

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND  
COMMUNITY DEVELOPMENT COMMISSION OF  
NATIONAL CITY, CALIFORNIA**

**April 7, 2009**

The Regular Meeting of the City Council and Community Development Commission of National City was called to order at 6:00 p.m. by Mayor / Chairman Ron Morrison.

**ROLL CALL**

Council / Commission members present: Morrison, Parra, Sotelo-Solis, Van Deventer, Zarate.

Administrative Officials present: Babaki, Dalla, Deese, Duong, Eiser, Hodges, Juniel, Ladrado, Post, Raulston, Rodriguez, Smith, Stevenson, Zapata.

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

**PUBLIC ORAL COMMUNICATIONS**

Rose Anita Hernandez, National City, spoke of Mr. John Kirk and his contributions to the community and asked that consideration be given to some sort of tribute by the City to honor him.

Karl Higgins, representing Underground Technologies Inc., introduced his client's product to the City Council.

**PROCLAMATION**

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

1. **SUBJECT:** Proclaiming Tuesday, April 7, 2009 as: "**LEE ROMERO DAY**"

**PRESENTATION**

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

2. **SUBJECT:** Employee Recognition Program – Recognizing Dennis J. Leach, Police Sergeant for his 20 years of service.

## INTERVIEWS/APPOINTMENTS

### CIVIL SERVICE COMMISSION ADMIN (101-9-1) BOARDS & COMMISSIONS ADMIN (101-1-1)

3. **SUBJECT:** Civil Service Commission (City Clerk)

Mr. Jerry Cano appeared for an interview.

**ACTION:** It was announced that there are two current vacancies on the Civil Service Commission and three applicants have been interviewed and are eligible for appointment. Mayor Morrison asked that ballots be distributed and that each Council Member vote for two. City Clerk Dalla tabulated the ballots and announced the results as follows: Juliette Hoffman received 5 votes; Jerry Cano received 3 votes and Rafael Courtney received 2 votes.

Motion by Zarate, seconded by Van Deventer, to appoint Jerry Cano and Juliette Hoffman to the Civil Service Commission.

Carried by unanimous vote.

## CITY COUNCIL

### CONSENT CALENDAR

**ADOPTION OF CONSENT CALENDAR.** Item No. 4 (Minutes), Item Nos. 5 through 16 (Resolution Nos. 2009-62 through 2009-73), Item Nos. 17 and 18 (Warrant Registers). Motion by Van Deventer, seconded by Parra, to pull Items No. 7 and 14, and approve the remainder of the Consent Calendar. Carried by unanimous vote.

### APPROVAL OF MINUTES

4. **SUBJECT:** Approval of the Minutes of the Regular City Council/Community Development Commission Meeting of March 3, 2009. (City Clerk)

**ACTION:** Approved. See above.

### CONTRACT (C2007-20)

5. Resolution No. 2009-62. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING THE LOWEST, RESPONSIVE, RESPONSIBLE BID FOR TWO FORD CROWN VICTORIA POLICE INTERCEPTORS FROM VILLA FORD IN THE AMOUNT OF \$52,203.58. (Purchasing)

**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**GRANT / PLANNING (206-4-24)**

6. Resolution No. 2009-63. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AN APPLICATION FOR GRANT FUNDS FOR THE URBAN STREAMS RESTORATION GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 IN THE AMOUNT OF \$2,354,842 FOR THE PURPOSE OF CONSTRUCTION OF PARADISE CREEK PARK IMPROVEMENTS AND HABITAT RESTORATION. (Planning)

**ACTION:** Adopted. See above.

**EQUIPMENT PURCHASE ADMIN (209-1-1)**

7. Resolution No. 2009-64. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY WAIVING THE BID PROCESS AND AUTHORIZING THE PURCHASE OF A REGENERATIVE AIR STREET SWEEPER REPLACING THE EXISTING NON-CONFORMING SWEEPER AT A TOTAL COST OF \$198,365.97 TO BE PAID FROM PUBLIC WORKS' AUTOMOTIVE EQUIPMENT FUND. (Public Works)

