

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

September 4, 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, Mosley, Parra, Pedone, Raulston, Roberts, Tellez, Vergara, Yano, Ybarra.
Others present: City Treasurer Mitch Beauchamp.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC COMMENTS

Debra Kelley, American Lung Association, provided an update on the previous discussions regarding e-cigarettes and suggested an ordinance or policy regulating the use of e-cigarettes in National City.

Jill Ann Milligan, National City, spoke about ongoing parking problems occurring in her neighborhood of 'M' Avenue.

The following speakers spoke on Civil Rights and the Earl McNeil case: Amie Zamudio, Rick Bramhall, Art Fusco, Yusef Miller, Catherine Mendoca, Marie Little, Monica Cortez, Tasha Williamson, Brittany McCline, Tonatiuh Ornelas, Walter Cameron, Aaryn Belfer, Renee Wade, Terrie Best, Andrea Beth Damsky, Aeiramique Blakee, Marcus Boyd, Darwin Fishman, Loxie Gant, Mark Lane, Steve Dorner, Julie Corrales, Ali Mehraban, Diamond Wallace.

The following speakers spoke on the recent news article regarding City rent payments from the Rotary Club: Maria Lucero and Sandra Luviano.

Margaret Godshalk, National City, spoke on ongoing and unresolved issues with idling trucks in her neighborhood and asked for more enforcement.

PROCLAMATIONS

PROCLAMATION ADMIN (102-2-1)

1. Workplace Gender Equity Day

ACTION: This item was postponed.

AWARDS AND RECOGNITIONS

COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2019 (102-10-14)

2. Introduction of New Employee - Ray Stryker, Housing Specialist. (Housing & Economic Development)
ACTION: This item was postponed.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 3 (NCCMC), Item No. 4 through 13 (Resolution Nos. 2018-149 through 2018-158), Item No. 14 (Temporary Use Permit), Item Nos. 15 through 22 (Warrant Registers). Motion by Sotelo-Solis, seconded by Mendivil, to approve the Consent Calendar. Carried by unanimous vote.

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.

GRANT / PUBLIC SAFETY (206-4-27)

4. Resolution No. 2018-149. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING FUNDS IN THE AMOUNT OF \$2,500 FROM SDG&E'S 2018 SAFE SAN DIEGO INITIATIVE THROUGH THE BURN INSTITUTE, A 501(C) (3) NON-PROFIT ORGANIZATION, FOR THE NATIONAL CITY COMMUNITY EMERGENCY RESPONSE TEAM (CERT) TO RECRUIT, ADMINISTER, AND PROMOTE CERT TRAINING IN NATIONAL CITY, AND AUTHORIZING THE ESTABLISHMENT OF A REIMBURSABLE GRANTS CITY-WIDE FUND APPROPRIATION AND CORRESPONDING REVENUE BUDGET. (Fire)
ACTION: Adopted. See above.

CONTRACT (C2018-1)

CITY - OWNED LAND / SALE - LEASE (1001-1-1)

5. Resolution No. 2018-150. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE RATIFICATION OF AND FIRST AMENDMENT TO A REAL PROPERTY PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS PERTAINING TO THE SALE OF THE PROPERTY LOCATED AT 130 EAST 8TH STREET IN NATIONAL CITY TO PROTEA NATIONAL CITY, LLC, ADDING

CONSENT CALENDAR (cont.)

CONTRACT (C2018-1)

CITY - OWNED LAND / SALE - LEASE (1001-1-1)

5. Resolution No. 2018-150 (continued).
EXHIBIT "B-1" AND EXTENDING THE CLOSE OF ESCROW FOR 6 MONTHS, EXPIRING MARCH 1, 2019; AND AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE UP TO TWO ADDITIONAL AMENDMENTS, EACH EXTENDING THE TERM OF THE AGREEMENT BY 90-DAYS. (Housing & Economic Development)
ACTION: Adopted. See above.

