

Canopies:

0 – 400 sf -	\$0
401 – 500 sf -	\$250.00
501 – 600 sf -	\$300.00
601 – 700 sf -	\$400.00

Tents:

0 – 200 sf -	\$200.00
201 – (+) sf -	\$400.00

- 9) **Please contact the National City Fire Department for direction on placement of tents or canopies**
- 10) If Charcoal is being used, provide metal cans with lids and label "HOT COALS ONLY" for used charcoal disposal.
- 11) No parked vehicles or internal combustion engines (generator) are to be placed within 20 feet of tent/canopy. Internal combustion power sources that may be used shall be of adequate capacity to permit uninterrupted operation during normal operating hours.
- 12) Internal combustion power sources shall be isolated from contact with the public by either physical guards, fencing or an enclosure.
- 13) Any electrical power used is to be properly grounded and approved. Extension cords shall be used as “Temporary Wiring” only.
- 14) First Aid will be provided by organization
- 15) South parking lot next to Boys and Girls Club shall maintain a minimum of a 20 foot roadway to allow for emergency apparatus access. Please contact the National City Fire Department for direction.
- 16) Required inspections taking place, after hours, holidays, and weekends will be assessed a minimum of two hundred ten (\$200.00) dollars
- 17) A fire safety inspection is required for this event and is to be conducted by the Fire Department prior to operations of the event to include all food areas etc. **\$200.00**
- 18) Fees must be paid to the Fire Department Administration Office prior to event occurrence.

- 19) **Map shall consider “Fire Lane” required for event. Contact City of National City Parks Division for requirements.**

Fire Department fees can only be waived by City Council.



Neighborhood Services Division

Temporary Use Permit Application

Introduction




















Certain special events, structures or activities that are beneficial to the public can often be permitted for limited periods of time even though they would not comply with the zoning, building, fire or other codes, if they were permanent. Chapter 15.60 of the National City Municipal Code regulates these special events. In general, any organized activity that uses public property, facilities, parks, sidewalks or streets requires a permit, known as a “Temporary Use Permit” (TUP). In some cases, events taking place on private property also require a TUP permit. See the list below for more information. The Department of Community Services is responsible for coordination of the application and issuance of the permit.

Classes of Temporary Use Permits

Temporary Use Permits are either Class A, requiring City Council approval, Class B, which may be approved by the Building & Safety Director, or Class C subject only to the business license regulations. For Class B & C Permits, please contact the Building and Safety Department for additional information.

Class A Temporary Use Permits

The following uses require a Class A Temporary Use Permit.

-  Outdoor auctions conducted by charitable or philanthropic organizations
-  Balloon rides or races
-  Block or Holiday parties and displays conducted outdoors or in temporary structures
-  Carnivals, circuses, traveling shows and midways
-  Exhibitions (boxing, wrestling, etc.)
-  Fairs, bazaars, exhibits or trade shows conducted outdoors or in temporary structures
-  Temporary farmer’s markets
-  Temporary helicopter landings
-  Las Vegas nights conducted by non-profit organizations
-  Live domestic animal rides
-  Membrane structures
-  Musical concerts and festivals of all types conducted outdoors or in temporary structures
-  Outdoor pet shows
-  Outdoor stages or platforms for sales promotions, events or grand openings and similar activities
-  Parades, bicycle tours, walks, runs and similar activities on city streets.
-  Political activities conducted outdoors or in temporary structures.
-  Special lighting displays for advertising
-  Temporary vehicle display areas conducted outdoors or in temporary structures
-  Uses or activities which exceed the normal duration

Class A Temporary Use Permits are limited to no more than two occurring concurrently on the same day and only one event per day in the City parks.

Procedure

1. Complete the application found at the end of this booklet.
2. Return the completed application to the Neighborhood Services Division located at 1243 National City Blvd, National City, CA 91950.
3. Pay the processing fee, unless a waiver of fees is requested. If requesting a waiver of fees the fee waiver application must be submitted also.
4. Your application is routed to all impacted City Departments for approval. During the review process you may be contacted to provide additional information
5. The application and the conditions of approval received from the various departments are routed to the City Council for final approval. You will be notified of the City Council meeting date. It is suggested that you attend the meeting to answer any questions that may arise.
6. The City Council approves or denies the application.
7. If approved and all required certificates of insurance, etc. are received, the approved permit is mailed to you.

Application Deadline

A Class A Temporary Use Permit *must* be submitted to the Community Services Department a minimum of 45 working days prior to the event.

It is suggested that the application be submitted well before the event to allow for approval prior to promoting, marketing or advertising the event. Acceptance of your application does not guarantee approval of the event. The event must be approved by the City Council and all conditions of approval must be met before the permit will be issued.

Events at City Parks

Before applying for a Temporary Use Permit in a City park, it is necessary to contact the Public Works Department to schedule the event. City Council Policy only allows one event per day in the Park and one special event every six weeks.

The City Council will not approve the sale or consumption of alcohol in City parks in conjunction with any event requiring a Temporary Use Permit. This prohibition will not impact the existing policy regarding the sale or consumption of alcohol within buildings in the parks, such as the Community Center, which will continue to be subject to City Council approval.

If the event involves either 1) live musical performances; 2) the use of amplified sound systems other than hand held or portable systems; 3) fireworks or 4) other activities or events which the City Council determines notification is required, then the applicant must provide written notification to the occupants of the properties adjacent to the park.

Written notification must be made to the surrounding neighbors at least 72 hours prior to the event. The notification must include the name and telephone number of the sponsor of the event, the nature of the event, the date and hours of set-up and tear-down for the event, the date and hours of the event, and the name of the sponsor's representative who will be at the park on the day(s) of the event and how that individual can be contacted should the need arise.

Written notification must be mailed to the occupants of properties adjacent to the park as reflected on the map of adjacent properties available from the Community Services Department. Written notification shall be submitted to the Building & Safety Director for review and approval prior to mailing.

Failure to provide notification may be cause for the revocation of the Temporary Use Permit or denial of future Temporary Use Permit applications submitted by the sponsoring organization.

Events at Plaza Bonita Mall

Before applying for a Temporary Use Permit for Plaza Bonita Mall, the applicant must contact the mall for approval and to schedule the event. The mall will give the applicant written approval for the event, which must be presented to the Community Services Department at the time of submittal.

Photography and Motion Picture Events

Applications for a Temporary Use Permit for Photography/Filming shall be based on the model photography/filming permit developed by the California Film Commission. The applicant may be required to reimburse the City for costs incurred in providing support services.

A **Class A** Temporary Use Permit is required for photography or filming on public or private property that requires street closures and/or traffic control in excess of three minutes, or that involves stunts or special effects, which may require City services. A Class A Photography or Motion Picture Temporary Use Permit must be submitted to the Community Services Department at least 10 working days before the event.

