



REGULAR MEETING MINUTES OF THE CITY COUNCIL

October 17, 2023, 6:00 p.m.

City Council Chamber - 1243 National City Boulevard
National City, CA

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

Others Present:
Ben Martinez, Interim City Manager
Barry Schultz, City Attorney
Shelley Chapel, City Clerk *(via Zoom)*
Carlos Aguirre, Acting Deputy City Manager/Housing Authority
Director
Molly Brennan, Administrative Services Director
Danielle Ghio, Principal Librarian
Brian Hadley, Building Official/Acting Director of Community
Development
Alejandro Hernandez, Assistant Chief of Police
Tonya Hussain, Executive Secretary
Stephen Manganiello, Director of Public Works/City Engineer
Martin Reeder, Planning Manager
James Stiles, Fire Captain

1. CALL TO ORDER

A Regular Meeting of the City Council of the City of National City was called to order at 6:14 p.m. via teleconference and in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

2. ROLL CALL

Councilmembers present: Bush, Rodriguez, Yamane, Molina, Morrison

Administrative Officials present: Martinez, Romero, Aguirre, Brennan, Ghio, Hernandez, Hussain, Manganiello, Mora, Reeder

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

3. **PLEDGE OF ALLEGIANCE TO THE FLAG**

Councilmember Rodriguez led the Pledge of Allegiance.

4. **INVOCATION**

Invocation delivered by Pastor Carlos Serrano of the Bible Baptist Church in National City.

5. **PUBLIC COMMENT**

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

Four (4) speakers provided in-person comments, and one (1) person provided virtual comment.

In-Person Comment:

Ted Godshalk
Geoffrey Schrock
Jared Hernandez
Ed Nieto

Written Comment:

Nathan Maycott

Councilmember Bush left the dais at 6:18 pm. and returned at 6:20 pm.

6. **PROCLAMATION**

6.1 Filipino American History Month

Mayor Morrison presented the proclamation. The Proclamation was accepted by Joann Fields, Government and Public Relations Director of the Asian Pacific Islander Initiative; Dr. Camacho, MD of National City; and Michael Estella, President of the Board of Directors for Filipino American Society and Cultural Arts Troop.

6.2 Employee of the Quarter, David Welch, Associate Planner

Mayor Morrison Introduced Martin Reeder, Planning Manager introduced David Welch. Mayor Morrison presented Mr. Welch with a Proclamation.

7. **PRESENTATION (Limited to Five (5) Minutes each)**

7.1 Port of San Diego Proposed Zero Emission Truck Stop, National City

Mayor Morrison Introduced Port Commissioner Sandy Naranjo and Maggie Weber, Principal of Strategic Planning of the Port of San Diego. Ms. Weber provided the overview of the Request for Proposals for the Zero Emission Truck Stop plan.

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

Councilmembers Bush, Rodriguez, and Yamane had nothing to report.

Vice-Mayor Molina reported on the SANDAG Board of Directors Meeting.

Mayor Morrison reported on the Regional Solid Waste Association and discussed recent legislation including the food waste program.

Port of San Diego Commissioner Sandy Naranjo provided a report on the recent Board Meeting.

9. CONSENT CALENDAR

ACTION: Motion by Vice-Mayor Molina, seconded by Councilmember Yamane to approve Consent Calendar Items 9.1 through 9.3, and 9.6, with Item Number 9.4 pulled by a member of the public.

- 9.1 Approval of Reading by Title Only and Waiver of Reading in Full of Ordinance on this Agenda

Motion carried by unanimous vote

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

Approved Resolution No. 2023-145

Approved the Resolution Entitled "Resolution of the City Council of the City of National City, California, authorizing the Mayor to execute 1) a First Amendment to the Agreement with Neri Landscape Architecture to increase the not-to-exceed amount by \$1,000,000; 2) Second Amendments to the Agreements with a) Anser Advisory, b) Innovative Construction Consulting Services, LLC, and c) STC Traffic, Inc. to extend Agreements by one year and increase the not-to-exceed amounts by \$1,000,000 each, including an hourly rates update; and 3) Third Amendments to the Agreements with a) Chen Ryan Associates, Inc. and b) Project Professionals Corporation to extend Agreements by one year and increase the not-to-exceed amounts by \$1,000,000 each, including hourly rate updates."

Motion carried by unanimous vote

- 9.3 Warrant Register #7 for the period of 8/11/23 through 8/17/23 in the amount of \$2,585,630.15.

Motion carried by unanimous vote

Item pulled for discussion by a member of the public.

- 9.4 Warrant Register #8 for the period of 8/18/23 through 8/24/23 in the amount of \$2,818,862.23.

Public comment received from Joan Rincon.

ACTION: Motion by Councilmember Rodriguez, seconded by Mayor Morrison to approve the item.