CONTRACT (C2010-3)

6. Resolution No. 2018-151. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF NATIONAL CITY AND CLAIMS MANAGEMENT ASSOCIATES, INC. (CMA), TO INCREASE THE HOURLY BILLING RATE FROM \$90 PER HOUR TO \$100 PER HOUR TO PROVIDE LIABILITY RISK MANAGEMENT, CLAIMS ADJUSTING AND INVESTIGATIVE SERVICES, WHICH INCREASES THE AGREEMENT BY \$10,000, RESULTING IN A TOTAL NOT TO EXCEED AGREEMENT AMOUNT INCREASE FROM \$150,000 TO \$160,000. (City Attorney)
ACTION: Adopted. See above.

CONTRACT (C2017-48)

7. Resolution No. 2018-152. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY: 1) ACCEPTING THE WORK PERFORMED BY PALM ENGINEERING CONSTRUCTION COMPANY, INC. FOR THE WESTSIDE MOBILITY IMPROVEMENTS PROJECT, CIP NO. 17-04; 2) APPROVING THE FINAL CONTRACT AMOUNT OF \$2,096,000.70; 3) RATIFYING THE RELEASE OF RETENTION IN THE AMOUNT OF \$104,800.03; AND 4) AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF COMPLETION FOR THE PROJECT. (Engineering/Public Works)
ACTION: Adopted. See above.

CONTRACT (C2018-52)

8. Resolution No. 2018-153. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY: 1) AWARDED A CONTRACT TO BERT W. SALAS, INC. IN THE NOT-TO-EXCEED AMOUNT OF \$334,056 FOR THE LAS PALMAS STORM DRAIN REPAIR PROJECT, CIP NO. 17-16; 2) AUTHORIZING A 15% CONTINGENCY IN THE AMOUNT UP TO \$50,108.40 FOR ANY UNFORESEEN CHANGES; AND 3) AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT. (Engineering/Public Works)
ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

CONTRACT (C2009-01)

9. Resolution No. 2018-154. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH HARRIS & ASSOCIATES, INC. TO PROVIDE CONSTRUCTION SUPPORT SERVICES, INCLUDING, BUT NOT LIMITED TO, PREPARATION OF RECORD DRAWINGS, FOR THE PARADISE CREEK BIOFILTRATION PROJECT FOR A NOT-TO-EXCEED AMOUNT OF \$100,000. (Engineering/Public Works)

ACTION: Adopted. See above.

CONTRACT (C2016-40)

10. Resolution No. 2018-155. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO THE TWO-YEAR AGREEMENT WITH MICHAEL BAKER INTERNATIONAL, INC., TO EXTEND THE TERM OF THE AGREEMENT BY ONE YEAR, EXPIRING JUNE 30, 2019, TO PROVIDE ON-CALL PROJECT SUPPORT SERVICES FOR NATIONAL CITY'S CAPITAL IMPROVEMENT PROGRAM (CIP), INCLUDING, BUT NOT LIMITED TO, CIVIL ENGINEERING, CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES. (Engineering/Public Works)

ACTION: Adopted. See above.

EQUIPMENT / VEHICLE PURCHASE ADMIN (209-1-1)

11. Resolution No. 2018-156. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY: (1) WAIVING THE FORMAL BID PROCESS PURSUANT TO NATIONAL CITY MUNICIPAL CODE SECTION 2.60.260 REGARDING COOPERATIVE PURCHASING AND AUTHORIZING THE CITY (BUYER) TO PIGGYBACK ONTO U.S. GENERAL SERVICES ADMINISTRATION (GSA) CONTRACT #GS-30F-0003T TO AWARD THE PURCHASE OF ONE CMT-100 MIXING TRAILER TO CART-AWAY CONCRETE IN AN AMOUNT NOT TO EXCEED \$24,390.48, AND (2) APPROPRIATE \$9,390.48 IN THE EQUIPMENT REPLACEMENT RESERVE FROM THE SEWER SERVICE FUND FUND BALANCE TO APPLY TOWARD THE PURCHASE. (Engineering/Public Works)

ACTION: Adopted. See above.