All Photography and Filming Temporary Use Permits must be accompanied by a Certificate of Insurance and Neighborhood Notification Form when required by the Risk Manager and the Director of Building and Safety.

Fees

The cost of processing the permit is dependent on the number of departments that must review the application. The maximum fee is \$345. Unless a fee waiver is requested, the application fee is required at the time of submittal.

The temporary use permit fees for events which are later withdrawn are nonrefundable

Duration

The Class A Temporary Use Permit will be valid for ten days or as limited by the City Council. The permit is valid for the dates specified on the permit only.

Insurance

Where the use of City facilities is involved, the applicant may be required to provide a certificate of insurance, evidencing combined single limit coverage of at least \$1 million and naming the City of National City and its officials, employees, agents and volunteers as additional insured's. Amounts of coverage are to be determined by the National City Risk Manager.

In all cases involving the use of City facilities, the applicant is required to provide a Hold Harmless Agreement holding the City harmless from liability arising from the use of the facilities.

Business Licenses

A business license is required if monies are solicited; admittance is charged; or food, beverages or merchandise are sold. Each separate vendor must have a separate business license.

Vendors currently licensed by the City may operate on their existing license. If any of the vendors or organizations are registered not-for-profit there will not be a charge for their business license.

A list of all participating vendors (with their address, phone number and current National City business license number) is to be submitted to the Revenue and Recovery Division of the Finance Department prior to the event for verification of business license numbers.

Fireworks

A fireworks permit must be obtained from the Fire Department. The fee for the permit is \$349.00. The permit must be obtained at least two weeks prior to the event. The Fire Department has absolute authority, control and decisions over all fireworks and/or pyrotechnic displays. An inspection from the Fire Department must be obtained prior to any ignition of fireworks.

Tents or Canopies

A permit is required from the Fire Department to erect a tent excess of 200 square feet or a canopy in excess of 400 square feet or any combination that exceeds the limits. Tents and canopies shall be treated with a flame retardant and labeled as such. The fee for the permit is \$349.00 and may be obtained from the Fire Department.



EVENT INFORMATION

Type of Event:

Public Concert Fair Festival Community event
 Parade Demonstration Circus Block Party
 Motion Picture Grand Opening Other _____

Event Title: 3rd Annual Mabuhay Festival honoring Philippine Independence Day

Event Location: Kimball Park.

Event Date(s): From 6/14/14 to 6/14/14

Actual Event Hours: 10 am/pm to 4 am/pm

Total Anticipated Attendance: 300+ (100 Participants 200+ Spectators)

Setup/assembly/construction Date: 6/13/14 Start time: 8 a.m.

Please describe the scope of your setup/assembly work (specific details): **put up canopies – set up stage – put up directional signs for parking – set up tables and chairs – and other elements to prepare for the event**

Dismantle Date: 6/14/14 Completion Time: 6 am/pm

List any street(s) requiring closure as a result of this event. Include street name(s), day and time of closing and day and time of reopening.

Request to have the Boys & Girls Club parking lot closed for the event.

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

Sponsoring Organization: Mabuhay Foundation

Chief Officer of Organization (Name) Ditas Yamane

Applicant (Name): Ditas Yamane

Address: P.O. Box 2288, National City, CA 91951-2288

Daytime Phone: (619) 474-5300 Evening Phone: (619) 474-5300

Fax: (619) 474-6888 E-Mail: _____

Contact Person "on site" day of the event: Ditas Yamane Cellular: (619) 921-5125

NOTE: THIS PERSON MUST BE IN ATTENDANCE FOR THE DURATION OF THE EVENT

AND IMMEDIATELY AVAILABLE TO CITY OFFICIALS

FEES/PROCEEDS/REPORTING

Is your organization a "Tax Exempt, nonprofit" organization? X YES __ NO

Are admission, entry, vendor or participant fees required? X YES __ NO

If YES, please explain the purpose and provide amount(s): _____ FREE ADMISSION to the public. Booth sponsorship to cover cost. _____

\$ 7,500.00 Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ 7,000.00 Estimated Expenses for this event.

\$ 500.00 What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

OVERALL EVENT DESCRIPTION ROUTE MAP/SITE DIAGRAM/SANITATION

Please provide a **DETAILED DESCRIPTION** of your event. Include details regarding any components of your event such as the use of vehicles, animals, rides or any other pertinent information about the event.

This festival will foster a sense of community and promote pride in the Filipino cultural heritage; build collaboration and cultural understanding among the Filipinos and the Filipino Americans – young and old alike; promote empowerment in the community of diverse strengths and backgrounds! The Filipino Americans represent the largest Asian group in San Diego County, celebrate in honoring the Philippine Independence in the community with the theme "People Helping People!". The Mabuhay Festival program will include participation from various groups representing businesses, civic organizations, local government, educational institutions, public agencies, and nonprofit organizations showcasing arts and crafts local talents, and trade. It will feature the Bayani Honorees, Filipino American Sailor Honorees, Mabuhay Scholarship Awards, and Corporate "Maraming Salamat" Recognitions. The event will also feature the Singing Star Search, the Seniors Got Talent, Mabuhay Scholarship and the Mini Health Fair. This has been a tradition of our community in celebrating the annual

commemoration of the Philippine Independence – FREE TO THE GENERAL PUBLIC.

YES NO If the event involves the sale of cars, will the cars come exclusively from National City car dealers?

If NO, list any additional dealers involved in the sale: Mile of Cars display cars at the event.

OVERALL EVENT DESCRIPTION CONTINUED

YES NO Does the event involve the sale or use of alcoholic beverages?

YES NO Will items or services be sold at the event? If yes, please describe:

YES NO Does the event involve a moving route of any kind along streets, sidewalks or highways? If YES, attach a detailed map of your proposed route indicate the direction of travel, and provide a written narrative to explain your route.

YES NO Does the event involve a fixed venue site? If YES, attach a detailed site map showing all streets impacted by the event.

YES NO Does the event involve the use of tents or canopies? If YES: Number of tent/canopies 50 Sizes 10 X 10 NOTE: A separate Fire Department permit is required for tents or canopies.

YES NO Will the event involve the use of the **City** or **your** stage or PA system? SPECIFY:

In addition to the route map required above, please attach a **diagram** showing the overall layout and set-up locations for the following items:

Alcoholic and Nonalcoholic Concession and/or Beer Garden areas.
 Food Concession and/or Food Preparation areas Please describe how food will be served at the event: **Food vendors to follow County Health Department Requirements**
If you intend to cook food in the event area please specify the method:
 GAS ELECTRIC CHARCOAL OTHER (Specify):

Portable and/or Permanent Toilet Facilities
Number of portable toilets: _____ (1 for every 250 people is required, unless the applicant can show that there are facilities in the immediate area available to the public during the event)

Tables # _____ and Chairs # _____

Fencing, barriers and/or barricades

Generator locations and/or source of electricity

Canopies or tent locations (include tent/canopy dimensions)

Booths, exhibits, displays or enclosures

Scaffolding, bleachers, platforms, stages, grandstands or related structures

Vehicles and/or trailers

Other related event components not covered above

Trash containers and dumpsters

(Note: You must properly dispose of waste and garbage throughout the term of your event and immediately upon conclusion of the event the area must be returned to a clean condition.) Number of trash cans: 24 Trash containers with lids: 2

Describe your plan for clean-up and removal of waste and garbage during and after the event:
Venue will be cleaned –all trash will be disposed of properly.

