

REGULAR MEETING MINUTES OF THE CITY COUNCIL

June 20, 2023, 6:00 p.m.
City Council Chamber - 1243 National City Boulevard
National City, CA

Present:

Mayor Morrison
Vice-Mayor Molina
Councilmember Bush
Councilmember Rodriguez
Councilmember Yamane

Others Present:

Armando Vergara, Interim City Manager

Barry J. Schultz, City Attorney Shelley Chapel, City Clerk

Carlos Aguirre, Housing Authority Director Molly Brennan, Administrative Services Director

Ben Martinez, Acting Community Development Director

Sergio Mora, Fire Battalion Chief

Joyce Ryan, Library & Community Services Director

Jose Tellez, Chief of Police

Roberto Yano, Director of Public Works and City Engineering

1. CALL TO ORDER

A Regular Meeting of the City Council of the City of National City was called to order at 6:10 p.m. via teleconference and in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

2. ROLL CALL

Interpretation in Spanish provided by Luisa Diaz de Leon and Carlos Diaz.

3. PLEDGE OF ALLEGIANCE TO THE FLAG AND INVOCATION

Councilmember Rodriguez led the Pledge of Allegiance. Invocation provided by Pastor Dan Koeshall, Metropolitan Community Church.

5. PROCLAMATIONS AND RECOGNITION

5.1 Juneteenth Day

Mayor Morrison presented a Proclamation to Donna DeBerry for the County of San Diego Central Black Chamber of Commerce.

4. PUBLIC COMMENT

Mayor Morrison summarized the process for acceptance of live public comment allowing three (3) minutes per comment and introduced City Clerk Chapel.

Five (5) speakers provided in-person comments, one (1) written comment, and four (4) people provided virtual comment.

Comments received via Zoom:

Kelly McCormick Judith Strang Barbara Gordon Becky Rapp

In-person comment:

Joseph L. Crawford Michael Tillo Joan Rincon Kelsey Genesi - EHC Geoffrey Schrock

5. PROCLAMATIONS AND RECOGNITION

5.2 Employee of the Quarter, Police Sergeant Michael "Scott" ShanahanMayor Morrison introduced Police Chief Tellez who presented the proclamation.

6. PRESENTATION (Limited to Five (5) Minutes each)

6.1 National City Brownfields Assessment Project by San Diego State University (SDSU)

Mayor Morrison introduced Jessica Barlow, Professor of Sustainability, Department of Geography at SDSU who presented a PowerPoint presentation.

7. REGIONAL BOARDS AND COMMITTEE REPORTS (Limited to Five (5) Minutes each)

Councilmember Rodriguez had nothing to report.

Councilmember Bush reported on Metropolitan Transit System.

Vice-Mayor Molina provided an update on the SANDAG Board of Directors Meeting.

Councilmember Yamane had nothing to report.

Mayor Morrison had nothing to report.

Port Commissioner Naranjo reported updates from the Port Authority.

8. CONSENT CALENDAR

ACTION: Motion by Councilmember Rodriguez, seconded by Councilmember Yamane to approve Consent Calendar Items 8.1 through 8.8, and Items 8.10 through 8.22 with Items 8.09, and 8.23 pulled for discussion.

Motion carried by unanimous vote.

8.1 Approval of Reading by Title Only and Waiver of Reading in Full of Ordinance on this Agenda.

Motion carried by unanimous vote.

8.2 Approval of City Council Meeting Minutes.
Approve and file.

Motion carried by unanimous vote.

8.3 Agreement Between City of National City and Chandler Asset Management, Inc.

Approved Resolution No. 2023-74

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute the Agreement By and Between the City of National City and Chandler Asset Management, Inc. for Investment Management and Advisory Services."

8.4 Agreement between the City of National City and the Pun Group, LLP.

Approved Resolution No. 2023-75

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California authorizing the Mayor to execute an agreement with The Pun Group, LLP For Professional Independent Audit Services".

Motion carried by unanimous vote.

8.5 Amending the Confidential Group Salary Schedule to Revise the Salary of the Senior Information Technology Analyst for 2023 and 2024.

Approved Resolution No. 2023-76

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Amending the Confidential Group Salary Schedule."

Motion carried by unanimous vote.

8.6 Approval of Amendment to Agreement with San Diego County for Senior Nutrition Services

Approved Resolution No. 2023-77

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute the Amendment to County Contract 561763 Extending the Contract Term for Six (6) Additional Months Through December 31, 2023."

Motion carried by unanimous vote.