CONTRACT (C2018-51)

12. Resolution No. 2018-157. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE PROGRAM SUPPLEMENT AGREEMENT (PSA) NO. N010 REV. 1 WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE CITYWIDE SAFE ROUTES TO SCHOOL (SRTS) PEDESTRIAN ENHANCEMENTS PROJECT TO

CONSENT CALENDAR (cont.)
CONSENT CALENDAR (cont.)

CONTRACT (C2018-51)

12. Resolution No. 2018-157 (continued).
ALLOW FOR REIMBURSEMENT OF UP TO \$350,000 IN ELIGIBLE PROJECT EXPENDITURES THROUGH THE FEDERAL ACTIVE TRANSPORTATION PROGRAM (ATP). (Engineering/Public Works)
ACTION: Adopted. See above.

PARKING & TRAFFIC CONTROL ADMIN 2018 (801-2-40)

13. Resolution No. 2018-158. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF TIME-RESTRICTED "NO PARKING STREET SWEEPING" SIGNS "TUESDAY, 9:00 AM TO 10:00 AM," WITH THE EXCEPTION OF CITY HOLIDAYS ON 2400-2500 BLOCK OF "I" AVENUE (TSC 2018-17). (Engineering/Public Works)
ACTION: Adopted. See above.

TEMPORARY USE PERMITS 2018 (203-1-34)

14. Temporary Use Permit – St. Mary's Annual Fall Festival hosted by St. Mary's Catholic Church on Sunday, October 7, 2018 at the parish grounds located between E. 8th Street and "E" Avenue from 7 a.m. to 7 p.m. with no waiver of fees. (Neighborhood Services)
ACTION: Adopted. See above.

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

15. Warrant Register #51 for the period of 06/13/18 through 06/19/18 in the amount of \$2,572,034.65. (Finance)
ACTION: Ratified. See above.
16. Warrant Register #52 for the period of 06/20/18 through 06/26/18 in the amount of \$420,448.36. (Finance)
ACTION: Ratified. See above.
17. Warrant Register #1 for the period of 06/27/18 through 07/03/18 in the amount of \$3,650,138.97. (Finance)
ACTION: Ratified. See above.
18. Warrant Register #2 for the period of 07/04/18 through 07/10/18 in the amount of \$625,110.48. (Finance)
ACTION: Ratified. See above.
19. Warrant Register #3 for the period of 07/11/18 through 07/17/18 in the amount of \$2,624,474.40. (Finance)
ACTION: Ratified. See above.

CONSENT CALENDAR (cont.)

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

20. Warrant Register #4 for the period of 07/18/18 through 07/24/18 in the amount of \$703,621.25. (Finance)
ACTION: Ratified. See above.
21. Warrant Register #5 for the period of 07/25/18 through 07/31/18 in the amount of \$1,644,095.21. (Finance)
ACTION: Ratified. See above.
22. Warrant Register #6 for the period of 08/01/18 through 08/07/18 in the amount of \$6,959,766.26. (Finance)
ACTION: Ratified. See above.

NON CONSENT RESOLUTIONS

CONTRACT (C98-8)

SEWER REG WASTEWATER DISPOSAL AGREEMENT (906-1-10)

23. Resolution No. 2018-159. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING, AND AUTHORIZING THE MAYOR TO EXECUTE, THE AMENDED AND RESTATED REGIONAL WASTEWATER DISPOSAL AGREEMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MODIFIED AGREEMENT SHOULD THE CITY ATTORNEY DETERMINE THAT THE ANTICIPATED REQUESTS FOR MODIFICATIONS ARE NON-SUBSTANTIVE AND DO NOT ADVERSELY AFFECT THE CITY OF NATIONAL CITY. (Engineering/Public Works)
RECOMMENDATION: Adopt Resolution.
TESTIMONY: None.
ACTION: Motion by Sotelo-Solis, seconded by Rios, to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Absent: None. Abstain: Cano.