SAFETY/SECURITY/ACCESSIBILITY

Please describe your procedures for both Crowd Control and Internal Security: **Partner organizations to facilitate crowd control plus volunteers to provide smooth flow of program.**

YES NO Have you hired any Professional Security organization to handle security arrangements for this event? If YES, please list:

Security Organization: _____

Security Organization Address: _____

Security Director (Name): _____ Phone: _____

YES NO Is this a night event? If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators:

Please indicate what arrangement you have made for providing First Aid Staffing and Equipment.

_____ **A First Aid Booth provided by Volunteer Medical Practitioners.**

Please describe your Accessibility Plan for access at your event by individuals with disabilities:

_____ **Lay-out for the event is very friendly to individuals with disabilities.**

PARKING PLAN/MITIGATION OF IMPACT

Please provide a detailed description of your PARKING plan:

Street Parking and any and all available parking around the park.

Please describe your plan for DISABLED PARKING:

Street Parking and any and all available parking around the park.

Please describe your plans to notify all residents, businesses and churches impacted by the event: **Advertising via flyers – posters – and newspapers.**

NOTE: Neighborhood residents must be notified 72 hours in advance when events are scheduled in the City parks.

ENTERTAINMENT/ATTRACTIONS AND RELATED EVENT ACTIVITIES

YES NO Are there any musical entertainment features related to your event? If YES, please state the number of stages, number of bands and type of music. Number of Stages: ONE Number of Bands: NONE

Type of Music: DJ MUSIC

YES NO Will sound amplification be used? If YES, please indicate: Start time: 9AM am/pm Finish Time 4PM am/pm

YES NO Will sound checks be conducted prior to the event? If YES, please indicate: Start time: 10AM am/pm Finish Time 3PM am/pm

Please describe the sound equipment that will be used for your event:

public address – sounds - microphones

YES NO Fireworks, rockets, or other pyrotechnics? If YES, please describe:

None.

YES NO Any signs, banners, decorations, special lighting? If YES, please describe:

Banners – signs

City of National City

PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of insurance must be attached to this permit.

Organization _____

Person in Charge of Activity _____

Address _____

Telephone _____ **Date(s) of Use** _____

HOLD HARMLESS AGREEMENT

As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorneys fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.

Signature of Applicant Official Title Date

For Office Use Only

Certificate of Insurance Approved _____ Date _____

This event will foster a sense of community and promote pride in the Filipino cultural heritage; build collaboration and cultural understanding among the filipinos and the filipino americans – young and old alike; and promote empowerment in the community of exponential wealth of diverse strengths and backgrounds!

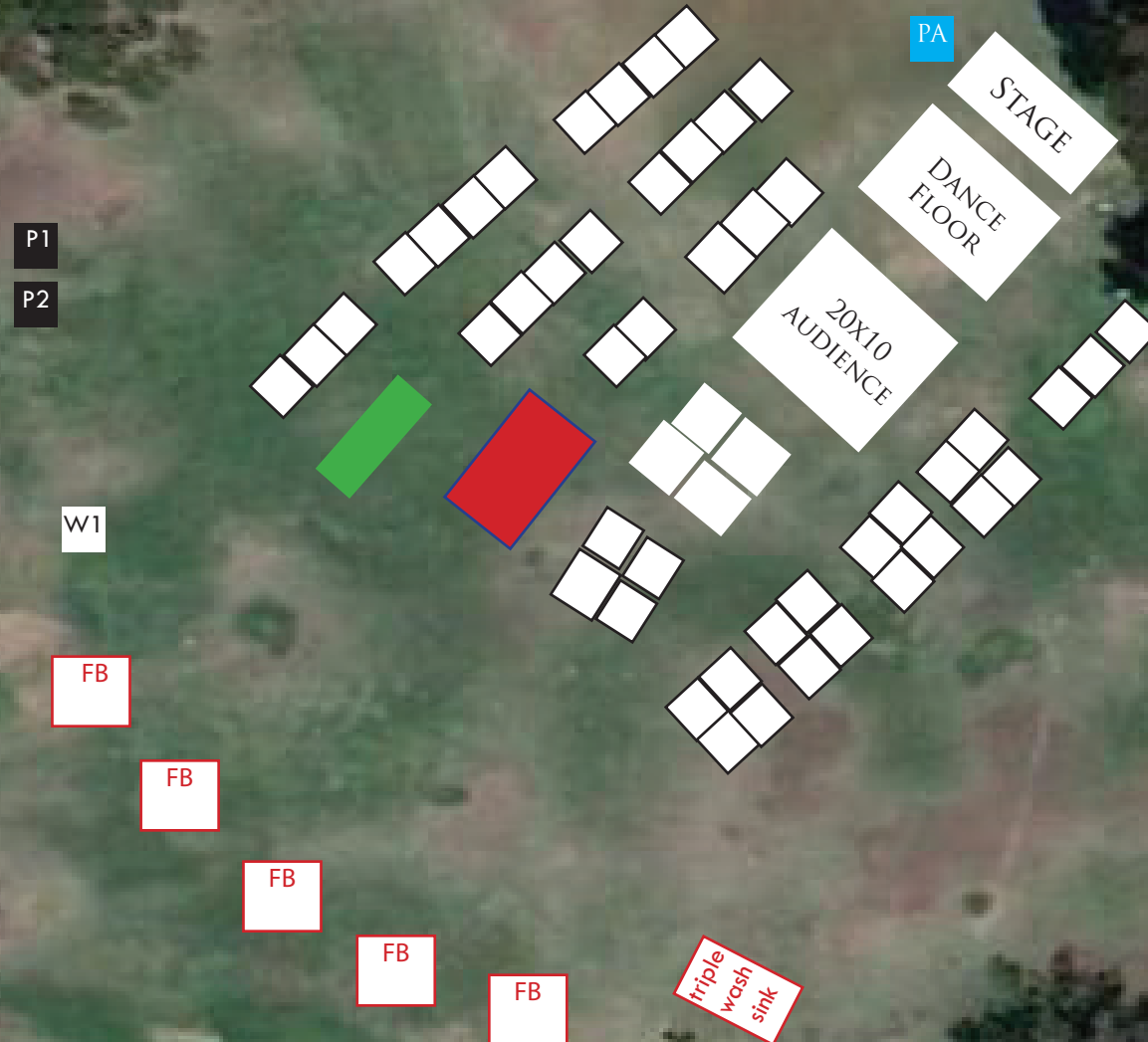
The Filipino Americans of San Diego County will honor the 116th Philippine Independence – and as you all know – the Filipino Americans is the next largest ethnic group in our city which doubles during the day - the program will include participation from various groups representing businesses, civic organizations, local government, educational institutions, public agencies, and nonprofit organizations showcasing arts and crafts, local talents, and trade.

