

## General Comment - Greg Seward

**From:** [GREG SEWARD](#)  
**To:** [Public Comment](#)  
**Subject:** City Council Meeting 01/16/24,  
**Date:** Monday, January 15, 2024 7:17:30 PM  
**Attachments:** [COMPLAINT.docx](#)

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### **PURPOSE:**

The purpose of this document is to make sure that National City Council members are on notice of the unethical and improper behavior of the National City Police Department command staff. The City Council needs to condemn the below listed behavior or it will show that they condone these actions. I met with City Manager Martinez and City Council Member Rodriguez and no action was taken.

### **INTRODUCTION:**

Police Officers and their leadership are held to a higher duty or standard of conduct, particularly with respect to integrity and good behavior because they hold a position of trust. (Paulino v. Civil Service Com. (1985) 175 Cal.App.3d 962; see also Bailey v. City of National City (1991) 226 Cal.App.3d 1319, 1328; Anderson v. State Personnel Bd. (1987) 194 Cal. App. 3d 761, 771.) In part because they alone are the “guardians of peace and security of the community, and the efficiency of our whole system, designed for the purpose of maintaining law and order which depends upon the extent to which such officers perform their duties and are faithful to the trust reposed in them.” (Pasadena Police Officers Assn. v. City of Pasadena (1990) 51 Cal.3d 564, 571-72, quoting Christal v. Police Com. (1939) 33 Cal.App.2d 564, 567.) “Unquestionably, the actions of a law enforcement officer must be above reproach, lest they bring discredit on the officer’s employer.” (Anderson, supra at 769.)

### **1. FELONY CRIME BY ON-DUTY POLICE SERGEANT**

Captain Hernandez testified under oath at a Civil Service Hearing that an on-duty police sergeant committed a felony crime. Testimony revealed that Captain Hernandez and Chief Tellez decided to not write a crime report while residents (non-police officers) who committed the same crime were prosecuted. (V. 88, AR1268-71)(Citations are to the administrative record in the appeal to the Superior court) The Sergeant had left an interview room and returned to his own office at the police station and in a fit of rage, physically destroyed computer equipment that belonged to the CITY. (VI. 90, AR1387 115:14-24)(Citations to the administrative record of the Writ of Mandamus)

Instead of following department procedures to take a crime report and conduct a workplace violence threat assessment, the NCPD command staff and the city have tried to hide the felonious behavior by using the laws concerning confidential police officer records. (III, 28, AR685, 114:4-16)

This conduct did not meet the minimum standards of being a police officer and any command staff or police officer who condoned this behavior is an accessory after the fact to prevent prosecution does not meet the minimum standards to be a police officer.

### **2. UNTRUTHFULNESS (#1)**

At the writ of mandamus hearing on December 15, 2023 and in the following court order, the honorable Gregory W. Pollack stated:

“The court finds Chief Tellez’s subsequent testimony ... is not credible.”

Tellez was caught lying under oath about what was said at a meeting that contradicted his own notes. This type of unethical behavior was consistently portrayed by the command staff in this writ proceeding. At that hearing, the court determined that the National City Police

Department violated the police officer bill of rights and provided an injunction preventing retaliation. Dishonesty is serious misconduct and should have been reported to the Commission on Police Officer Standards and Training within 10 days. It appears National City has not made that report as required by law.

### **3. COMPETENCY:**

The death of Earl McNeil revealed a flaw with the type of "spit sock" used by the National City Police Department because it would "clog" causing serious consequences. In an e-mail dated October 11, 2018, Chief Tellez assigned then Lt. Hernandez to correct the problem and provide training. Lt. Hernandez failed to remove the masks, provide the required training or correct the issue and Chief Tellez never properly supervised the changes. The removal of this brand of "spit sock" did not occur until July 23, 2020, through a department order written by Captain Graham Young.

The lesson is that incompetence is awarded if you are loyal and keep quiet. Any police officer or City Official who failed to speak out against a police officer who committed a felony crime or stayed quiet when a Chief of Police or a Police Sergeant lied under oath should be held accountable.