COUNCIL POLICY ADMIN (102-13-1)

24. Resolution No. 2018-160. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING CITY COUNCIL POLICY #119 - CODE OF ETHICS AND CONDUCT FOR ELECTED OFFICIALS, COUNCIL APPOINTED OFFICIALS AND MEMBERS OF CITY BOARDS, COMMISSIONS AND COMMITTEES. (City Manager)
RECOMMENDATION: Adopt the Resolution.
TESTIMONY: None.
ACTION: Motion by Mendivil, seconded by Sotelo-Solis, to adopt the Resolution. Carried by unanimous vote.

NEW BUSINESS

CONDITIONAL USE PERMITS 2018 (403-32-2)

25. Notice of Decision – Planning Commission approval of a Conditional Use Permit for the off-site sale of beer and wine at a new retail store (My Goody's) located at 2424 Hoover Ave. Suite 'E' (Applicant: Rane Boulton) (Case File 2018-12 CUP) (Planning)

RECOMMENDATION: File the Notice of Decision.

TESTIMONY: None.

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

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

26. City Council review and direction on League of California Cities 2018 Annual Conference Resolutions: (1) "A Resolution of the League of California Cities Calling upon the League to respond to the increasing vulnerabilities to Local Municipal Authority, Control and Revenue and explore the preparation of a Ballot Measure and/or Constitutional Amendment that would further strengthen local democracy and authority"; (2) "A Resolution of the League of California Cities declaring its commitment to support the repeal of preemption in California Food and Agriculture Code 11501.1 that prevents local governments from regulating pesticides." (City Manager)

RECOMMENDATION: Support the League's resolutions.

TESTIMONY: None.

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

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

Motion by Mendivil, seconded by Cano, to approve item #1. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison. Nays: Rios, Sotelo-Solis. Absent: None. Abstain: None.

Motion by Mendivil, seconded by Cano, to approve item #2. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison. Nays: Rios, Sotelo-Solis. Absent: None. Abstain: None.

CITY COUNCIL ADMIN (102-16-1)

27. City Council discussion and direction of possible future actions based on the findings of the investigation into the allegations against Councilmember Cano and the allegation against Councilmember Rios. (City Attorney)

RECOMMENDATION: Various options and available courses of action were outlined by the City Attorney.

NEW BUSINESS (cont.)

CITY COUNCIL ADMIN (102-16-1)

27. City Council discussion and direction (continued)

TESTIMONY: Acting City Attorney Nicole Pedone advised Councilmember Cano to recuse himself and leave the Council Chamber. Councilmember Cano stated for the record that he is recusing himself under protest and left the Council Chamber.

Diamond Wallace, representative of Assemblywoman Lorena Gonzalez-Fletcher, read a statement of support for Councilmember Rios and called for Councilmember Cano to step down.

Gloria Jean-Nieto, National City, expressed her concerns and asked for an apology from Member Cano and payment of all money owed.

Attorney Cory Briggs, spoke on behalf of and in defense of his client, Councilmember Rios. He proposed that the City Council adopt a resolution asking Mr. Cano to apologize in writing to Member Rios and to acknowledge that his accusations against her were false.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to bifurcate the issues (allegations). Motion carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Absent: None. Abstain: Cano.

Motion by Sotelo-Solis, seconded by Rios that the City Council proceed with a censure of Member Cano in the form of Resolution to be prepared by legal counsel for adoption by the City Council. Motion failed by the following vote, to-wit: Ayes: Rios, Sotelo-Solis. Nays: Mendivil, Morrison. Absent: None. Abstain: Cano.

Councilmember Rios said she would be recusing herself from participating in consideration of the next item and left the Council Chamber.

Motion by Sotelo-Solis, to move forward for a public and written apology by Councilmember Cano to Councilmember Rios during a public City Council meeting. Motion died for lack of a second.