8.7 Approval of Agreement Between the City of National City and the National City Host Lions Club

Approved Resolution No. 2023-78

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the City Manager to Enter into an Agreement with the National City Host Lions Club in the Not-to-Exceed Amount of \$7,750 to Facilitate the Fourth of July Carnival from Friday, June 30, 2023 to Tuesday, July 4, 2023."

8.8 Approval of Agreements with San Diego Gas and Electric Company, BNSF Railway Company, San Diego Metropolitan Transit System, and the San Diego Unified Port District for Segment 5 of the Bayshore Bikeway in National City.

Adopt Resolutions Entitled:

Approved Resolution No. 2023-79

1) "Resolution of the City Council of the City of National City, California, authorizing the Mayor to Execute the Agreement with San Diego Gas & Electric Company for the Purpose of Construction, Planting Mitigation, Monitoring, Operation, Inspection, Maintenance, Repair and Replacement of the Bike Path for Segment 5 of the Bayshore Bikeway in the City of National City;" and,

Approved Resolution No. 2023-80

2) "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute the Agreement with BNSF Railway Company for the Purpose of Construction, Plant Mitigation, Operation, Inspection, Maintenance, Repair and Replacement of the Bike Path for Segment 5 of the Bayshore Bikeway in the City of National City;" and,

Approved Resolution No. 2023-81

3) "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute the Agreement with San Diego Metropolitan Transit System for the Purpose of Construction, Planting Mitigation, Monitoring, Operation, Inspection, Maintenance, Repair and Replacement of the Bike Path for Segment 5 of the Bayshore Bikeway in the City of National City;" and,

Approved Resolution No. 2023-82

4) "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute the Agreement with the San Diego Unified Port District for the Purpose of Construction, Planting Mitigation, Monitoring, Operation,

Inspection, Maintenance, Repair and Replacement of the Bike Path for Segment 5 of the Bayshore Bikeway in the City of National City."

Motion carried by unanimous vote.

Item Pulled For Discussion by Councilmember Rodriguez

8.9 Approval of a Three (3) year Contract for a Not-to-Exceed Amount of \$2 Million Dollars with Circuit Transit Inc. with an Option for Two (2) One-Year Extensions Depending on Available Funds to Provide the Free Ride Around National City (FRANC) Shuttle Program

Approved Resolution No. 2023-83

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Use of Cooperative Procurement with SANDAG's Regional Flexible Fleet Services Procurement Process to Award a Three (3) Year Contract for a Not-to-Exceed Amount of \$2 Million Dollars to Circuit Transit Inc. with an Option for Two (2) One-Year Extensions Depending on Available Funding to Provide the Free Ride Around National City (FRANC) Shuttle Program.

ACTION: Motion by Councilmember Rodriguez, seconded by Councilmember Yamane to adopt the resolution.

Motion carried by unanimous vote.

8.10 Authorize the Acceptance of the California Automated Permit Processing Program

Grant

Approved Resolution No. 2023-84

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the City Manager or Designee to Accept the California Automated Permit Processing Program Grant in the Amount of \$60,000 from the California Energy Commission to Fund the National City Building Division's Implementation of an Online Solar Permitting Platform and Authorizing the Establishment of a Community Development Reimbursable Grant Fund Appropriation of \$60,000 and Corresponding Revenue Budget."

8.11 Approval of a Second Amendment to the Agreement between the City and Devaney Pate Morris & Cameron LLP for legal services in the specialized area of General Civil Litigation Defense arising from Government Claims.

Approved Resolution No. 2023-85

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Approving a Second Amendment to the Agreement Between the City and Devaney Pate Morris & Cameron LLP for Legal Services in the Specialized Area of General Civil Litigation Defense Arising from Government Claims by 1) Increasing the Not-to-Exceed Amount by \$50,000 for a New Total Not-to-Exceed Amount of \$250,000 Pertaining to Litigation Titled Bhandari v. City and 2) Increasing the Not-to-Exceed Amount by \$50,000 for a New Total Not-to-Exceed Amount of \$200,000 Pertaining to Litigation Titled Cummins v. City."

Motion carried by unanimous vote.

8.12 First Amendments to On-Call Consultant Agreements for City's Capital Improvement Program (CIP)

Approved Resolution No. 2023-86

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute First Amendments to Extend Agreements by One-Year with the Following On-Call Consultants: a) Atlas Technical Consultants, LLC; b) D-MAX Engineering, Inc.; c) Geosyntec Consultants, Inc.; d) Leighton Consulting, Inc.; e) Ninyo & Moore Geotechnical & Environmental Sciences Consultants; and, f) Randall Lamb Associates, Inc."

