

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

July 3, 2018

The Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City was called to order at 6:14 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

Council / Board members present: Cano, Mendivil, Morrison, Rios, Sotelo-Solis.
Administrative Officials present: Dalla, Deese, Denham, Duong, Manganiello, Morris-Jones, Mosley, Parra, Raulston, Roberts, Tellez, Vergara, Williams, Ybarra.
Others present: City Treasurer Mitch Beauchamp.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC COMMENTS

Mark Kim (and other military recruits), presented an award to Mayor Morrison and Executive Assistant Josie Flores Clark on behalf of Colonel Baker, as a token of gratitude and recognition, on behalf of the U.S. Army, National City Recruiting Station.

Sunshine Horton, shared her story of coming to the United States and spoke on the current immigration issues.

Shirley Weber, 79th Assembly District, spoke on the issue dealing with Earl McNeil and how it has affected her office. She spoke on AB-931 and “use of force” and encouraged the City to examine its policies concerning transparency and accountability. She also encouraged the City to activate the Citizen Review Board as quickly as possible.

The following individuals (30 speakers) spoke on behalf of Earl McNeil and related concerns: Ashley Phillips, Dr. Andre Branch, Birdie Gutierrez, Rick Bramhall, Marcus Boyd, Brittany McNeil, Therese McNeil Hymer, Marie Little, Cheri McNeil, Annie Zamudio, Wendy McNeil, Buki McNeil, Darwin McNeil, Anita McNeil, Yusef McNeil, Art Fusco, Meeka McNeil, Anastasia DiFonzo, Tasha Earl McNeil, Dwayne McNeil, Patricia Amador McNeil, Gerrlyn Gacao, Rafael Bautista, Cat Mendonsa, Christina Griffin, Steven Dorner, Dr. Suzanne Vierling, Mark Lane, Azikine Franklin, and Monica Montgomery.

RECESS

A RECESS WAS CALLED AT 7:43 PM

THE MEETING RECONVENED AT 7:52 PM WITH MEMBERS MORRISON, MENDIVIL, AND CANO PRESENT.

RECESS (cont.)

A RECESS WAS CALLED AT 7:53 PM.

THE MEETING RECONVENED AT 8:13 PM. ALL MEMBERS WERE PRESENT.

A RECESS WAS CALLED AT 8:14 PM.

THE MEETING RECONVENED WITH ALL MEMBERS PRESENT.

PROCLAMATIONS

PROCLAMATION ADMIN (102-2-1)

1. Alzheimer's and Brain Awareness Month
ACTION: Item #1 was postponed.

INTERVIEWS / APPOINTMENTS

BOARDS & COMMISSIONS ADMIN (101-1-1)

2. Interviews and Appointments: Various Boards & Commissions. (City Clerk)
TESTIMONY: Andy Sanchez, Sherry Gogue, Scott Kesselring, and James Slade appeared for interview.
ACTION: Motion by Morrison, seconded by Sotelo-Solis, to appoint Zachary Francisco Gomez to the Community and Police Relations Commission (CPRC). Member Sotelo-Solis rescinded her second. The motion was seconded by Cano. Motion carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison. Nays: Rios, Sotelo-Solis. Absent: None. Abstain: None.
Motion by Morrison, seconded by Cano, to appoint Victor Barajas to the Veterans and Military Families Advisory Committee. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison. Nays: Rios, Sotelo-Solis. Absent: None. Abstain: None.
Motion by Morrison, seconded by Cano, to appoint James Slade to the Veterans and Military Families Advisory Committee. Carried by unanimous vote.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 3 (NCCM), Item No. 4 (Minutes), Item No. 5 (Report), Item Nos. 6 through 8 (Warrant Registers). Motion by Cano, seconded by Mendivil, to approve the Consent Calendar. Carried by unanimous vote.

CONSENT CALENDAR (cont.)

MUNICIPAL CODE 2018 (506-2-33)

3. MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE ORDINANCES CONSIDERED AT THIS MEETING AND PROVIDING THAT SUCH ORDINANCES SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY. (City Clerk)

ACTION: Approved. See above.

APPROVAL OF MINUTES (103-2-1)

4. APPROVAL OF THE MINUTES OF THE REGULAR MEETINGS OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY OF MARCH 6, 2018 AND MARCH 20, 2018 AND THE MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY OF JUNE 19, 2018. (City Clerk)

ACTION: Approved. See above.