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

**CONTRACT (C98-8)**

8. Resolution No. 2009-65. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN UPDATED SEWER TRANSPORTATION AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND CITY OF NATIONAL CITY AS ONE OF THE PARTICIPATING AGENCIES IN THE METROPOLITAN WASTEWATER SYSTEM. THIS UPDATED AGREEMENT IS FOR THE TRANSPORTATION OF NATIONAL CITY'S SEWAGE TO SAN DIEGO'S POINT LOMA TREATMENT PLANT FOR TREATMENT AND DISPOSAL. (This Agreement has no financial impact at this time and any future cost will be funded by Sewer Service Fees) (Public Works)

**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**STREET / RIGHT OF WAY (903-3-4)**

**STREET / PLAZA BLVD. WIDENING (903-16-3)**

9. Resolution No. 2009-66. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE CITY'S OFFERS TO THE PROPERTY OWNERS FOR RIGHT OF WAY (ROW) ACQUISITION AND OBTAINING CONSTRUCTION EASEMENTS WITH THE TOTAL COST AT \$846,200 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ROW DOCUMENTS FOR ACCOMMODATING THE PROPOSED PLAZA BOULEVARD WIDENING IMPROVEMENTS FROM HIGHLAND AVENUE TO EUCLID AVENUE. (Funding through Federal STP, Local TransNet and Capital Outlay Funds) (Engineering)

**ACTION:** Adopted. See above.

**CONTRACT (C2008-64)**

10. Resolution No. 2009-67. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AMENDMENT NO. 2 TO THE AGREEMENT WITH WADE AND ASSOCIATES IN THE AMOUNT OF \$48,379.00 FOR ADDITIONAL PROJECT COORDINATION SERVICES DUE TO CHANGE ORDER WORK FOR THE NATIONAL CITY STREET RESURFACING PROJECT, PHASE 2 AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT. (Funded through Proposition A Funds) (Engineering)

**ACTION:** Adopted. See above.

**CONTRACT (C2009-15)**

11. Resolution No. 2009-68. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AERIAL TO UNDERGROUND CONVERSION AGREEMENT AMENDMENT WITH SAN DIEGO GAS & ELECTRIC (SDG&E) IN THE AMOUNT NOT-TO-EXCEED \$1,446 AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AMENDMENT IN CONJUNCTION WITH THE MARINA GATEWAY IMPROVEMENTS. (Funded by Tax Increment Fund) (Engineering)

**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**CONTRACT (C2009-1)**

12. Resolution No. 2009-69. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AN AGREEMENT ADDENDUM 1 AND AUTHORIZING THE MAYOR TO EXECUTE ADDENDUM WITH HARRIS & ASSOCIATES FOR "AS-NEEDED" CIVIL ENGINEERING/TRAFFIC ENGINEERING SERVICES TO ASSIST CITY ENGINEERING IN THE COMPLETION OF THE CITY'S COMPREHENSIVE TRANSPORTATION PLAN DOCUMENT IN THE NOT-TO-EXCEED AMOUNT OF \$39,990. (Funded through Capital Improvement Project sources) (Engineering)

**ACTION:** Adopted. See above.

**CONTRACT (C2009-29)**

13. Resolution No. 2009-70. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY RATIFYING A SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) WITH METROPOLITAN TRANSIT SYSTEM (MTS), SAN DIEGO AND ARIZONA EASTERN RAILROAD, CITY OF NATIONAL CITY AND THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY IN CONJUNCTION WITH THE BAY MARINA WIDENING. (Engineering) \*\*Companion to Item #27\*\*

**ACTION:** Adopted. See above.

**CONTRACT (C2009-8)**

**BLOCK GRANT PROGRAM ADMIN 2008-2009 (406-1-23)**

14. Resolution No. 2009-71. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING THE RELINQUISHMENT OF FISCAL YEAR 2008-2009 SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$102,987 FROM THE NATIONAL CITY LIONS CLUB, AND AUTHORIZING THE MAYOR TO EXECUTE A CDBG SUB-RECIPIENT AGREEMENT ALLOCATING SAID CDBG FUNDS TO CHRISTMAS IN JULY NATIONAL CITY. (Housing & Grants Division/Community Development)