### **4. UNTRUTHFULNESS #2 (Chief Tellez and Captain Hernandez)**

Chief TELLEZ and Captain HERNANDEZ were quoted in the writ documents for making statements that they did not have any reason to start an investigation for misconduct of Lt. Seward from November until the following April. These statements are factually not true.

“Racism” and “racial discrimination” are very serious allegations and if sustained then the officer would be fired (VI. 91, AR1467, 170:17-19 & AR1469, 172:16-18). TELLEZ' and HERNANDEZ' statement that they had no reason to investigate Lt. Seward is not truthful. As TELLEZ stated, he would not allow a racist cop to work for him, but he was told several times of WILKINS' allegations that Lt. Seward was a racist or was racially discriminatory. (IV. 91, AR1469, 172:9-25)(ALL CLAIMS OF RACISM AND RACIAL DISCRIMINATION WERE LATER DETERMINED TO BE UNFOUNDED MEANING THEY WERE NOT-TRUE) Captain Hernandez and Chief TELLEZ testified that they did not have any reason to believe WILKINS made a complaint about Seward prior to April 21, 2020” or “that an investigation was necessary.” That is completely contrary to common sense and the NIXLE message from NCPD and the CITY. The NIXLE message on a racial statement made by another officer who was later terminated stated:

"The National City Police Department takes misconduct allegations by any officer seriously and in no way condones this type of behavior. After learning this information, the department immediately began an Internal Affairs investigation into the allegations. The officer in question was placed on administrative leave and has been removed from police duties. Jose Tellez, the Chief of Police said the following: Our department will not tolerate racist and unacceptable epithets made by any member of our organization. We are extremely disappointed that we have to conduct an investigation into one of our officer's alleged misconduct. However, we want to assure the public and our community that there will be a comprehensive investigation in this matter. Mayor Sotelo-Solis stated: “I'd like to thank Chief of Police Tellez for his swift action on this matter, and I want the National City Community to know that we cannot and will not tolerate this type of racial bias (or any bias for that matter) or any behavior from our officers, City Staff or elected officials. As public servants, we must be above reproach and I fully support the investigation that has been prompted by these social media posts.” (V. 89, AR1272)

The statements that there was no reason to begin an investigation fails factually due to the seriousness of the allegation and the seriousness of racism and racial discrimination in law enforcement. The NIXLE message contradicts the statements of TELLEZ and HERNANDEZ. On one hand, allegations of racism and racial discrimination are serious

which needs to be investigated immediately and may result in termination, yet in WILKINS' allegations of racism and racial discrimination, an investigation is not "necessary" unless he makes a request for a complaint. The other factual problem with the Tellez and Hernandez statements is that it ignores notes by TELLEZ' notes where he wrote:

"WILKINS said he wanted to make a complaint against Seward for racism." (Chief's Notes; VI. 91, AR1464, 167:10-14, emphasis added)

The bottom line is whatever was said in the meeting, TELLEZ understood from that meeting that WILKINS wanted to make a complaint against Lt. Seward for racism. The statements by TELLEZ and HERNANDEZ that they had no reason to investigate Lt. Seward prior to April 2020 in their sworn testimony is untruthful.

#### **5. UNTRUTHFULNESS #3 (Failure to Report)**

The primary accusation against Lieutenant Seward by WILKINS' was racism which was determined to be unfounded by the CITY'S investigation. Unfounded means WILKINS' statements were not true (I, 4, AR0021, Last Line). After repeatedly accusing Lt. Seward of being a racist, WILKINS told the investigator he did not believe Lt. Seward was a racist. (I. 4, AR 64) WILKINS then testified under oath and stated: "I never called him a racist" when referring to Lt. Seward. (VII. 92, AR1560, 245:5-7) However, Chief TELLEZ testified that WILKINS called Lt. Seward a "racist" on "at least two occasions." (VI. 91, AR1466, 169:17-19) Tellez knew Wilkins was untruthful and he and Hernandez had an obligation to report "untruthfulness to POST (Police Officer Standards and Training) as it is considered "serious misconduct."

#### **CONCLUSION:**


City Council needs to hold NCPD leadership to that higher duty or standard of conduct, particularly with respect to integrity and good behavior because of the position of trust needed to maintaining law and order. "Unquestionably, the actions of a law enforcement officer must be above reproach, lest they bring discredit on the officer's employer." The actions listed above do not meet those standards.

