

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

**September 18, 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 6:06 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, Williams, Yano, Ybarra.  
Others present: City Treasurer Mitch Beauchamp.

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

**PUBLIC COMMENTS**

The following individuals spoke on justice and Earl McNeil: Rick Bramhall, Amie Zamudio, Yusef Miller, Loxie Gant, Marie, Cheri, Elizabeth Senhen, Margaret Kuchnia, Raul Aceves, Brittany McCline, Shane Parmely, Marco Amaral, and Earl McNeil.

Annette Delariva, National City, requested to have additional public forums to meet the candidates running for Council and Mayor.

**PROCLAMATIONS**

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

1. MTS Free Ride Day

**AWARDS AND RECOGNITIONS**

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

2. Recognition of Outgoing Student Council Representative, Erika Gastelum, and Introduction of Incoming Student Council Representative, Danielle Cruz. (City Clerk)
3. Retiree Service Recognition - Police Sergeant Dennis J. Leach. (Police)
4. Employee of the Quarter 2018 - Tonya Hussain, Executive Secretary. (Planning)

**AWARDS AND RECOGNITIONS (cont.)**

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

5. Receipt of the Certificate of Achievement for Excellence in Financial Reporting for the City of National City's Comprehensive Annual Financial Report and the Award of Outstanding Achievement in Popular Annual Financial Reporting for the City of National City's popular annual financial report from the Government Finance Officers Association for the fiscal year ended June 30, 2017. (Finance)

**INTERVIEWS / APPOINTMENTS**

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

6. Interviews and Appointments: Traffic Safety Committee. (City Clerk)  
**RECOMMENDATION:** Interview and appoint as desired.  
**TESTIMONY:** Richard Sherman appeared for interview.  
**ACTION:** Motion by Morrison, seconded by Sotelo-Solis, to re-appoint Coyote Moon to the Traffic Safety Committee. Carried by unanimous vote.  
Motion by Morrison, seconded by Cano, to appoint Richard Sherman to the Traffic Safety Committee. Carried by unanimous vote.

**CITY COUNCIL**

**CONSENT CALENDAR**

**ADOPTION OF CONSENT CALENDAR.** Item No. 7 (NCCMC), Item No. 8 through 18 (Resolution Nos. 2018-161 through 2018-171), Item No. 19 and 20 (Reports), Item Nos. 21 and 22 (Warrant Registers). Motion by Cano, seconded by Mendivil, to approve the Consent Calendar. Carried by unanimous vote.

**MUNICIPAL CODE 2018 (506-2-33)**

7. 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.

**CONTRACT (C2017-19)**

8. Resolution No. 2018-161. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY: 1) ACCEPTING THE WORK PERFORMED BY TRI-GROUP CONSTRUCTION AND DEVELOPMENT, INC. FOR THE 18TH STREET PEDESTRIAN AND BICYCLE ENHANCEMENTS PROJECT, CIP NO. 16-10; 2) APPROVING THE FINAL CONTRACT AMOUNT OF \$929,082.51; 3) RATIFYING THE RELEASE OF

**CONSENT CALENDAR (cont.)**

**CONTRACT (C2017-19)**

8. Resolution No. 2018-161 (continued).  
RETENTION IN THE AMOUNT OF \$45,889.88; AND 4) AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF COMPLETION FOR THE PROJECT. (Engineering/Public Works)  
**ACTION:** Adopted. See above.

**CONTRACT (C2018-4)**

9. Resolution No. 2018-162. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY: 1) ACCEPTING THE WORK PERFORMED BY PAL GENERAL ENGINEERING, INC. FOR THE WILSON AVENUE AND W. 22ND STREET IMPROVEMENTS PROJECT, CIP NO. 17-19; 2) APPROVING THE FINAL CONTRACT AMOUNT OF \$369,659.12; 3) AUTHORIZING THE RELEASE OF RETENTION IN THE AMOUNT OF \$18,482.96; AND 4) AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF COMPLETION FOR THE PROJECT. (Engineering/Public Works)  
**ACTION:** Adopted. See above.

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

10. Resolution No. 2018-163. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF RED CURB "NO PARKING" ON THE EAST SIDE OF NATIONAL CITY BLVD, NORTH SIDE OF THE DRIVEWAY ADJACENT TO THE 2829 NATIONAL CITY BLVD., FRANK SUBARU BUSINESS, IN ORDER TO PROVIDE APPROPRIATE CLEARANCE AND ACCESS ONTO NATIONAL CITY BLVD. (TSC NO. 2018-20). (Engineering/Public Works)  
**ACTION:** Adopted. See above.