Motion carried by unanimous vote

- 9.5 Warrant Register #9 for the period of 8/25/23 through 8/31/23 in the amount of \$ 770,025.86.

Motion carried by unanimous vote

- 9.6 Warrant Register #10 for the period of 9/01/23 through 9/07/23 in the amount of \$ 2,927,081.05.

Motion carried by unanimous vote

PUBLIC HEARING

- 10.1 Public hearing for an Appeal of a Planning Commission Denial of a Request for a Conditional Use Permit (CUP) for on-sale beer and wine (Type 41) at a new restaurant (Manna Heaven BBQ) located at 3030 Plaza Bonita Road, Suite 1096.

Approved Resolution No. 2023-146

Mayor Morrison introduced Planning Manager Reeder who provided an overview of the report and PowerPoint Presentation. Alex Hernandez, Assistant Chief of Police was also available for questions.

Per City Council Policy No. 116 - Disclosures of Ex Parte Contacts:

Councilmember Bush met with the applicant and team and owner of the chain.

Councilmember Rodriguez met with the applicants and was also given a tour.

Councilmember Yamane met with the applicant and consultants.

Vice-Mayor Molina had nothing to disclose.

Mayor Morrison met with the applicants.

Mayor opened the Public Hearing at 7:36 p.m.

Mayor provided the opportunity for the applicant and representatives to make a statement. Corporate representative on behalf of the appellant, and Sean Yeo was also available for questions.

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

Public Comment:

In-Person Comment:

Mauricio Valadez
Breanna Bravo
Alfonso Arana Jr.
Gian Celario
Cheddy Matthew

Written Comment and eSCRIBE Comment:

Ted Godshalk

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

Motion carried by unanimous vote.

Public Hearing closed at 7:46 p.m.

Councilmember Bush left the dais at 7:48 p.m. and returned at 7:50 p.m.

Recommendation: Approving the appeal, reversing the Planning Commission decision based on the attached findings or findings determined by the City Council.

ACTION: Motion by Councilmember Yamane, seconded by Vice-Mayor Molina adopt the Resolution based on the findings.

Motion carried by unanimous vote.

Per City Council Policy 104 (III)(R) Mayor Morrison recognized that there was no one registered on the Zoom for comment, the interpreters were released at 8:00 p.m.

10.2 Public Hearing- Conditional Use Permit for Alcohol Sales and Karaoke at a New Entertainment Center (Round 1 Bowling & Arcade) to be located at 3030 Plaza Bonita Road Suite 1025, Westfield Plaza Bonita.

Approved Resolution No. 2023-147

Councilmember Rodriguez left the dais at 8:24 p.m. and returned at 8:26 p.m.

Mayor Morrison introduced Planning Manager Reeder who provided an overview of the report and PowerPoint Presentation. Alex Hernandez, Assistant Chief of Police was also available for questions.

Per City Council Policy No. 116 - Disclosures of Ex Parte Contacts: No Disclosures.

Mayor provided the opportunity for the applicant and representatives to make a statement. The Director of Loss Prevention for Round 1 was available for response to Council questions. Steven Takeuchi, Round 1 Construction and Compliance Director.

Mayor Morrison declared the Public Hearing open at 8:29 p.m.

Public Comment:

In-Person Comment:
Joan Rincon

Written Comment and eSCRIBE Comment:
Ted Godshalk

ACTION: Motion by Councilmember Yamane, seconded by Councilmember Bush to Close the Public Hearing.

Motion carried by unanimous vote

Public Hearing closed at 8:33 p.m.

Recommendation: Staff recommends Approval of the Sale of On-Site Beer, Wine, and Distilled Spirits with Live Entertainment, Subject to the Recommended Conditions in the Attached Resolution and a Determination that the Project is Exempt from CEQA. The Sale of Alcohol is a Conditionally-Allowed Use in the MXD-2 Zone and would be Accessory to Food Sales at the Proposed Entertainment Center.

ACTION: Motion by Councilmember Bush, seconded by Councilmember Rodriguez to adopt the Resolution to include an amendment to expand hours to 2:00 a.m.

Substitution Motion by Mayor Morrison, seconded by Vice-Mayor Molina to adopt the recommendation to include an amendment to hold the last call at midnight and allow the business to close at 2:00 a.m.

Mayor Morrison to amend the substitute motion to limit alcohol last call to 1:00 a.m., and allow the business to close at 2:00 a.m., Seconded by Vice-Mayor Molina.

Motion carried by unanimous vote.

- 10.3 Declaration that the real property owned by the City and located at 720 West 23rd Street in National City (APN 559-118-02) is surplus land, no longer needed for City purposes, and is non-exempt under the Surplus Land Act.

Approved Resolution No. 2023-148

Councilmember Bush left the dais at 8:55 p.m. and returned at 8:58 p.m.