FINANCIAL MANAGEMENT 2018-2019 (204-1-34)

5. Investment transactions for the month ended April 30, 2018. (Finance)

ACTION: Approved. See above.

WARRANT REGISTER JULY 2018 - JUNE 2019 (202-1-33)

6. Warrant Register #46 for the period of 05/09/18 through 05/15/18 in the amount of \$2,278,667.82. (Finance)

ACTION: Ratified. See above.

7. Warrant Register #47 for the period of 05/16/18 through 05/22/18 in the amount of \$2,010,408.78. (Finance)

ACTION: Ratified. See above.

8. Warrant Register #48 for the period of 05/23/18 through 05/29/18 in the amount of \$438,048.02. (Finance)

ACTION: Ratified. See above.

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS

MUNICIPAL CODE 2018 (506-2-33)

9. PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AMENDING NATIONAL CITY MUNICIPAL CODE TITLE 13, SECTION 13.22.060, SUBSECTION "A" PERTAINING TO PUBLIC IMPROVEMENT REQUIREMENTS FOR SINGLE BUILDING PERMITS. (Engineering/Public Works)

RECOMMENDATION: Introduce the Ordinance for first reading.

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS (cont.)

MUNICIPAL CODE 2018 (506-2-33)

9. PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE
(continued)

TESTIMONY: Chuck Yablon, Grove Plaza Shopping Center, spoke on public improvement plans and maintenance for the center and issues with the permit process.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to table the item until September. Motion failed by the following vote, to-wit: Ayes: Rios, Sotelo-Solis. Nays: Cano, Mendivil, Morrison. Absent: None. Abstain: None.

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

Motion by Cano, seconded by Mendivil, to introduce the Ordinance. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison. Nays: Rios, Sotelo-Solis. Absent: None. Abstain: None.

COMMUNITY DEVELOPMENT LANDSCAPE MAINTENANCE DISTRICT NO. 1 (MILE OF CARS) (406-2-8)

10. Resolution No. 2018-118. PUBLIC HEARING AND ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR THE LANDSCAPE MAINTENANCE DISTRICT NO. 1 (Mile of Cars) FOR FISCAL YEAR 2018/19. (Planning)

RECOMMENDATION: Conduct the Public Hearing and adopt the Resolution confirming the assessment and ordering the levy.

TESTIMONY: None.

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

Motion by Mendivil, seconded by Cano, to adopt the Resolution. Carried by unanimous vote.

SEWER CAPACITY / FEES ADMIN (906-1-4)

11. Resolution No. 2018-119. PUBLIC HEARING AND ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING THE NATIONAL CITY 2018/2019 TAX ROLL SEWER SERVICE FEES REPORT, WHICH IDENTIFIES BY PARCEL NUMBER, EACH PARCEL OF REAL PROPERTY RECEIVING SEWER SERVICES AND THE AMOUNT OF SEWER CHARGES FOR EACH PARCEL FOR FY 2018-19 AS REQUIRED BY THE CALIFORNIA HEALTH AND SAFETY CODE SECTION 5473, ET SEQ., PERTAINING TO COLLECTION OF SEWER CHARGES ON THE TAX ROLL, DIRECTING THE CITY CLERK TO FILE THE REPORT WITH THE SAN DIEGO COUNTY AUDITOR, AND DIRECTING THE CITY ENGINEER TO FILE A CERTIFICATION OF THE SEWER SERVICE CHARGES WITH THE SAN DIEGO COUNTY AUDITOR. (Engineering/Public Works)

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS (cont.)

SEWER CAPACITY / FEES ADMIN (906-1-4)

11. Resolution No. 2018-119 (continued).

RECOMMENDATION: Hold the Public Hearing and adopt the Resolution.

TESTIMONY: None.

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

Motion by Sotelo-Solis, seconded by Mendivil, to adopt the Resolution. Carried by unanimous vote.