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

11. Resolution No. 2018-164. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF RED CURB "NO PARKING" AT THE INTERSECTION OF E. 24TH STREET AND "J" AVENUE TO ENHANCE VISIBILITY AND ACCESS FROM "J" AVENUE ONTO E. 24TH STREET (TSC No. 2018-21). (Engineering/Public Works)  
**ACTION:** Adopted. See above.

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

12. Resolution No. 2018-165. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF 230 FEET OF "NO PARKING" SIGNAGE ON THE EAST SIDE OF 400-500 BLOCK OF "T" AVENUE TO ENHANCE SAFETY FOR VEHICLES TRAVELING ON "T" AVENUE (TSC No. 2018-22). (Engineering/Public Works)  
**ACTION:** Adopted. See above.

**CONSENT CALENDAR (cont.)**

**GRANT / LIBRARY (206-4-10)**

13. Resolution No. 2018-166. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY: 1) RATIFYING THE ACCEPTANCE OF THE CALIFORNIA LIBRARY LITERACY SERVICES (CLLS) GRANT IN THE AMOUNT OF \$18,000 TO FUND THE NATIONAL CITY LIBRARY'S LITERACY SERVICES PROGRAM FOR FY 2018-19; AND 2) AUTHORIZING THE ESTABLISHMENT OF AN APPROPRIATION AND CORRESPONDING REVENUE BUDGET IN THE AMOUNT OF \$18,000. (Library)

**ACTION:** Adopted. See above.

**CONTRACT (C2018-53)**

**GRANT / COMMUNITY SERVICES (206-4-26)**

14. Resolution No. 2018-167. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY: 1) AUTHORIZING THE ACCEPTANCE OF THE SAN DIEGO UNIFIED PORT DISTRICT'S TIDELANDS ACTIVATION GRANT FUNDS OF \$10,000 AND \$3,330 IN SERVICES PROVIDED BY THE SAN DIEGO UNIFIED PORT DISTRICT FOR SPECIAL EVENTS AT THE NATIONAL CITY AQUATIC CENTER AND PEPPER PARK, WITH NO MATCHING FUNDS REQUIRED; 2) AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF NATIONAL CITY AND THE SAN DIEGO UNIFIED PORT DISTRICT TO RECEIVE FY19 TIDELANDS ACTIVATION GRANT FUNDS; AND 3) AUTHORIZING THE ESTABLISHMENT OF A REIMBURSABLE GRANTS CITYWIDE FUND APPROPRIATION OF \$10,000 AND CORRESPONDING REVENUE BUDGET. (Community Services)

**ACTION:** Adopted. See above.

**COMMUNITY SERVICES DEPT ADMIN (1104-1-7)**

15. Resolution No. 2018-168. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING AN INCREASE OF \$15,000 TO THE COMMUNITY SERVICES DEPARTMENT'S GENERAL FUND CONTRACT SERVICES APPROPRIATION AND USE OF GENERAL FUND UNASSIGNED FUND BALANCE FOR THE EXOS CONTRACT TO OPERATE LAS PALMAS POOL IN FY18. (Community Services)

**ACTION:** Adopted. See above.

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

16. Resolution No. 2018-169. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY DESIGNATING THE OFFICIALS AUTHORIZED TO ORDER THE DEPOSIT AND WITHDRAWAL OF CITY MONIES WITH THE LOCAL AGENCY INVESTMENT FUND (LAIF) ON BEHALF OF THE CITY OF NATIONAL CITY. (Finance)

**ACTION:** Adopted. See above.



**CONSENT CALENDAR (cont.)**

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

17. Resolution No. 2018-170. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY DESIGNATING THE OFFICIALS AUTHORIZED TO ORDER THE DEPOSIT AND WITHDRAWAL OF CITY MONIES WITH FINANCIAL INSTITUTIONS ON BEHALF OF THE CITY OF NATIONAL CITY. (Finance)

**ACTION:** Adopted. See above.

**CITY ATTORNEY REPORTS (509-1-3)**

18. Resolution No. 2018-171. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING THE WRITTEN STATEMENT THAT NO FURTHER CHANGES ARE NEEDED AT THIS TIME TO THE CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST CODE, CURRENTLY IN EFFECT THROUGH RESOLUTION NO. 2016-131. (City Attorney)