**ACTION:** Motion by Zarate, seconded by Van Deventer, to adopt the Resolution. Carried by unanimous vote.

**CONSENT CALENDAR (cont.)**

**GRANT / COMMUNITY DEVELOPMENT COMMISSION (206-4-25)**

15. Resolution No. 2009-72. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING A LETTER OF SUPPORT FROM THE MAYOR OF THE CITY OF NATIONAL CITY TO THE U.S. DEPARTMENT OF TRANSPORTATION MARITIME ADMINISTRATION REGARDING KNIGHT AND CARVER YACHT CENTER, INC.'S GRANT APPLICATION FOR \$12,000,000 TO THE SMALL SHIPYARDS GRANT PROGRAM FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. (Housing & Grants Division/Community Development)

**ACTION:** Adopted. See above.

**LABOR RELATIONS CITY CLERK (605-9-1)**

16. Resolution No. 2009-73. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY PROVIDING THAT THE RECORDS MANAGER/COMMUNITY DEVELOPMENT COMMISSION (CDC) RECORDING SECRETARY SHALL PAY TWO PERCENT OF THE PERS EMPLOYER-PAID MEMBER CONTRIBUTION BASED ON THE ENTIRE SALARY FOR THAT POSITION, WHICH IS PAID BY THE CITY AND PARTLY REIMBURSED BY THE CDC, AND THAT THE PERS CONTRIBUTION FOR THAT POSITION SHALL BE BASED ON THE ENTIRE SALARY FOR THAT POSITION, WHICH IS PAID PARTLY BY THE CITY AND PARTLY REIMBURSED BY THE CDC. (City Attorney/City Clerk)

**ACTION:** Adopted. See above.

**WARRANT REGISTER JULY 2008 – JUNE 2009 (202-1-23)**

17. Warrant Register #36 for the period of 02/25/09 through 03/03/09 in the amount of \$1,493,315.42. (Finance)

**ACTION:** Ratified. See above.

**WARRANT REGISTER JULY 2008 – JUNE 2009 (202-1-23)**

18. Warrant Register #37 for the period of 03/04/09 through 03/10/09 in the amount of \$1,591,096.65. (Finance)

**ACTION:** Ratified. See above.

## **PUBLIC HEARING**

### **UNDERGROUND UTILITY DISTRICT 16A ADMIN (904-1-12)**

19. Public Hearing – To determine whether the Public Health or Welfare require the formation of Undergrounding Utility District No. 16A on Plaza Boulevard from I-805 to the west of Palm Avenue. (Funded by utility allocation funds for undergrounding). (Engineering) \*\*Companion Item #20\*\*

**RECOMMENDATION:** Hold the Public Hearing.

**TESTIMONY:** None.

**ACTION:** Motion by Van Deventer, seconded by Parra, to close the Public Hearing. Carried by unanimous vote.

## **NON CONSENT RESOLUTION**

### **UNDERGROUND UTILITY DISTRICT 16A ADMIN (904-1-12)**

20. Resolution No. 2009-74. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 16A ON PLAZA BOULEVARD FROM I-805 TO THE WEST OF PALM AVENUE. (Funded by utility allocation funds for undergrounding). (Engineering) \*\*Companion Item #19\*\*

**RECOMMENDATION:** Adopt the Resolution.

**TESTIMONY:** None.

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

## **NEW BUSINESS**

### **TEMPORARY USE PERMITS 2009 (203-1-25)**

21. **SUBJECT:** Temporary Use Permit - Easter Egg Hunt 2009 sponsored by Cornerstone Church of San Diego at Las Palmas Park on April 11, 2009 from 10 a.m. to 1 p.m. with no waiver of fees. (Neighborhood Services Division)

**RECOMMENDATION:** Approve the application for a Temporary Use Permit subject to compliance with all conditions of approval.