HOUSING AUTHORITY 2018 (404-1-7)

12. Resolution No. 2018-120. PUBLIC HEARING, AS REQUIRED BY THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 (TEFRA), AND ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS WITH NO FISCAL IMPACT TO THE CITY IN A NOT TO EXCEED AMOUNT OF \$120,000,000 IN OUTSTANDING AGGREGATE PRINCIPAL TO FINANCE THE ACQUISITION AND REHABILITATION OF TWO EXISTING AFFORDABLE SENIOR RENTAL HOUSING PROJECTS KNOWN AS KIMBALL AND MORGAN TOWERS RESPECTIVELY LOCATED AT 1317 "D" AVENUE AND 1415 "D" AVENUE IN NATIONAL CITY. (Housing & Economic Development)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

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

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

NON CONSENT RESOLUTIONS

COUNCIL POLICY ADMIN (102-13-1)

13. Resolution No. 2018-121. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY RESCINDING THE NATIONAL CITY POLICY ENTITLED SEXUAL AND OTHER FORMS OF HARASSMENT AND ADOPTING CITY COUNCIL POLICY 604 AS THE CITY COUNCIL DISCRIMINATION AND HARASSMENT POLICY. (Continued from the May 15, 2018 City Council Meeting) (Human Resources)

RECOMMENDATION: Adopt the Resolution approving revisions to the City of National City Discrimination and Harassment Policy.

TESTIMONY: Joseph Sanchez, Best Best and Krieger, provided a detailed overview and update on City Council Policy 604.

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

NEW BUSINESS

CONDITIONAL USE PERMITS 2018 (403-32-2)

14. Notice of Decision – Planning Commission approval of a Conditional Use Permit to operate a church at an existing building located at 1624 East 18th Street. (Applicant: George Brambila) (Case File 2018-07 CUP) (Planning)

RECOMMENDATION: File the Notice of Decision.

TESTIMONY: None.

ACTION: Motion by Cano, seconded by Mendivil, to file the Notice of Decision approving the CUP. Carried by unanimous vote.

TEMPORARY USE PERMITS 2018 (203-1-34)

15. Temporary Use Permit - Care Fair South Bay hosted by First Baptist Church at 635 E. 7th Street on August 11, 2018 from 10 am to 2 pm with no waiver of fees. (Neighborhood Services)

RECOMMENDATION: Approve the application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees or in accordance to City Council Policy 802.

TESTIMONY: Seth Clark, First Baptist Church, provided an overview of the fair.

ACTION: Motion by Mendivil, seconded by Cano, to approve the Temporary Use Permit with all conditions of staff. Carried by unanimous vote.

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

16. Update on December 19, 2017 staff report where City Staff was directed by City Council through a unanimous vote to bring back a contract with YALLA San Diego, Inc., acting as fiscal agent to Mundo Gardens (MG FAY), for legitimizing “Joe’s Pocket Farm” and a separate contract to maintain and operate the proposed Paradise Creek Park Community Garden (PCPCG). Staff is seeking further direction based on updates and changes explained in the following report and the attached City Attorney investigation report. (City Manager)

RECOMMENDATION: 1.) To formalize Mundo Gardens’ arrangement on Joe’s Pocket Farm with a Maintenance & Operating Agreement with a community based organization that provides proper insurance and indemnities to the City. 2.) Include in the Joe’s Pocket Farm Maintenance & Operating Agreement a non-exclusive provision allowing for Mundo Gardens to begin renting plots at El Toyon Park Community Garden to National City residents based on demand with rules and regulations to be included in the agreement. 3.) Participate in a National City Healthy Food Collaborative (NCHFC) to help provide recommendations for health initiatives, food systems, and urban agriculture in Paradise Creek, El Toyon, and other parks and open space where suitable. Such participation must meet City policies and strategies for promoting healthy residents, businesses, and neighborhoods.

NEW BUSINESS (cont.)

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

16. Update on December 19, 2017 staff report (continued).
(Final direction on PCPCG must be provided by September). 4.) Utilize NCHFC recommendations to negotiate a Maintenance & Operating Agreement for PCPCG with a community benefit organization. 5.) Utilize NCHFC recommendations to guide the CHW annual plan for Paradise Creek/Old Town Health Initiatives that will determine the best use of CHW grant program income.

TESTIMONY: The following speakers spoke in support: Alicia Sanchez, Margarita Moreno, Andrea Nasser, Fabian Rodriguez, Sandy Naranjo, Diamond Wallace, Fabio Rojas, Andrea Dominguez, Robert Case, Rocina Lizarraga, Mario Ceballos, JenMichel Marquez, Adrian Contreras, H. Bradley Bang, Sheridan Shenkin, Jacqueline Marquez, Janice Luna Reynoso, Michael Reynoso, Michelle Luna Reynoso, Carolina Martinez, Jesus Groves, and Mark Lane.

The following individual spoke in opposition: Stepheni Norton.

The following individuals were neutral: Ted Godshalk, and Michael Lesley.