This has been a tradition of our community celebrating the annual commemoration of the Philippine Independence in the center of it all - the City of National City!

Footprint (Tentative Map)

Mabuhay Festival - People Helping People !
Honoring the 116th Anniversary of the Philippine Independence
Kimball Park in National City, California
Saturday, June 7, 2014 @ 10am - 4pm

For more information, please call:
Ditas Yamane @ (619) 474-5300



P-Portables
W- Wash Sink
FB - Food Booth
PA-Public Address
DR - Dressing Room

Mabuhay Festival

Honoring Philippine Independence!!!
People Helping People!

SATURDAY, JUNE 7, 2014 · 10:00AM - 4:00PM
NATIONAL CITY, CALIFORNIA

www.wesaymabuhay.org



Mabuhay Festival

Honoring Philippine Independence!!!

People Helping People!

SATURDAY, JUNE 7, 2014 • 10:00AM - 4:00PM

NATIONAL CITY, CALIFORNIA

www.wesaymabuhay.org

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

MEETING DATE: February 18, 2014

AGENDA ITEM NO.

ITEM TITLE:

Staff Report: Mid-Year Fiscal Year 2014 Budget Update

PREPARED BY: Ed Prendell, Budget Analyst

PHONE: 619-336-4332

DEPARTMENT: Finance

APPROVED BY: 

EXPLANATION:

Please refer to the attached staff report.

FINANCIAL STATEMENT:

APPROVED:  Finance

ACCOUNT NO.

APPROVED: _____ MIS

See attached staff report.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Accept the staff report as presented.
Adopt the recommendations in the staff report.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Staff Report



City Council Staff Report

February 18, 2014

ITEM

Staff Report: Fiscal Year 2014 Mid-Year Budget Review

BACKGROUND

Consistent with historic practice, staff brings forward a mid-year review of the City's operating budget. The intent of this report is to review the activities of the first half of the current fiscal year and provide revised projections of revenues and expenditures through the end of the fiscal year. In addition, the report recommends various budget adjustments.

This report represents the second budget report of the fiscal year. A first quarter status report was presented on November 19, 2013, consistent with staff's commitment to provide quarterly reports on the status of the budget in keeping with the strategic plan objective of fiscal transparency.

DISCUSSION

First Half of Fiscal Year 2014

Based on year-to-date actual revenues and expenditures through December 31, 2013 and anticipated activities through year-end, the General Fund is projected to end the year with an increase in fund balance of approximately \$2,008,826 over that of June 30, 2013. The expected increase results from a combination of over-realized revenues and lower than budgeted expenditures, primarily in personnel-related expenditures and pending capital improvement projects.

Revenues

The General Fund's primary sources of revenue are sales and property taxes. The table below compares revenues from July 1st through December 31st of the current fiscal year to those of the same period of the prior fiscal year.

Mid-Year Revenue Comparison

GENERAL FUND REVENUES AS OF DECEMBER 31 ST			
Revenue Category	FY 13	FY 14	<u>Difference</u>
Sales & Use Tax	\$3,808,463	\$4,048,059	\$239,596
District Sales Tax	3,053,857	3,364,825	310,968
Property Tax ¹	725,929	738,652	12,724
Property Tax in Lieu of VLF	-	-	-
Property Tax in Lieu of Sales Tax	-	-	-
Other Revenue	3,158,272	4,393,574	1,235,301
Total	<u>\$10,746,521</u>	<u>\$12,545,110</u>	<u>\$ 1,798,589</u>

¹ includes reduction for property tax allocation to the Library and Parks Maintenance funds

During the first six months of the current fiscal year, General Fund revenues totalled more than \$12.5 million, nearly \$1.8 million higher than the same period last year. Sales and Use Tax receipts outpaced those for the same period of the prior fiscal year by \$239,596, in part, due to stronger auto sales and increases in business to business activity. For sales other than walk-in-stores, District Sales Taxes are allocated based upon where the goods are delivered or placed into use and, as such, do not always “track” Sales and Use Taxes. The City’s District Sales Tax revenues are \$310,968 above last year, with increases in several spending categories. Fiscal Year 2014 “Other Revenue,” which represents the combined total of non-major revenue sources, has benefitted from the \$1 million received in December from Paradise Creek Housing Partners for site infrastructure reimbursement for the Westside In-fill Transit Oriented Development Project site.

Staff projects overall year-end General Fund revenues to exceed the adjusted budget by approximately \$1.3 million. This estimate is based, in part, upon year-to-date and historical data, input from the City’s sales tax consultant, and information obtained from the State of California and County of San Diego; however, the variance is affected by a “mismatch” of budgeted versus actual and projected revenues, which will be addressed later in this report.

Fiscal Year-End Revenue Projections

GENERAL FUND
 REVENUES
 FISCAL YEAR 2014

Revenue Category	<u>Adjusted Budget</u> ¹	<u>Projected</u>	<u>Projected Variance</u>
Sales & Use Tax	\$11,358,170	\$11,671,509	\$313,339
District Sales Tax	9,418,000	9,446,867	28,867
Property Tax ²	1,880,173	1,953,314	73,141
Property Tax in Lieu of VLF	5,185,350	5,364,774	179,424
Property Tax in Lieu of Sales Tax	4,093,008	4,006,058	(86,950)
Other Revenue ³	15,786,933	16,562,531	775,599
Total	\$47,721,634	\$49,005,053	\$1,283,419

¹ adopted budget total, plus budget amendments

² includes reduction for property tax allocation to the Library and Parks Maintenance funds

³ does not include budgeted Transfers In (\$459,609)

In addition to the positive effect on sales tax revenues (Sales & Use and District Sales taxes) from the aforementioned growth in various spending categories, property taxes for Fiscal Year 2014 have increased in conjunction with a greater than anticipated 4.7% increase in assessed valuations. Changes in Property Tax in Lieu of Vehicle License Fee (“VLF”) revenues are tied to the change in assessed value. Although already budgeted higher than for the previous fiscal year, this revenue is now projected to exceed its budget by \$179,424 or 3.5%, in correlation to assessed valuations, which are at their highest levels in more than 15 years. Regarding Property Tax in Lieu of Sales Tax, the projected amount is based on planned distribution totals released in August from the County of San Diego, replacing the slightly higher estimate provided by the City’s sales tax consultant during preparation of the current fiscal year budget. The distribution, calculated by the State Department of Finance, incorporates an estimated value of the 0.25% reduction (from 1% to 0.75%) in the general purpose sales and use tax rate for the current budget year and a “settle-up” adjustment based on prior-year actuals.