**TESTIMONY:** None.

**ACTION:** Motion by Parra, seconded by Van Deventer, to approve staff recommendation. Carried by unanimous vote.

**NEW BUSINESS (cont.)**

**TEMPORARY USE PERMITS 2009 (203-1-25)**

22. **SUBJECT:** Temporary Use Permit – Easter Egg Hunt 2009 sponsored by Crossroads Church of San Diego at Kimball Park on April 11, 2009 from 12 p.m. to 4 p.m. with no waiver of fees. (Neighborhood Services Division)

**RECOMMENDATION:** Approve the application for a Temporary Use Permit subject to compliance with all conditions of approval.

**TESTIMONY:** Diane Ritchie, representing the applicant, requested waiver of fire inspection fee.

**ACTION:** Motion by Sotelo-Solis, seconded by Parra, to approve staff recommendation with waiver of fire fee. Carried by unanimous vote.

**TEMPORARY USE PERMITS 2009 (203-1-25)**

23. **SUBJECT:** Temporary Use Permit – Philippine Fair & Parade at Westfield Plaza Bonita, June 6, 2009 from 8 a.m. to 6 p.m. This is a City co-sponsored event (Council Policy #804) and is eligible for a maximum fee reduction of \$1,500.00. (Neighborhood Services Division)

**RECOMMENDATION:** Approve the application for a Temporary Use Permit subject to compliance with all conditions of approval.

**TESTIMONY:** None.

**ACTION:** Motion by Van Deventer, seconded by Parra, to approve staff recommendation. Carried by unanimous vote.

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

24. **SUBJECT:** Request to use the Martin Luther King, Jr. Community Center by the National School District for their Certificated Staff Hearings on Monday, April 27, 2009 with request for waiver of fees. (Community Services)

**RECOMMENDATION:** Approve the request for use.

**TESTIMONY:** None.

**ACTION:** Motion by Van Deventer, seconded by Sotelo-Solis, to approve staff recommendation including waiver of fees. Carried by unanimous vote.

**COMMUNITY DEVELOPMENT COMMISSION**

**CONSENT CALENDAR**

**ADOPTION OF CONSENT CALENDAR.** Item Nos. 25 and 26 (Warrant Registers), Item No. 27 (Resolution No. 2009-75). Motion by Parra, seconded by Van Deventer, to approve the Consent Calendar. Carried by unanimous vote.

**CONSENT CALENDAR (cont.)**

**WARRANT REGISTER JULY 2008 – JUNE 2009 (202-1-23)**

25. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$297,955.69 to the City of National City for the period of 02/25/09 through 03/03/09. (Finance)

**ACTION:** Approved. See above.

**WARRANT REGISTER JULY 2008 – JUNE 2009 (202-1-23)**

26. Authorize the reimbursement of Community Development Commission expenditures in the amount of \$289,757.19 to the City of National City for the period of 03/04/09 through 03/10/09. (Finance)

**ACTION:** Approved. See above.

**CONTRACT (C2009-29)**

27. Resolution No. 2009-75. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION (CDC) OF THE CITY OF NATIONAL CITY RATIFYING A SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) WITH METROPOLITAN TRANSIT SYSTEM (MTS), SAN DIEGO AND ARIZONA EASTERN RAILROAD, CITY OF NATIONAL CITY AND THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF NATIONAL CITY IN CONJUNCTION WITH THE BAY MARINA DRIVE WIDENING. (Engineering)

\*\*Companion Item to #13\*\*

**ACTION:** Adopted. See above.

**PUBLIC HEARING**

**CITY WIDE HOUSING ADMIN (303-4-1)**

28. Public Hearing – Approving the Section 8 streamlined Annual (Fiscal Year 2009) Public Housing Agency Plan (PHA) and the Administrative Plan for Fiscal Year 2009; and authorizing the submittal of the PHA and Administrative Plan to the U.S. Department of Housing and Urban Development. (Community Development of National City/Section 8 Rental Assistance Division) \*\*Companion Items #29 & #30\*\*