## General Comment -CFEC

**From:** [CFEC Staff](#)  
**To:** [Public Comment](#)  
**Subject:** Union Project Labor Agreements (PLAs) Raise Costs: A Review of the Dozens of Studies Showing How PLAs Discriminate & Raise Costs  
**Date:** Friday, January 12, 2024 3:25:52 PM

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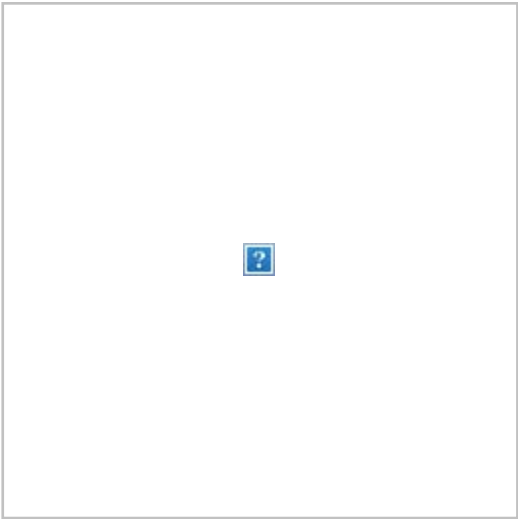
Greetings!

Here are the facts from more than two dozen studies on union-only Project Labor Agreements (PLAs) conclusively showing how they raise costs by discriminating against union-free apprentices, workers and contractors thereby reducing bidders.

The data is clear: PLAs don't work and only serve to increase costs by making it harder for the almost 90% of the American construction workforce that's union-free to work.

Click here to read these peer reviewed studies:

[\*\*Studies Show PLAs Don't Work -\*\*](#)



<https://thetruthaboutplas.com/2012/12/28/plastudies/>

Coalition for Fair Employment in Construction | 5237 Walnut Ave., Sacramento, CA 95841

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## Item 7.2 - Alan Curry

**From:** alan mil >

**Sent:** Tuesday, January 16, 2024 9:37 AM

**To:** Chula Vista City Clerk - Kerry Bigelow/ Tyshar; Chula Vista City Clerk Tyshar L. Turner Deputy Director City Clerk Services