Finally, \$776,000 of the projected excess of “Other Revenue” over the budgeted (combined) total results from a combination of the net of anticipated variances in several individual accounts (positive impact) and the lack of a mechanism to account for deferred revenues associated with capital expense appropriations carried forward from fiscal year to fiscal year (negative impact). This projection includes the \$2.7 million deferred revenue, which was received from the Successor Agency in Fiscal Year 2013 (June) but which will be realized as expenses for the related project work is completed during the current fiscal year; however, unlike with appropriations, revenue budgets are not automatically carried forward from one fiscal year to the next. Council authorization is required to correct this discrepancy. Notwithstanding the negative impact on the budget-projection variance, because the expense is associated with a deferred revenue which will be realized as revenue, there is no net impact on fund balance.

Expenditures

As of December 31, 2013, General Fund expenses totalled just under \$17.0 million, slightly exceeding those at the same point last fiscal year.

Mid-Year Expenditure Comparison

GENERAL FUND
EXPENDITURES
AS OF DECEMBER 31ST

Expenditure Category	<u>FY 13</u>	<u>FY 14</u>	<u>Difference</u>
Personnel Service	\$11,141,609	\$12,068,484	\$926,875
Maintenance & Operations	1,362,698	1,113,339	(249,358)
Capital Outlay	1,434	55,612	54,178
Capital Improvement	876,039	661,850	(214,189)
Internal Service Charges	3,274,193	2,877,031	(397,162)
Other Expenditures	237,932	215,102	(22,830)
Total	<u>\$16,893,905</u>	<u>\$16,991,419</u>	<u>\$97,514</u>

The increase in personnel services is attributed to the restoration and/or addition of several positions and increases to costs of living and retirement contributions. The decrease in maintenance & operations and capital improvement expenses is, in part, the result of timing differences of payment obligations and processing from year to year, with continued fiscal discipline also contributing to the Maintenance & Operations difference. At the mid-year point, however, it is difficult to ascertain the extent or proportion to which these factors apply and requires ongoing analysis as the year progresses. The increase in capital outlay expenses is associated with automotive equipment purchases. The decrease in Internal Service Charges results from the Department of Finance's transition from an Internal Service Department to a General Fund department. Staff will continue to monitor all expenses and provide greater detail in the third quarter budget report.

Staff is projecting actual expenditures to end the fiscal year at nearly \$6.2 million below budget; however, while recent historical data and current spending trends suggest a somewhat optimistic overall outlook, the most significant aspect of the variance is projected versus budgeted spending on capital improvement projects, nearly all of which will not result in cost savings, but, instead, simply in a delayed impact on fund balance.

Fiscal Year-End Expenditure Projections

GENERAL FUND EXPENDITURES FISCAL YEAR 2014			
Expenditure Category	<u>Adjusted Budget</u> ¹	<u>Projected</u>	<u>Projected Variance</u>
Personnel Service	\$28,578,476	\$27,187,080	\$(1,391,396)
Maintenance & Operations	4,327,881	4,331,431	3,550
Capital Outlay	360,811	510,811	150,000
Capital Improvement	12,208,370	7,266,827	(4,941,543)
Internal Service Charges	5,809,062	5,809,062	-
Other Expenditures	480,433	480,433	-
Total	<u>\$51,765,032</u>	<u>\$45,585,643</u>	<u>\$(6,179,390)</u>

¹ adopted budget total, plus budget amendments, and encumbrances and capital projects appropriations carried forward from previous fiscal year(s)

While personnel costs for the first half of this year are greater than for the same period last year, a savings of \$1.4 million is expected to result from vacant authorized positions. Capital Outlay is projected to exceed its adopted total by \$150,000, due to higher than anticipated expenses for renovation of the Police Property & Evidence Room upgrades. The projected \$3,550 Maintenance & Operations excess is associated with the purchase of Class A uniforms for Firefighters completing probation per the City Council approved Memorandum of Understanding with the National City Firefighters’ Association. It is conservatively estimated the remaining expenditures in the Capital Outlay and Maintenance & Operations categories will meet their budgeted totals. As indicated above, further review and analysis will be conducted and presented in the third quarter budget report.

Capital Improvement expenses are anticipated to end the year approximately \$4.9 million below their budgeted total. However, due to the multi-year nature of capital projects, it is not unusual for spending on a project, or phase of a project, to not reach its budgeted level for the fiscal year. And unlike those of operating expenditures, capital project appropriations which have no directly offsetting revenue and are unspent at the end of a fiscal year are carried forward to the following fiscal year, with the resulting fund balance categorized as “Assigned,” as defined in accordance with Governmental Accounting Standards Board (“GASB”) Statement 54.

Transfers In/Out

While technically not revenues and expenditures (and, hence, not shown above), transfers in and out of the General Fund contribute to fund balance increases and decreases, respectively. Neither Transfers In nor Transfers Out currently is expected to deviate from its budgeted total.

Net Impact on Fund Balance

Combining the above revenue and expenditure projections with expected transfers in and out results in an anticipated fund balance gain of just over \$2.0 million, compared to the budgeted usage of nearly \$5.5 million. Again however, the variance is largely due to the manner in which capital projects are budgeted and their multi-year nature.

GENERAL FUND
 IMPACT ON FUND BALANCE
 FISCAL YEAR 2014

	<u>Adjusted Budget</u>	<u>Projected</u>	<u>Variance</u>
Revenue	\$47,721,634	\$49,005,053	\$1,283,419
Transfers In	459,609	459,609	-
Total Revenue & Transfers In	\$48,181,243	\$49,464,662	\$1,283,419
Expenditures	\$(51,765,032)	\$(45,585,643)	\$(6,179,389)
Transfers Out	(1,870,193)	(1,870,193)	-
Total Expenditures & Transfers Out	\$(53,635,225)	\$(47,455,836)	\$(6,179,389)
Fund Balance Change	(5,453,982)	2,008,826	
Beginning Fund Balance	\$21,449,616	\$21,449,616	
Ending Fund Balance	\$15,995,634	\$23,458,442	

Budget Adjustments

During the mid-year budget review process, departments are afforded an opportunity to submit supplemental appropriation requests based upon actual or projected budgetary requirements not anticipated during the annual budgeting process and to request other budget adjustments. Below are the budget adjustments recommended.

General Fund (001): Expenditure Appropriation Adjustment: \$1,990,744.50

1. Fire Department (412) – Personnel budget increase for Overtime: \$150,000

The department requests an increase of \$150,000 to its overtime budget of \$499,000. The anticipated increase in overtime expenditures is related to long-term injuries of employees, which requires other fire personnel to work additional overtime hours to ensure staffing compliance for the safety of City personnel as well for the safety and welfare of the general public.