Motion by Morrison, seconded by Mendivil, to take no action on the harassment allegations. Motion carried by the following vote, to-wit: Ayes: Mendivil, Morrison. Nays: Sotelo-Solis. Absent: None. Abstain: Cano, Rios.

Members Cano and Rios returned to the Council Chamber.

COUNCIL POLICY ADMIN (102-13-1)

28. City Council discussion and direction on City Council Policy #104 - Conduct of City Council Meetings. (City Manager)

RECOMMENDATION: Amend City Council Policy #104 to include (a) general procedures for the conduct of public meetings, including rules of order and decorum, meeting schedule and length of meetings; (b)

TESTIMONY: Attorney Cory Briggs, San Diego, expressed his displeasure with how the City Council meetings are conducted.

NEW BUSINESS (cont.)

COUNCIL POLICY ADMIN (102-13-1)

28. City Council discussion and direction (continued)

ACTION: Staff was requested to collect additional information and survey the practices in other cities on the various suggestions and topics discussed. There was no vote.

C. REPORTS

STAFF REPORTS

City Manager Leslie Deese thanked the City's IT Staff, and the Swagit Company Contract Engineer and team for staying through the Council meeting and helping with the new audio/video system.

Mayor Morrison also thanked the Swagit team for working all through the August recess.

MAYOR AND CITY COUNCIL

CITY COUNCIL ADMIN (102-16-1)

29. City Council discussion and direction on a Resolution in Support of Working People (Janus v. AFSCME Council 31). (Councilmember Rios)

ACTION: Item #29 was pulled from the agenda.

Mayor Morrison requested an update on the condition of City Attorney Angil Morris-Jones. City Manager Deese responded that she is recuperating from a serious automobile accident and is in good spirits. In her absence Nicole Pedone will be Acting City Attorney and Robby Contreras will be Acting Senior Assistant City Attorney.

Vice Mayor Mendivil spoke on four items: 1) praying for City Attorney Angil Morris-Jones recovery from her accident; 2) he suggested that each Councilmember take a turn conducting a Council Meetings to experience how difficult it is to run a meeting; 3) vowed that he will finish strong all the way through December 4th when his term ends; 4) expressed his concerns about allegations regarding Councilmember Rios and former Planning Commission Chairman Marcus Bush relative to their lack of leadership while serving as president of the Rotary Club and asked for an outside party to investigate.

Motion by Mendivil, seconded by Rios, to bring this issue and the potential investigation of these two individuals to focus on the potential violation of Government Coe 87100 on the next agenda for discussion. Carried by unanimous vote.

MAYOR AND CITY COUNCIL (cont.)

Member Sotelo-Solis provided clarification on what the Vice Mayor's role is when the Mayor is out; spoke on her experience as Vice Mayor and said she is saddened how the Council has handled gender equity in the workplace. She shared that the National School District will be on vacation in two weeks and encouraged members of the public to sign up for forthcoming programs and activities.

Member Rios said in response to the Vice Mayor's comments, it was evident that the meeting tonight has been all about politics. She expressed hope that members of the public will attend the meeting when the discussion regarding the Rotary Club issue will be brought forth because she has nothing to hide. She encouraged the public to pass on the word that Metropolitan Transit System has the launching the 'South Bay Rapid' which will provide free nonstop bus service from the Palomar station to downtown from September 4th to September 7th.

Member Cano mentioned graffiti issues in the City. He requested that the topic of e-cigarettes be placed on the next agenda for discussion.

Motion by Member Cano, seconded by Mendivil, to bring back for discussion on the next agenda the issue of regulating e-cigarettes.

TESTIMONY: Debra Kelley, American Lung Association, clarified the issues to be addressed regarding e-cigarettes.

ACTION: Motion carried by unanimous vote.

EXPARTE DISCLOSURE: All members of the City Council disclosed that had they met with Debra Kelley to discuss the issue.