**ACTION:** Adopted. See above.

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

19. National City Sales Tax Update Newsletter - First Quarter 2018. (Finance)

**ACTION:** Filed. See above.

20. Investment Report for the quarter ended June 30, 2018. (Finance)

**ACTION:** Filed. See above.

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

21. Warrant Register #7 for the period of 08/08/18 through 08/14/18 in the amount of \$1,759,826.86. (Finance)

**ACTION:** Ratified. See above.

22. Warrant Register #8 for the period of 08/15/18 through 08/21/18 in the amount of \$687,978.46. (Finance)

**ACTION:** Ratified. See above.

**PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS**

**PARKING DISTRICT ADMIN (801-1-1)**

23. Resolution No. 2018-172. PUBLIC HEARING AND ADOPTION OF A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ESTABLISHING RESIDENTIAL PERMIT PARKING DISTRICT "L" ON BOTH SIDES OF BUCKY LANE, VALID DAILY FROM 5:00PM TO 8:00AM (TSC 2018-16). (Engineering/Public Works)

**RECOMMENDATION:** Hold Public Hearing to consider establishment of Residential Permit Parking District "L".

**PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS (cont.)**

**PARKING DISTRICT ADMIN (801-1-1)**

23. Resolution No. 2018-172 (continued).

**TESTIMONY:** The following individuals spoke in support of the Permit Parking District: Darrell Allison, National City, Zelly Nunez, National City, and Frank Scott. A petition of support was submitted.

**ACTION:** Motion by Cano, seconded by Mendivil, to close the hearing. Carried by unanimous vote.

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

**NEW BUSINESS**

**MUNICIPAL CODE 2018 (506-2-33)**

24. Request for City Council direction on amending Chapters 9.37, 9.38, and 10.52 of the City of National City Municipal Code to regulate the use of Electronic Smoking Devices. (Planning)

**ACTION:** Motion by Sotelo-Solis, seconded by Rios, to have staff bring back an ordinance with includes the changes to the sample language provided by the American Lung Association. Carried by unanimous vote.

**CITY ATTORNEY REPORTS (509-1-3)**

25. Staff report seeking City Council direction on proposed changes to sample Contractor Responsibility Ordinance. (Engineering/Public Works and City Attorney)

**ACTION:** Motion by Mendivil, seconded by Cano, to bring back an ordinance that reflects all staff recommendations. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison, Rios. Nays: Sotelo-Solis. Absent: None. Abstain: None.

Member Rios announced that while not legally required to do so, she chose to recuse herself and not be present during consideration of Item No. 26 which involves her participation in the Rotary Club. Member Rios left the Chamber.

**CITY ATTORNEY REPORTS (509-1-3)**

26. Discussion and consideration of (1) a motion to direct the City Attorney to hire outside counsel to conduct an investigation into the allegations that while members of the Rotary Club, Councilmember Mona Rios and past chairman of the Planning Commission Marcus Bush, violated California Government Code Section 87100 or any other State laws that relate to public officials; and (2) a motion to determine and authorize the establishment of an appropriation from the general fund to fund the investigation. (City Attorney)

**NEW BUSINESS (cont.)**

**CITY ATTORNEY REPORTS (509-1-3)**

26. Discussion and consideration (continued)

**TESTIMONY:** Coyote Moon, Gloria Jean Nieto, and Joan Rincon, National City, spoke in opposition to an additional investigation. Griselda (no last name given) and Sandra Luviano spoke in favor of an investigation.

**ACTION:** Motion by Mendivil, seconded by Cano, to direct the City Attorney to hire outside counsel to conduct an investigation into the allegations that, while members of the Rotary Club, Councilmember Mona Rios and past chairman of the Planning Commission Marcus Bush, violated Government Code Section 87100 or any other State laws that relate to public officials.

Acting City Attorney Nicole Pedone asked the maker of the motion to detail in the motion the facts and questions to be posed to the FPPC or Attorney General for an opinion on any legal basis for an investigation prior to the City Attorney proceeding with an investigation in the matter.

Member Mendivil stated the fact that Member Rios signed a document taking responsibility for renting a room in the MLK Community Center and she did not uphold her responsibility to pay the rent that she signed to pay.

Mayor Morrison added that, "Member Rios and those that were under her direct control; her campaign chairman, her staff person, and two other officers that would control information through the club and everything else, the bills were not being paid to the City, the Club thought they were and therefore then, was their influence used with the City?"

Acting City Attorney Pedone stated that if the two items mentioned are what is to be presented to the FPPC then they should be made as part of the motion and direction should be given on the funding source for an investigation.

Member Mendivil clarified that the motion, would include the two items mentioned.

Member Cano indicated that he had one more item to add. Member Cano stated that some of the club members were told by Mona Rios to make payment for their dues and that she was going to use that money to pay the rent. Some of the members did provide a check for dues with the understanding that she was going to make payment on the rent but it wasn't paid.