Department of Finance recommendation: Authorize the City Manager to approve budget adjustments totalling up to \$150,000 for additional overtime expenses to be funded from either available savings elsewhere in the General Fund budget or, if necessary, unassigned fund balance in the General Fund.

2. Police Department (411) – Capital Outlay budget increase for Facility Upgrades: \$150,000

The department seeks to increase its Capital Outlay budget of \$250,000 by \$150,000. The increase in capital outlay expenditures is related to completing Property & Evidence Room upgrades. The department has to expand its current storage capacity to accommodate the storage of human (biological) forensic evidence as a result of the County of San Diego no longer providing that service. Additional storage space is required in order to accommodate refrigeration units, equipment, and related facility upgrades to ensure evidence is not destroyed or compromised. If this upgrade does not proceed, additional costs may be incurred for offsite storage in a facility that meets departmental standards.

Department of Finance recommendation: Authorize the City Manager to approve budget adjustments totalling up to \$150,000 for the Property & Evidence Room project to be funded from either available savings elsewhere in the General Fund budget or, if necessary, unassigned fund balance in the General Fund.

3. Fire Department (412) – M&O budget increase for wearing apparel: \$3,550

The department requests an increase of \$3,550 to its wearing apparel budget of \$57,847. The increase in expense is related to the purchase of Class A uniforms for Firefighters completing probation per the City Council approved Memorandum of Understanding (MOU).

Department of Finance recommendation: Authorize the City Manager to approve the budget adjustment of \$3,550 for the purchase of the uniforms to be funded from either available savings elsewhere in the General Fund budget or, if necessary, unassigned fund balance in the General Fund.

4. Non-Departmental (409) – Establish appropriations to reflect acquisition of property for the relocation of Public Works Operations: \$1,672,638.50

On August 20, 2013, the Council authorized the acquisition of property located at 1726 Wilson Avenue for the relocation of the National City Public Works facilities. The appropriations are necessary to ensure that the transaction is correctly recorded in the City's financial system and will reflect the amount paid for the property as well as escrow fees and other transaction expenses.

Department of Finance recommendation: Authorize the City Manager to approve the necessary budget adjustments totalling \$1,672,638.50 to properly record the property acquisition transaction. The funding source is unanticipated revenue received by the City from the sale of the 2100 Hoover Avenue site to the Housing Authority.

5. Mayor and City Council (401) – Establish appropriations to properly record expenditures related to the State of the City Address event: \$14,556

Since 2010, donations received and expenditures for the Mayor's State of the City Address were recorded in a liability account titled, Miscellaneous Deposits. This allowed the remaining balance in the account to be carried forward into the succeeding fiscal year. However, this is not a recommended accounting practice. For true transparency, donations should be recorded in a revenue account and expenses in an appropriate expenditure account.

Department of Finance recommendation: Authorize the City Manager to establish appropriations of \$14,556 in a State of the City Address account. The amount represents the sum of the balance that was in the Miscellaneous Deposits account at the end of last fiscal year (\$6,056) and the donations received to date in the current fiscal year (\$8,500). A corresponding revenue account and budget will also be established.

General Fund (001): Revenue Budget Adjustment: \$1,672,638.50

1. Other Revenue – Sales of Real Property (3601) – Increase revenue budget: \$1,672,638.50
This adjustment will reflect the use of unanticipated revenue from the sale of the 2100 Hoover Avenue site for the purchase of the 1726 Wilson Avenue site.

Department of Finance recommendation: Authorize the City Manager to approve the revenue budget adjustment totalling \$1,672,638.50 as a companion to the recommended appropriation adjustment for the acquisition of the 1726 Wilson Avenue site.

Section 8 Fund (502) – Expenditure Appropriation Adjustments: \$24,000

1. Housing, Grants & Asset Management (419) - M&O increase for various items: \$24,000
The department requests an increase in appropriations in the following accounts:

- Professional Services (Acct #213): increase budget of \$22,000 by \$5,000 to hire a private law firm to handle Section 8 hearings, and \$6,000 to pay a private law firm for ongoing legal expenses.
- Memberships and Subscriptions (Acct #222): increase budget of \$4,900 by \$1,000 to pay membership dues for CAHA (California Association of Housing Authorities).
- Material & Supplies (Acct #399): increase budget of \$5,100 by \$2,000 to purchase office supplies for the remainder of the fiscal year.
- Contract Services (Acct #299): increase budget of \$36,000 by \$10,000 to upgrade the HAPPY Software to Housing Pro for Section 8 staff. The software upgrade will create efficiencies in managing the Section 8 program.

Department of Finance recommendation: Authorize the City Manager to approve the requested \$24,000 in budget adjustments. The Section 8 fund has adequate fund balance to fund these requests.

Equipment Replacement Reserve Fund (644) – Expenditure Appropriation Requests: \$40,000

1. Public Works Department (416) – Capital Outlay increase for the purchase of Mowers: \$40,000

The department requests the replacement of two mowers used to maintain City owned park space that cost approximately \$20,000.

Department of Finance recommendation: Authorize the City Manager to approve the requested \$40,000 budget adjustment. The Equipment Replacement Reserve Fund is designated for these specific purposes, and has adequate fund balance to fund this purchase.

Budget Transfers

During the mid-year budget review process, changes to the budget were identified that, if approved, would better reflect operational needs or the character of an expense.

Department of Finance recommendation: Authorize the City Manager to approve the budget adjustments described below. These transfers will not increase the overall appropriations.

General Fund (001)

1. Transfer appropriations of \$50,000 from Part-Time Salaries (Acct #100) to Contract Services (Acct #299) within the Community Development (418) department for the YMCA Agreement.
2. Transfer the Neighborhood Council (Activity #414) from the Community Development Department (418), including appropriations totalling \$15,000, to the City Manager's Office (403). The staff member administering the program has moved from the Community Development Department to the City Manager's Office. This budget change is to ensure that oversight is properly aligned with the responsible department.
3. Transfer the Community and Police Relations Committee (Activity #415) from the Community Development Department (418), including appropriations totalling \$7,500, to the City Manager's Office (403). The staff member administering the program has moved from the Community Development Department to the City Manager's Office. This budget change is to ensure that oversight is properly aligned with the responsible department.
4. Transfer appropriations of \$25,000 for student interns under the San Diego State University (SDSU) Sage Program from Part-Time Salaries (Acct #100) to Contract Services (Acct #299) within the City Manager's Office (403).