Motion carried by unanimous vote.

8.13 First Amendment with San Diego Mechanical Energy, Inc. for Facilities Maintenance Services

Approved Resolution No. 2023-87

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute a First Amendment to the Agreement with San Diego Mechanical & Energy, Inc., Extending the Agreement by One-Year to June 30, 2024."

Motion carried by unanimous vote.

8.14 First Amendment to the Agreement with Southwest Traffic Signal, Inc., for Traffic Signal and Streetlight Maintenance

Approved Resolution No. 2023-88

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute a First Amendment to the Agreement with Southwest Traffic Signal Service, Inc., Extending the Agreement by One-Year to June 30, 2024."

Motion carried by unanimous vote.

8.15 Memorandum of Understanding (MOU) Between the San Diego Unified Port District and the City of National City to Contribute Funds for the Free Ride Around National City (FRANC) Program.

Approved Resolution No. 2023-89

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City 1) Authorizing the Mayor to Execute a Memorandum Of Understanding Between the San Diego Unified Port District and the City of National City to Contribute Funds from the Maritime Industrial Impact Fund for the Funding of the Free Ride Around National City (FRANC) Program; and

2) Authorizing the Establishment of \$400,000 in Appropriations and a Corresponding Revenue Budget."

Motion carried by unanimous vote.

8.16 Sole Source Purchase of a Phoenix G2 Fire Station Alerting System

Approved Resolution No. 2023-90

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Waiving the Formal Bid Process Pursuant to National City Municipal Code Section 2.60.220 (B) Regarding the Sole Source Purchase of the Phoenix G2 Fire Station Alerting System for the National City Fire Department, from US Digital Designs (USDD) for a Not-To-Exceed Amount of \$158,504.85."

8.17 Sole Source Installation of the Phoenix G2 Fire Station Alerting System by Bergelectric

Approved Resolution No. 2023-91

Adopt the Resolution, Entitled, "Resolution of the City Council of the City of National City, California, Waiving the Formal Bid Process Pursuant to National City Municipal Code Section 2.60.220 (B) Regarding the Sole Source Installation of the Phoenix G2 Fire Station Alerting System for the National City Fire Department by Bergelectric for a Not-to-Exceed Amount of \$86,150.00 and Authorizing Additional Budget Appropriations of \$74,654.85 from General Fund Unassigned Fund Balance for Said Installation."

Motion carried by unanimous vote.

8.18 Annual Appropriations Limit for Fiscal Year 2024

Approved Resolution No. 2023-92

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Approving and Adopting the Annual Appropriations Limit of \$80,226,080 for Fiscal Year 2024"

Motion carried by unanimous vote.

8.19 Successor Agency Proposed Budget for Fiscal Year 2023-24

Adopt the Proposed Budget for the Successor Agency for Fiscal Year 2023-24.

Approved Resolution No. 2023-114

Adopt the Resolution Entitled, "Resolution of the Board of the Successor Agency to the Community Development Commission as the National City Redevelopment Agency, California, Adopting a Budget of \$4,266,020 for Fiscal Year 2023-24."

Motion carried by unanimous vote.

8.20 Investment Report for the Quarter Ended March 31, 2023.

Accept and File the Investment Report for the Quarter Ended March 31, 2023.

8.21 Investment transactions for the month ended April 30, 2023.

Accept and file the Investment Transaction Ledger for the month ended April 30, 2023.

Motion carried by unanimous vote.

8.22 Warrant Register #45 for the period of 5/5/23 through 5/11/23 in the amount of \$1,380,114.63.

Ratify Warrants Totaling \$ 1,380,114.63

Motion carried by unanimous vote.

Item Pulled For Discussion by Councilmember Rodriguez

8.23 Warrant Register #46 for the period of 5/12/23 through 5/18/23 in the amount of \$2,374,502.87.

Ratify Warrants Totaling \$ 2,374,502.87

ACTION: Motion by Councilmember Rodriguez, seconded by Councilmember Yamane to approve.

Motion carried by unanimous vote.

Councilmember Bush left the dais at 7:21 p.m. and returned at 7:23 p.m.

9. PUBLIC HEARING

Notice of the Public Hearing was given in accordance with legal requirements, and the hearing was held on the date and no earlier than specified in the notice.

9.1 Public Hearing and Review of the Focused General Plan Update's Supplemental Program Environmental Impact Report and California Environmental Quality Act (CEQA) Findings.

Vice-Mayor Molina left the dais at 7:21 p.m. recusing herself from the item as she lives within 500 to 1,000 feet of the alternative site project and returned to the dais at 8:14 p.m.