ACTION: Motion by Rios, seconded by Sotelo-Solis, to accept all five staff recommendations. Motion failed by the following vote, to-wit: Ayes: Rios, Sotelo-Solis. Nays: Cano, Mendivil, Morrison. Absent: None. Abstain: None.

Substitute motion made by Morrison, seconded by Mendivil, to accept recommendation No. 1 to legalize Joe's Pocket Farm and No. 2 to pursue the El Toyon park site as a community garden through an RFQ/RFP.

Member Sotelo-Solis requested the motion be split.

Motion by Morrison, seconded by Mendivil, to legalize Joe's Pocket Farm. Carried by unanimous vote.

Motion by Morrison, seconded by Cano, to pursue the El Toyon park site as a community garden through an RFQ/RFP. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison. Nays: Rios, Sotelo-Solis. Absent: None. Abstain: None.

Motion by Rios, seconded by Sotelo-Solis, to pursue recommendation Nos. 3, 4 and 5, as written. Motion failed by the following vote, to-wit: Ayes: Rios, Sotelo-Solis. Nays: Cano, Mendivil, Morrison. Absent: None. Abstain: None.

No action was taken on Item Nos. 3, 4 and 5. There was consensus for staff to consider the item further and bring back something to be considered at a later date. There was no vote.

NEW BUSINESS (cont.)

LEAGUE OF CA CITIES ADMIN (104-2-1)

17. League of California Cities Annual Conference - Designation of Voting Delegate and Alternate(s). (City Manager)

ACTION: Motion by Sotelo-Solis, seconded by Cano, to designate Mayor Morrison as delegate, and Vice Mayor Mendivil as alternate. Carried by unanimous vote.

C. REPORTS

MAYOR AND CITY COUNCIL

Motion by Sotelo-Solis, seconded by Rios, to have a discussion at the next Council meeting regarding language for a Resolution opposing the separation of families at the border. Carried by the following vote, to-wit: Ayes: Cano, Morrison, Rios, Sotelo-Solis. Nays: Mendivil. Absent: None. Abstain: None.

Motion by Rios, seconded by Sotelo-Solis, for the City Council to consider adopting a Resolution in support of working people at the first meeting in September. Carried by unanimous vote.

Motion by Morrison, seconded by Cano, to bring back a draft policy on Ethics and Conduct at the July 24th meeting. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison. Nays: Rios, Sotelo-Solis. Absent: None. Abstain: None.

CLOSED SESSION REPORT

City Attorney Angil Morris-Jones reported in Closed Session that at the next Regular City Council Meeting of July 17, 2018, the City Clerk will present a certificate certifying the results of the San Diego County Registrar of Voter's examination of the number of signatures collected in favor of the Residential Rent Control Measure. The Registrar of Voters determined that the initiative received a sufficient number of signatures to qualify as a ballot measure for National City's November 2018 general election. The City's declaratory relief action was filed because the City Attorney believes the proposed Residential Rent Control Measure contains certain provisions that violate state law. However, the City believes in and encourages the democratic process to have the people's voice heard. Therefore, the City will dismiss its declaratory relief action to allow a vote on the Residential Rent Control Measure on November 6, 2018. (See attached Exhibit 'L')

ADJOURNMENT

Motion by Mendivil, seconded by Cano, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday – July 17, 2018 - 6:00 p.m. - Council Chambers - National City, California. Carried by unanimous vote.

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - July 17, 2018 - 6:00 p.m. - Council Chambers - National City, California.

The meeting closed at 12:36 a.m.



City Clerk

The foregoing minutes were approved at the Regular Meeting of December 4, 2018.



Mayor

CITY COUNCIL LEGISLATIVE RECESS

August 7, 2018 - City Council Meeting - Dispensed With

August 21, 2018 - City Council Meeting - Dispensed With

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

CITY COUNCIL OF THE CITY OF NATIONAL CITY

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

Special Meeting - Tuesday, July 3, 2018 – 5:00 p.m.

ROLL CALL

CITY COUNCIL

OPEN SESSION

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

CLOSED SESSION

1. Conference with Legal Counsel – Pending Litigation
Existing Litigation under Paragraph (1) of Subdivision (d) of Government Code Section 54956.9
City of National City v. Irvin Martinez, et al.
SDSC Case No. 37-2018-00021725-CL-MC-CTL

OPEN SESSION

CLOSED SESSION REPORT

ADJOURNMENT

Next Regular City Council Meeting: Tuesday, July 3, 2018, 6:00 p.m., City Council Chambers, Civic Center – National City, California.