CONCLUSION

Looking ahead, the City appears to be on pace to again build upon its fund balances in Fiscal Year 2014. If projections hold, staff recommends applying any eligible surplus to reserves, in order to remain in compliance with the City's goal of a Contingency Reserve balance ("Unassigned Fund Balance") of at least 25% percent of General Fund operating expenditures

and/or increase the funding levels of the City's other reserves, which are well below their stated goals. Factors which are likely to affect that outcome include the following:

- Actuarial adjustments by the California Public Retirement System (CalPERS) are estimated to require increases in the City's employer contribution to employee pension funds into the foreseeable future. For Fiscal Year 2014, the City's contribution has increased over Fiscal Year 2013's by 1.663% of payroll to 22.9% for miscellaneous employees and by 1.793% to 39.8% for public safety employees. Contribution rates currently are estimated to reach 33% and 52% for miscellaneous employees and public safety employees, respectively, in Fiscal Year 2020.
- By Council Policy, the City maintains a series of reserves. Staff is reviewing current reserve levels and the policies governing them, as well as the inventory of deferred maintenance and deferred equipment replacement, which may result in recommendations in these areas. Staff will include discussion &/or recommendations regarding this policy in the third quarter budget report.
- The voter-approved District Sales Tax is set to sunset in 2016. The City Council recently approved staff's recommendation to proceed with developing language for a ballot measure to extend the tax. As demonstrated by the revenue figures contained in this report, the District Sales Tax continues to be essential in allowing the City to meet its financial obligations. As has been the case since the year of its inception, absent this tax, the City would not be able to meet its obligations in Fiscal Year 2014. That trend is expected to continue. As such, it is imperative to reserve any surplus in preparation for 2016.

RECOMMENDATIONS

Accept this staff report.

Authorize the City Manager to approve budget adjustments totalling up to \$150,000 each for additional Fire Department overtime expenses and the Police Department's Property & Evidence Room project and \$3,550 for Class A Firefighter uniform to be funded from either available savings elsewhere in the General Fund budget or, if necessary, unassigned fund balance in the General Fund.

Adopt the remaining above-referenced budget adjustments and restructuring requests.

FISCAL IMPACT

If all recommendations are approved, the impact of budget adjustments would be a \$1,990,744.50 increase of total General Fund appropriations, \$1,672,638.50 increase of the

General Fund revenue budget, Section 8 Fund appropriation increase of \$24,000, and Equipment Replacement Reserve Fund appropriation increase of \$40,000.

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

MEETING DATE: February 18, 2014

AGENDA ITEM NO.

ITEM TITLE:

Scheduling of City Council workshops related to the discussion and preparation of the City of National City's annual budget for Fiscal Year 2015.

PREPARED BY: Ed Prendell, Budget Analyst

DEPARTMENT: Finance

PHONE: 619-336-4332

APPROVED BY: Mark Rabot

EXPLANATION:

The City of National City operates on a fiscal year calendar: July 1 through June 30. On or before June 30 of each year the operating budget for the following fiscal year is presented to the City Council for adoption. The process of developing the City's annual budget includes a series of events over a four to five month period including departmental budget reviews and budgeting requests, community meetings via Neighborhood Councils and financial reviews/analysis by the Finance Department. Another key component in the process has historically been budget workshops with the City Council as a means of seeking both Council direction and as another means of soliciting community input.

In preparation of the budget calendar for the development and adoption of the Fiscal Year 2015 annual budget, staff has tentatively scheduled two City Council budget workshops. Said workshops are tentatively scheduled for April 29, and May 13, 2014. Both dates are "off Tuesdays", that is to say they are Tuesdays on which there is no regular meeting of the City Council scheduled.

With this item, staff seeks approval of these tentative budget workshop dates. In the alternative, if said dates are not agreeable to the majority of the City Council, direction on alternative dates is sought.

FINANCIAL STATEMENT:

APPROVED: Mark Rabot Finance

ACCOUNT NO.

APPROVED: _____ MIS

There is no fiscal impact associated with this item.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

Accept staff's recommended budget workshops dates of April 29 and May 13, 2014; or, in alternative, provide direction on alternatives dates.

BOARD / COMMISSION RECOMMENDATION:

NA

ATTACHMENTS:

Fiscal Year 2015 Budget Calendar



BUDGET SCHEDULE - FISCAL YEAR 2015

DATE & TIME	DESCRIPTION	DEPARTMENT
Monday, Jan. 27th	Budget calendar provided to department heads.	Finance
Monday, Feb. 10th	Budget instructions & budget forms distributed. EDEN open for Departments to enter information.	Finance
Thursday, Feb. 27th	Departments enter appropriation proposals in EDEN by 5:00 pm	All departments
Monday, Mar. 10th 10:00 AM - 12:00 PM 2 - 3:00 PM	Departmental budget meetings with Finance to discuss and review appropriation proposals. The specific time and location will be sent out prior to the meeting.	City Council City Clerk City Treasurer City Attorney
Tuesday, Mar. 11th 9:30 AM - 12:00 PM	Departmental budget meetings with Finance to discuss and review appropriation proposals. The specific time and location will be sent out prior to the meeting.	City Manager Administrative Services Finance Human Resources MIS Risk Management Non-Departmental (Non-CIP)
Tuesday, Mar. 12th 9:30 AM - 12 PM 2:00 - 4:00 PM	Departmental budget meetings with Finance to discuss and review appropriation proposals. The specific time and location will be sent out prior to the meeting.	Police Fire/Building HGAM
Monday, Mar. 17th 10:00 AM - 12:00 PM 2:00 - 3:00 PM	Departmental budget meetings with Finance to discuss and review appropriation proposals. The specific time and location will be sent out prior to the meeting.	Engineering & Public Works Parks Maintenance Facilities Maintenance Vehicle Maintenance CIP (All Funds)
Tuesday, Mar. 18th 2:00 - 5:00 PM	Departmental budget meetings with Finance to discuss and review appropriation proposals. The specific time and location will be sent out prior to the meeting.	Community Development Community Services Library Neighborhood Services Planning



BUDGET SCHEDULE - FISCAL YEAR 2015

DATE & TIME	DESCRIPTION	DEPARTMENT
Tuesday, Mar. 19th	Departmental budget recall(s) scheduled (if necessary).	Finance
Tuesday, Mar. 26th 2:00 - 5:00 PM	Budget review (all departments).	Finance Administrative Services City Manager
Tuesday, Apr. 8th 10:00 AM - 12:00 PM 2:00 - 4:00 PM	Departmental budget recall(s) (if necessary).	Finance Other departments
Monday, Apr. 14th	Send Preliminary Budget to printer and upload copy to City's website.	Finance IT
Tuesday, Apr. 29th 6 PM	Budget Workshop / Preliminary Budget Presentation (pending Council approval of date & time).	Council/Staff
Wednesday, May 7th 6:30 PM	Neighborhood Council presentations (Kimball Neighborhood Council Meeting).	Finance
Thursday, May 8th 6:30 PM	Neighborhood Council presentations (El Toyon Neighborhood Council Meeting).	Finance
Tuesday, May 13th 6 PM	Budget Workshop (pending Council approval of date & time).	Council/Staff
Wednesday, May 21st 6:30 PM	Neighborhood Council presentations (Las Palmas Neighborhood Council Meeting).	Finance
Tuesday, Jun. 17th 6 PM	Budget Hearing / Adoption of Budget.	Council/Staff

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

MEETING DATE: February 18, 2014

AGENDA ITEM NO.