Mayor Morrison disclosed he spoke with the project Attorney.

Councilmember Rodriguez left the dais at 7:27 p.m. and returned at 7:30 p.m.

Mayor Morrison excused the interpreters at 8:00 p.m. per City Council Policy No. 104(III)(R), two hour minimum and as there were no more participants registered to comment via Zoom

Mayor Morrison introduced Angelita Palma, Acting Director of Housing Authority who introduced Tara Lake, Senior Vice-President at WSP USA; Stephanie Whitmore, Director Environmental Planning, WSP USA; Laura Gates, Gates Planning Strategies; Planning Manager Reeder; and, Director of Public Works and Engineering Yano who provided the report.

Mayor Morrison declared the Public Hearing open at 7:36 p.m.

Three (3) in-person public comment were received from Cynthia Morgan-Reed, Ted Godshalk, and Kelsey Genesi – EHC.

Two (2) written comments were received from Cynthia Morgan-Reed, Ted Godshalk.

ACTION: Motion by Councilmember Rodriguez, seconded by Councilmember Bush to close the Public Hearing.

Motion carried by unanimous vote

Public Hearing closed at 7:47 p.m.

Recommendation: Hold the Public Hearing, Discuss the Project and the Alternate Project Location Alternative, and Consider the National City Planning Commission's Recommendation In-Favor of the Alternate Project Location Alternative.

Councilmembers provided comment.

Mayor Morrison called for a recess at 8:14 p.m. and all members returned at 8:21 p.m. to resume the meeting.

9.2 Public Hearing and Resolution Confirming the Assessment and Ordering the Levy for the Landscape Maintenance District No. 1 (Mile of Cars) for Fiscal Year 2023-24. 591

Approved Resolution No. 2023-93

Mayor Morrison declared the Public Hearing open at 8:22 p.m.

No Public Comment.

ACTION: Motion by Vice-Mayor Molina, seconded by Councilmember Bush to close the Public Hearing.

Motion carried by unanimous vote.

Public Hearing closed at 8:22 p.m.

ACTION: Motion by Vice-Mayor Molina, seconded by Councilmember Rodriguez to approve.

Motion carried by unanimous vote.

9.3 Public Hearing and Adoption of a Resolution Accepting the National City Fiscal Year 2023-2024 Tax Roll Sewer Service Fees Report.

Approved Resolution No. 2023-94

Mayor Morrison introduced Director of Public Works/Engineering Yano.

Mayor Morrison declared the Public Hearing open at 8:24 p.m.

No Public Comment.

ACTION: Motion by Councilmember Yamane, seconded by Vice-Mayor Molina to close the Public Hearing.

Motion carried by unanimous vote.

Public Hearing closed at 8:24 p.m.

Recommendation: Hold a Public Hearing and Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Accepting the National City 2023-2024 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 2023-24 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 County of San Diego Auditor and Controller, and Directing the City Engineer to Submit a Certification of the Sewer Service Charges to the County of San Diego Auditor and Controller."

ACTION: Motion by Councilmember Yamane, seconded by Vice-Mayor Molina to approve.

10. STAFF REPORTS

10.1 Verbal Report-Out of Salary and Benefits in the Employment Agreement of the Interim City Manager as required by the Brown Act 680.

Approved Resolution No. 2023-95

City Attorney Schultz read the verbal report out of Salary and Benefits and noted a correction to \$255,723.12 as the base salary.

One (1) Written Comment: Ted Godshalk

Recommendation: Consider Adoption of the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Appointing Armando Vergara as Interim City Manager and Authorizing the Mayor to Execute an Employment Agreement Between the City of National City and Armando Vergara with the Effective Date of June 1, 2023."

ACTION: Motion by Councilmember Yamane, seconded by Councilmember Rodriguez to approve.

Motion carried by unanimous vote.

10.2 Cannabis Business Development Agreements

Approved Resolution No. 2023-96

Mayor Morrison introduced Pedro Garcia, Economic Development Manager who provided the report and PowerPoint Presentation.

Written Public Comment: Gina Austin, Brittany Biesterfeld, Chris Garmo, Joan Rincon, Bill Nosal, Dukie Valderrama, and Anthony Avalos.

Two (2) Public Comments via Zoom: Laura Wilkinson Sinton and Jacqueline Luna Reynoso

Recommendation: Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Approving the Cannabis Business Development Agreements with Mr. Nice Guy, Element 7, and NC Investment Group."