**RECOMMENDATION:** Conduct the Public Hearing.

**TESTIMONY:** None.

**ACTION:** Motion by Parra, seconded by Van Deventer, to close the Public Hearing. Carried by unanimous vote.

## NON CONSENT RESOLUTIONS

### CITY WIDE HOUSING ADMIN (303-4-1)

29. Resolution No. 2009-76. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION (CDC) OF THE CITY OF NATIONAL CITY APPROVING REVISIONS TO THE SECTION 8 ADMINISTRATIVE PLAN AND AUTHORIZING THE SUBMITTAL OF THE PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Community Development of National City/Section 8 Rental Assistance Division) \*\*Companion Item #28\*\*

**RECOMMENDATION:** Adopt the Resolution.

**TESTIMONY:** None.

**ACTION:** Motion by Parra, seconded by Van Deventer, to adopt the Resolution. Carried by unanimous vote.

### CITY WIDE HOUSING ADMIN (303-4-1)

30. Resolution No. 2009-77. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION (CDC) OF THE CITY OF NATIONAL CITY APPROVING THE SECTION 8 STREAMLINED ANNUAL (FISCAL YEAR 2009) PUBLIC HOUSING AGENCY (PHA) PLAN; AND AUTHORIZING THE SUBMITTAL OF THE PHA PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Community Development of National City/Section 8 Rental Assistance Division) \*\*Companion Item #28\*\*

**RECOMMENDATION:** Adopt the Resolution.

**TESTIMONY:** None.

**ACTION:** Motion by Van Deventer, seconded by Zarate, to adopt the Resolution. Carried by unanimous vote.

## NEW BUSINESS

None.

## CLOSED SESSION REPORT (509-1-4)

City Council / CDC Attorney George Eiser stated that there was nothing to report from the 5:00 p.m. Closed Session. (See attached Exhibit 'L')

## STAFF REPORTS

### FIRE DEPT ADMIN (305-1-1)

31. **SUBJECT:** Staff Report on Fire Department Emergency Dispatching Services (Fire).

**MAYOR AND CITY COUNCIL**

Member Parra expressed concern about the impact of the City's current fee schedule and asked staff to look into the possibility of finding a way to reduce fees for homeowners / residents.

Member Sotelo-Solis said she hopes the Council's action to waive fees for National School District's use of City Facility will be reciprocated.

Mayor Morrison reminded everyone about the first Farmer's Market to be held on May 6<sup>th</sup> and the Taste of National City event on May 7<sup>th</sup>.


**ADJOURNMENT**

Motion by Van Deventer, seconded by Sotelo-Solis, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission to be held Tuesday, April 21, 2009 at 6:00 p.m., Council Chamber, Civic Center City. Carried by unanimous vote.

The meeting closed at 7:27 p.m.

  
\_\_\_\_\_  
City Clerk / Recording Secretary

The foregoing minutes were approved at the Regular Meeting of May 19, 2009.

  
\_\_\_\_\_  
Mayor / CDC Chairman

## EXHIBIT 'L'

### AGENDA OF A SPECIAL MEETING

**City Council of the National City  
Main Conference Room  
Civic Center  
1243 National City Boulevard  
National City, California  
Special Meeting – Tuesday – April 7, 2009 - 5:00 P.M.**

#### ROLL CALL

#### CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation  
Government Code 54956.9(a)  
Donald Ahles v. City of National City  
San Diego Superior Court Case No. GIS 20592
2. Conference with Legal Counsel – Anticipated Litigation  
Initiation of Litigation Pursuant to government Code Section 54956.9(c)  
38 Potential Cases
3. Conference with Labor Negotiators – Government Code Section 54957.6  
Agency Designated Representatives: Mayor Ron Morrison, Councilman Frank Parra  
Unrepresented Employee Groups: Executive and Management Employees
4. Conference with Labor Negotiators – Government Code Section 54957.6  
Agency Designated Representatives: Leslie Deese, Manuel Rodriguez, Stacey Stevenson, Joe Smith, Claudia Silva, Eddie Kreisberg  
Employee Organization: Police Officers' Association

#### ADJOURNMENT

Next Regular City Council/CDC Meeting – Tuesday, April 7, 2008 – 6:00 p.m. –  
Council Chambers, Civic Center