ITEM TITLE:

Preview of the City's draft Electronic "E" Newsletter.

PREPARED BY: Lauren Maxilom



DEPARTMENT: City Manager's Office

PHONE: (619) 336.4289

APPROVED BY: Leslie Deese



EXPLANATION:

See attached Staff Report

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. n/a

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

n/a

ORDINANCE: **INTRODUCTION:** **FINAL ADOPTION:**

STAFF RECOMMENDATION:

Accept and file

ATTACHMENTS:

Staff Report

Staff Report: Preview of the City's draft Electronic "E" Newsletter

Consistent with the City's Strategic Plan 1c to expand public access to city services and information, an electronic newsletter could serve as another mechanism to support this initiative. The addition of an e-newsletter would enhance and supplement the City's current efforts of community outreach and resident engagement.

Background:

Citizen engagement, one of the City Council's top priorities, involves more than just public participation at meetings and events. The use of technology provides us with even greater opportunities to engage our residents to ensure they have access to a wide range of tools and information to participate more fully in city government. Despite a difficult economy and dwindling budgets, National City has worked hard to ensure transparency and communication with our residents; some of the ways we have done so include:

- Publishing a printed City Newsletter (periodically from 1980 thru 2009)
- Establishing the Neighborhood Council Program (2004)
- Redesigning the City's Website (2008)
- E-News Sign-up (2008) * see attached
- Publishing electronic and printed recreation brochures
- Webcasting meetings of the City Council, Planning Commission , and Oversight Board (2008)
- Installing electronic messaging boards at major city facilities (2008-City Hall 2011-MLK & Library)
- Providing online agendas and backup material for all city council and board/ commission meetings (2012)
- Social Media (2012)
- Installing Wi-Fi at major city facilities (2012)

At the November 19, 2013 City Council meeting Council supported the concept of publishing an e-newsletter, with the staff recommended factors:

- One year pilot program to gauge community interest.
- Bi-monthly newsletter with City staff created story content
- Contract with a firm whose expertise is in newsletter design / development and has the capability to host (or maintain) the subscriber list
- Approximate annual cost of \$5,000

The conceptual layout of the City e-newsletter is not attached but will be viewed digitally during the Council meeting. Editions will be electronically released in March, May, July, September, November, and January.

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

MEETING DATE: February 18, 2014

AGENDA ITEM NO. |

ITEM TITLE:

Staff Report on the proposed timeline for the development and drafting of a proposed ballot measure to extend the City's previously voter-approved ten year district sales tax beyond 2016 to maintain the City's public safety services, prevent cuts to police and fire services and ensure adequate funding for parks, libraries, and other City services, to be placed on the November 2014 ballot.

PREPARED BY: Claudia Gacitua Silva

DEPARTMENT: City Attorney

PHONE: Ext. 4222

APPROVED BY: 

EXPLANATION:

Please see attached staff report.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

N/A

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION:

FINAL ADOPTION:

STAFF RECOMMENDATION:

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Staff report

STAFF REPORT

PROPOSED TIMELINE FOR THE DEVELOPMENT AND DRAFTING OF A PROPOSED BALLOT MEASURE TO EXTEND THE CITY'S PREVIOUSLY VOTER-APPROVED TEN YEAR DISTRICT SALES TAX BEYOND 2016 TO MAINTAIN THE CITY'S PUBLIC SAFETY SERVICES, PREVENT CUTS TO POLICE AND FIRE SERVICES AND ENSURE ADEQUATE FUNDING FOR PARKS, LIBRARIES, AND OTHER CITY SERVICES, TO BE PLACED ON THE NOVEMBER 2014 BALLOT

Introduction

On January 21, 2014, City Staff presented a three year operating plan for fiscal years 2015 through 2017. This operating plan took into account the necessary reductions to the general fund to account for the loss of general fund revenue due to the expiration of the one-cent district sales tax. Based on the staff presentation, which also included the high level findings from a recent community survey report, City Council authorized the development and drafting of a proposed ballot measure to extend the City's existing voter-approved ten-year district sales tax beyond 2016 to maintain the City's public safety services, prevent cuts to police and fire services, and ensure adequate funding for parks, libraries, and other City services.

Background

The purpose of this staff report is to provide the City Council with the anticipated timeline for bringing forward for City Council consideration an ordinance to extend the district sales tax. The timeline is premised upon the ballot measure being placed on the November 2014 ballot, which is the next regularly scheduled election.

Discussion

The next regularly scheduled election is set for November 4, 2014¹. There are actions to be taken by the City Council prior to the election to adopt an ordinance placing the extension of the previously voter-approved ten-year district sales tax on the November ballot. Elections Code section 9222 requires that the "election shall be held not less than 88 days after the date of the order of election." The last day (the 88th day) to call the election and for the County to receive the request for services is August 8th by 5:00 p.m. While August 8th is the last day to call the election for the ballot measure, the following proposed timeline suggests earlier deadlines to allow sufficient time for any refinement to the proposed ballot language. The first two dates correspond to regularly scheduled City Council Meetings, with the remaining City Council meetings prior to the deadline in parenthesis.

¹ Staff is suggesting November 4, 2014 as that is the next regularly scheduled general election. The California Constitution (Article 23C, §2(b)) requires general taxes be voted upon in a regularly scheduled general election, except upon a unanimous vote of the City Council declaring a fiscal emergency.

Time Line for Proposed Ballot Measure
February 18, 2014
Staff Report

- Submission of Proposition² (Ordinance) July 1 (July 15 and Aug 5)
- Call for Election³ July 1 (July 15 and Aug 5)
- Impartial Analysis⁴ July 8-15
- Arguments For/Against Measure⁵ July 8-15
- Rebuttal Arguments⁶ July 18-25
(in response to arguments for/against)
- Election November 4

The above timeline provides sufficient time to continue developing and drafting the ballot measure as directed. In addition, the timeline provides the City Council ample opportunity to consider the measure language and make revisions if so needed.

Staff Recommendation

Accept and file report.

² Elections Code § 9222.

³ Elections Code § 9222, 10002.

⁴ Elections Code § 9280 (impartial analysis should occur within 7-14 days after Council places measure on ballot).

⁵ Elections Code § 9282 (deadline for arguments should occur within 7-14 days after Council places measure on ballot).

⁶ Elections Code § 9285 (10 days after arguments).