ACTION: Motion by Vice-Mayor Molina, seconded by Councilmember Rodriguez to approve.

Motion carried by 4-1 vote.

Ayes: Rodriguez, Yamane, Molina, Morrison

Nays: Bush

10.3 City of National City Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2022.

Mayor Morrison introduced Molly Brennan, Administrative Services Director; Rachelle Barrera, Finance Manager; and, Coley Delaney, The Pun Group.

One (1) Written Public Comment: Ted Godshalk

Recommendation: Accept and File the Report.

ACTION: Motion by Councilmember Yamane, seconded by Councilmember Rodriguez to approve.

Motion carried by unanimous vote.

10.4 Fiscal Year 2023 Third Quarter Budget Review

Approved Resolution No. 2023-97

Mayor Morrison introduced Budget Manager Paul Valadez who provided the report.

No Public Comment.

Recommendation: Accept and File this Report, and Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing Various Fiscal Year 2023 3rd Quarter Budget Adjustments."

ACTION: Motion by Vice-Mayor Molina, seconded by Councilmember Rodriguez to approve.

10.5 Resolution of the City Council of the City of National City Adopting a Budget for Fiscal Year 2024

Approved Resolution No. 2023-98

Mayor Morrison introduced Molly Brennan, Director of Administrative Services who provided the report and PowerPoint Presentation.

Public Comment: Liliana Armenta, Mike Montoya, Edward Nieto, Alma Sarmiento, Sherry Gogue, Kelsey Genesi, Daniel Perez, and Sandra Scheller

One (1) Public Comment via Zoom: Edna Concepcion

One (1) Written Public Comment: Ted Godshalk

Recommendation: Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Adopting a Budget for the Fiscal Year 2024."

At 10:40 p.m., Mayor Morrison reminded the City Council of Policy #104 that requires the City Council Meeting to be adjourned no later than 10:30 p.m. unless extended by Council vote. Mayor Morrison asked the City Council to consider extending the meeting for 30 minutes to complete the remaining items.

ACTION: Motion by Councilmember Rodriguez, seconded by Councilmember Bush to end the meeting by 11:10 p.m.

Motion carried by 4-1 vote.

Ayes: Bush, Rodriguez, Yamane, Morrison

Nays: Molina

Councilmember Yamane called "Point of Order, stating "Vote has been called." Mayor Morrison responded that the Point of Order does not "Call for a Vote". Councilmember Rodriguez seconded the Point of Order. Mayor Morrison stated that it will require a 4/5ths vote to end discussion. Vote was called.

Ayes: Bush, Rodriguez, Yamane, Molina

Nayes: Morrison

ACTION: Motion by Councilmember Bush, seconded by Councilmember Rodriguez to approve staff recommendation to adopt the Budget as presented.

Motion carried by 3-2 vote.

Ayes: Bush, Rodriguez, Yamane

Nays: Molina, Morrison

10.6 City Council Discussion and Direction Regarding Revisions to City Council Policy
 No. 104: Rules of Procedural and Order for City Council Meetings

Recommendation: Discuss and Provide Direction to Staff Regarding Revisions to the City Council Policy No. 104: Rules of Procedural and Order for City Council Meetings; XIV Procedural Matters, E (Proclamations).

ACTION: Motion by Councilmember Rodriguez, seconded by Councilmember Bush to approve.

Motion carried by 3-2 vote.

Ayes: Bush, Rodriguez, Yamane

Nays: Molina, Morrison

11. <u>CITY MANAGER'S REPORT</u>

No Comment.

12. <u>ELECTED OFFICIALS REPORT</u>

Closing remarks were provided by the City Council.

13. CITY ATTORNEY REPORT

CLOSED SESSION

- PUBLIC EMPLOYMENT
 Government Code Section 54957.6 Position to be filled: City Manager
- CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Government Code Section 54956.9 (d) (1) Name of Case: Bhandari v City of National City. et al. California Southern District Court Case No: 3:2021-CV-01652-BTM-MDD

City Attorney Schultz reported that two (2) items were discussed in Closed Session. The first item involved Existing Litigation Bhandari vs City of National City with no reportable action.

The second item involved the discussion of public employment: Permanent City Manager.

City Council has directed staff to move forward to negotiate a contract with Armando Vergara as the permanent City Manager.

ADJOURNMENT

Mayor Morrison adjourned to the Regular Meeting of the City Council of the City of National City, Tuesday, August 1, 2023, 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 11:13 p.m.

Shelley Chapel, MMC, City Clerk

The foregoing minutes were approved at the Regular Meeting of August 1, 2023.

Ron Morrison, Mayor