Mayor Morrison introduced Planning Manager Reeder who provided an overview of the report.

Mayor Morrison declared the Public Hearing open at 8:56 p.m.

Public Comment:

In-Person Comment:

Joan Rincon

Written Comment and eSCRIBE Comment:

Ted Godshalk

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

Motion carried by unanimous vote

Public Hearing closed at 8:57 p.m.

Recommendation: Staff Recommends Adopting the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Declaring that the Real Property Located at 720 West 23rd Street (APN 559-118-02) is Surplus Land, is No Longer Needed for City Purposes, and is Non-Exempt under the Surplus Land Act."

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

Motion carried by unanimous vote.

- 10.4 Introduction and First Reading of the Ordinance Establishing Speed Limits Based on Engineering and Traffic Surveys.

Mayor Morrison introduced Director of Public Works/ City Engineer Manganiello who provided an overview of the report and PowerPoint. Phil Rag with STS Traffic was available for questions.

Mayor opened the Public Hearing at 9:14 p.m.

Mayor provided the opportunity for the applicant and representatives to make a statement.

Written Comment and eSCRIBE Comment:

Ted Godshalk

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

Motion carried by unanimous vote.

Public Hearing closed at 9:14 p.m.

Recommendation: Introduce the Ordinance by First Reading, Entitled, "Ordinance of the City Council of the City of National City, California, Establishing Speed Limits on Various Streets Based on Engineering and Traffic Surveys and Authorizing the Director of Public Works to Post Speed Limit Signs Consistent with the Recommendations of the Engineering and Traffic Surveys."

ACTION: Motion by Vice-Mayor Molina, seconded by Councilmember Bush to accept the first reading of the Ordinance.

Motion carried by unanimous vote.

STAFF REPORTS

11.1 Annual Review of City Council Policy Manual

Approved Resolution No. 2023-149

City Clerk Chapel provided the report.

Councilmember Bush left the dais at 9:41 p.m. and returned at 9:43 p.m.

Recommendation: Approval of a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Amending City Council Policy Nos. 104, 108, 111, 112 (eliminate), 115, 117, 204, 205, 301, 401, 402, 603, and 711 (eliminate)."

ACTION: Motion by Councilmember Rodriguez, seconded by Councilmember Yamane to adopt the resolution with an amendment to the public comment section to include a change to four hours before the meeting.

Staff to return to the City Council with an update to Policy 104 to update the area regarding headphones for translations.

Motion carried by unanimous vote.

11.2 Consideration of the Legal Opinion Regarding Primary Voting System

City Attorney Schultz provided the report. City Clerk Chapel was available for questions. Note that the Special Counsel waived the Attorney-Client privilege to allow the memo to be attached to the report for reference.

Councilmember Bush left the dais at 10:33 p.m. and returned at 10:35 p.m.

Public Comment:

In-Person Comment:

Aida Castaneda

Joan Rincon

Randi Castle

Zoom Comment:

Kelsey Genesi

Recommendation: Provide Direction to Staff Regarding Options provided in the Legal Opinion Regarding Primary Voting System.

ACTION: Motion by Councilmember Rodriguez, seconded by Councilmember Bush, to direct and pursue the charter option to be placed on the November 2024

Election with a primary voting system in the charter and allow to explore other options to be included in the charter.

Amended motion by Councilmember Rodriguez to wait for the presentation by the City Attorney and City Clerk at the second meeting in November to then have a more robust discussion at that time.

Substitute Motion by Mayor Morrison to accept and file the report, seconded by Vice-Mayor Molina.

Motion failed by 2-3 vote.

Ayes: Molina, Morrison
Nays: Bush, Rodriguez, Yamane

Original motion by Councilmember Rodriguez, seconded by Councilmember Bush, to return to Council with a report at the second meeting in November if possible.

Motion carried by 3-2 vote.

Ayes: Bush, Rodriguez, Yamane
Nays: Molina, Morrison

12. CITY MANAGER'S REPORT

No report.

13. ELECTED OFFICIALS REPORT

Closing remarks were provided by members of the City Council.

14. CITY ATTORNEY REPORT

City Attorney Schultz announced that there were two items discussed in Closed Session, the first item involved public employment, and position concerned was the City Manager position. The City Council has directed the City Attorney to negotiate with Ben Martinez a contract for a permanent position as City Manager.

The second item dealt with a conference with legal counsel regarding significant exposure to litigation and no reportable action for that item.

15. ADJOURNMENT


Mayor Morrison adjourned to the Regular Meeting of the City Council of the City of National City, Tuesday, November 7, 2023, 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 10:55 p.m.



Shelley Chapel, MMC, City Clerk

The foregoing minutes were approved at the Regular Meeting of November 7, 2023.



Ron Morrison, Mayor