Mayor Morrison said that there is a motion and second on the floor that there be an investigation contingent upon review of acceptability through either the FPPC or the Attorney General's Office.

## **NEW BUSINESS (cont.)**

### **CITY ATTORNEY REPORTS (509-1-3)**

26. Discussion and consideration (continued)

**ACTION (cont.):** City Attorney Pedone clarified her understanding that there is a motion to direct the City Attorney to conduct an investigation into the facts with the understanding that such an investigation is contingent upon the City Attorney getting an opinion from the FPPC and/or Attorney General on whether there is some sort of City action or connection based on the three facts or issues that have been provided.

The motion, as clarified, restated, and understood, carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison. Nays: Sotelo-Solis. Absent: None. Abstain: Rios

Member Rios returned to the Chamber.

### **C. REPORTS**

#### **STAFF REPORTS**

##### **HOUSING & ECONOMIC DEVELOPMENT (206-4-28)**

27. Update on the status of finalizing Maintenance and Operating Agreements with the National City Historical Society, National City Living History Farm Preserve (Stein Farm), and the San Diego Electric Railway Association. (Housing & Economic Development).

Assistant City Manager Brad Raulston mentioned the upcoming ribbon cutting for the 2<sup>nd</sup> phase of the Paradise Creek project and provided an update on the adjacent park project which will begin construction late this year and should take roughly a year to complete.

Director of Housing and Economic Development Alfredo Ybarra announced that the City received notice from the League of California Cities that the State Wide Community Development Authority has issued \$67 million in tax exempt Multi-family Affordable Housing Bonds for the rehabilitation of Summercrest Apartments in National City.

#### **MAYOR AND CITY COUNCIL**

City Treasurer Mitch Beauchamp wished Member Sotelo-Solis a, "Feliz Cumpleaños".

Vice Mayor Mendivil complimented retiring Police Sergeant Dennis J. Leach for his closing remarks and looks forward to his send-off.

Member Sotelo-Solis reminded everyone that vacation starts Friday for the kids, so there will be more little ones out using recreation centers and programs.

**MAYOR AND CITY COUNCIL (cont.)**

Member Sotelo-Solis thanked everyone for the birthday wishes she received; shared sentiments about her husband and their 14<sup>th</sup> wedding anniversary, and stated that as contentious as the City Council conversations are, she appreciates being on the dais.

Member Rios acknowledged the Fire Department for the yearly September 11<sup>th</sup> ceremony as well as all the Sweetwater High School Homecoming events and reiterated that October 2<sup>nd</sup> is the Metropolitan Transit System's Free Bus Day.

Member Cano spoke about the changes that the City has gone through lately; going from a peaceful city to having protests and people criticizing the staff and calling people names. He hopes things will improve for the better.

Mayor Morrison announced that the official opening of Phase II of the 201 unit Paradise Creek project will be on Thursday, September 20<sup>th</sup> and reminded people of how large the project is. He announced that the Maytime Band Review will be at Plaza Blvd. and the Day of the Dead will be on October 20<sup>th</sup> and a number of other things to celebrate about the City.

**CLOSED SESSION REPORT**

There was no Closed Session Report.

**ADJOURNMENT**

Motion by Rios, seconded by Sotelo-Solis, 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 – October 2, 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 – October 2, 2018 - 6:00 p.m. - Council Chambers - National City, California.

The meeting closed at 10:22 p.m.

  
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For City Clerk

The foregoing minutes were approved at the Regular Meeting of April 2, 2019.

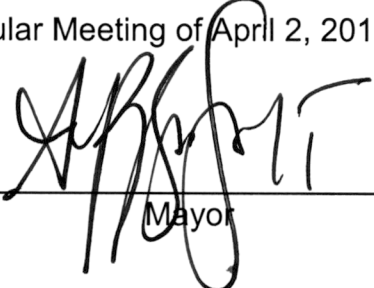
  
\_\_\_\_\_  
Mayor

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

CITY COUNCIL OF THE CITY OF NATIONAL CITY

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

Special Meeting - Tuesday, September 18, 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 Government Code Section 54956.9(d)(1)  
*Esthela Madrigal v. Bonita Creek Homeowners Association, et al.*  
SDSC Case No. 37-2017-00027590-CU-PA-CTL

OPEN SESSION

CLOSED SESSION REPORT

**ADJOURNMENT**

Next Regular City Council Meeting: Tuesday, September 18, 2018, 6:00 p.m., City Council Chamber, Civic Center – National City, California.