Member Cano read the following public statement into record:

"I see no need for an apology as I am not guilty of any of the accusations that Councilmember Rios has publicized. My private request to the City Attorney was for a private meeting between Councilmember Rios, myself to discuss the continuous discomfort with Councilmember Rios constantly pushing myself and others during picture taking. At no time was sexual inappropriate touching was mentioned by me. It was Councilmember Rios who decided to make this claim an open Council section and then go to the media. I have at no time made any claim that the occurrence did not happen. As a result of being called a liar and my name being damaged by what can only be seen as deliberate, negative publicity campaign, I now request that this be investigated. I only wish that this could have been handled as it was originally requested in private by these adults. So at this point, I would like to make a motion to put this request on the next agenda."

Member Cano provided clarification as requested by Member Sotelo-Solis and Mayor Morrison and stated that the motion was for him to say "he never said it didn't happen, so there needs to be an investigation for it to be investigated that it did happen".

MAYOR AND CITY COUNCIL (cont.)

Acting City Attorney Pedone stated for clarification, that the investigation was already conducted and that the investigative report went into the allegations that were made and asked Member Cano for clarification purposes and for the record, to exactly define what the discussion will be on the next agenda so that it can be properly agendized.

Member Cano read the following statement into record:

“The discussion is gonna have that in no time was sexually (*inaudible*) touching was mentioned by me. That’s number one. That it was Councilmember Rios who decided to make this claim in an open decision, an open Council decision and then go to the media. Three, I have at no time made any claim that that occurrence never happened; that would be number three. So based on what I have read, I would like to make a motion that we put this request on the next agenda, so that there will be an investigation and the truth will come out.”

Acting City Attorney Pedone stated that there was an investigation in which Member Cano had an opportunity to address the issues regarding the accusation. She asked Member Cano to clarify what additional investigation is being asked for.

Member Cano responded that all he is asking for is clarification and where the comments came from different media publications and where and how the conclusions came about.

Acting City Attorney Pedone suggested the investigator, Attorney Curley, come back to explain the report and how he came to the findings of the investigation. Member Cano agreed to Acting City Attorney Pedone’s suggestion and said that it satisfied what he is looking for.

Motion by Cano, seconded by Morrison, to bring back for discussion about the investigative report in which Attorney Bill Curley would be invited back to discuss.

Acting City Attorney Pedone expressed concerns about Member Cano’s eligibility to make such a motion since he was the subject of the investigation. For that reason she would take the matter under advisement, investigate it further and, after discussion with Member Cano, make a determination on how to proceed. There was no vote on the motion.

Mayor Morrison said that he is glad that something is being done with the issue regarding e-cigarettes. He spoke in his defense by asking the public to take a look at his social media and be the judge in seeing who is doing the attacking and game playing.

RECESS

A recess was called at 10:41 p.m. The meeting reconvened at 10:42 p.m. All members were present.

CLOSED SESSION

Members went into Closed Session at 10:42 p.m.

CLOSED SESSION (509-01-04)

30. Closed Session - Conference with Legal Counsel - Potential Litigation Pursuant to Government Code Section 54956.9(e) (1) One Potential Case.

ADJOURNMENT

The meeting was adjourned in memory of Mrs. Sharon Van Deventer and Mrs. Lily Martin.

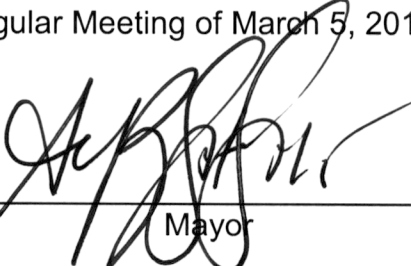
Motion by Mendivil, seconded by Cano, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday – September 18, 2018 - 6:00 p.m. - Council Chambers - National City, California. Carried by unanimous vote.

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday – September 18, 2018 - 6:00 p.m. - Council Chambers - National City, California.



City Clerk

The foregoing minutes were approved at the Regular Meeting of March 5, 2019.



Mayor