**Cc:** Mayor Chula Vista John McCann; Chula Vista Council 1 Carolina Chavez; Chula Vista Council 1 Jarred Cole Council Liason; Chula Vista Council 2 Jose Preciado; Chula Vista Council 3 Alonzo Gozalez; Chula Vista Council 4 Andrea Cardenas; Ron Morrison; Luz Molina; Jose Rodriguez; Ditas Yamane; Marcus Bush; SD County Supervisor Chair District 1 Nora Vargas; [seanelorivera@sandiego.gov](mailto:seanelorivera@sandiego.gov); Mayor Solana Beach Lesa Heebner; [melanie.burkholder@carlsbadca.gov](mailto:melanie.burkholder@carlsbadca.gov); [priya.bhat-patel@carlsbadca.gov](mailto:priya.bhat-patel@carlsbadca.gov); Mayor Carlsbad Keith Blackburn; Mayor Coronado Richard Bailey; [jduncan@coronado.ca.us](mailto:jduncan@coronado.ca.us); [mdonovan@coronado.ca.us](mailto:mdonovan@coronado.ca.us); [tgaasterland@delmar.ca.us](mailto:tgaasterland@delmar.ca.us); Mayor Del Mar Tracy Martinez; [ddruker@delmar.ca.us](mailto:ddruker@delmar.ca.us); Mayor El Cajon Bill Wells; Mayor Encinitas Tony Kranz; [khinze@encinitasca.gov](mailto:khinze@encinitasca.gov); [jlyndes@encinitasca.gov](mailto:jlyndes@encinitasca.gov); Mayor Escondido Dane White; [mmorasco@escondido.org](mailto:mmorasco@escondido.org); [jack.fisher@imperialbeachca.gov](mailto:jack.fisher@imperialbeachca.gov); [mitch.mckay@imperialbeachca.gov](mailto:mitch.mckay@imperialbeachca.gov); [matthew.leyba-gonzalez@imperialbeachca.gov](mailto:matthew.leyba-gonzalez@imperialbeachca.gov); Mayor Lemon Grove Racquel Vasquez; [jmendoza@lemongrove.ca.gov](mailto:jmendoza@lemongrove.ca.gov); [ggastil@lemongrove.ca.gov](mailto:ggastil@lemongrove.ca.gov); [rkeim@oceansideca.org](mailto:rkeim@oceansideca.org); [pweiss@oceansideca.org](mailto:pweiss@oceansideca.org); Mayor Poway Steve Vause; [cfrank@poway.org](mailto:cfrank@poway.org); [bpepin@poway.org](mailto:bpepin@poway.org); Mayor San Diego Todd Gloria; [raulcampillo@sandiego.gov](mailto:raulcampillo@sandiego.gov); [marnivonwilpert@sandiego.gov](mailto:marnivonwilpert@sandiego.gov); [VivianMoreno@sandiego.gov](mailto:VivianMoreno@sandiego.gov); [joelacava@sandiego.gov](mailto:joelacava@sandiego.gov); Mayor San Marcos Rebecca Jones; [EMusgrove@san-marcos.net](mailto:EMusgrove@san-marcos.net); [sjenkins@san-marcos.net](mailto:sjenkins@san-marcos.net); Mayor Santee John Minto; [lkoval@cityofsanteeca.gov](mailto:lkoval@cityofsanteeca.gov); [ronnhall@cityofsanteeca.gov](mailto:ronnhall@cityofsanteeca.gov); [dzito@cosb.org](mailto:dzito@cosb.org); [jedson@cosb.org](mailto:jedson@cosb.org); [kmelendez@cityofvista.com](mailto:kmelendez@cityofvista.com); [dodonnell@cityofvista.com](mailto:dodonnell@cityofvista.com); Mayor Vista John Franklin; SD County Supervisor District 2 Joel Anderson; SD County Supervisor District 3 Terra Lawson Remer; SD County Supervisor District 4 Monica Montgomery; SD County Supervisor District 5 Jim Desmond

**Subject:** Additional PowerPoint Todays Meeting

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Good Morning City Clerk,

Please verify **PowerPoint attachment functioning for display during my public speaking AGENDA 5.3** and placed into public record. This a smaller PowerPoint in addition to the other PowerPoint I sent the other day. I had named the files based on which Agenda.

TO SANDAG, MAYOR AND CITY COUNCIL AGENDA 5.3

**BEFORE MORE TAX WASTE STOP THE SEWAGE NEXT TO INTERSTATE 54**

The PowerPoint shows perhaps solve the safety issue of Sweetwater Bay BEFORE spending more money on expanding the trail next to the water where Homeless reside trash and feces polluting the water that was clear decades ago going to the Nature Wildlife Refuge Center.

A HEADS UP ANTICIPATE A HUGE TURNOUT OF PUBLIC SPEAKERS FOR HOMELESS REPORT

Thank you, The Best City Clerks In San Diego County!

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**Alan Curry**



























## Item 7.2 - Ted Godshalk

**From:** [donotreply@escribemeetings.com](mailto:donotreply@escribemeetings.com) on behalf of [eSCRIBE.Admin](#)  
**To:** [Tonya Hussain](#)  
**Subject:** Public Comment Approval Request  
**Date:** Tuesday, January 16, 2024 10:45:16 AM

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User Ted Godshalk has enter the following comment(s):

This program and the employees that work in it need to accomplish more verifiable successes. The issue of unhoused people living in the parks and streets has not been adequately dealt with in National City. City Council members: Keep working on this with gusto--like you mean it!

for Homeless Outreach Mobile Engagement (HOME) Team Update in Regular City Council Meeting 1/16/2024 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).

## Item 9.2 - Ted Godshalk

**From:** [Ted Godshalk](#)  
**To:** [Shelley Chapel](#); [Tonya Hussain](#)  
**Cc:** [Luz Molina](#); [Ron Morrison](#)  
**Subject:** Please amend and modify the minutes for tonight's meeting  
**Date:** Tuesday, January 16, 2024 8:16:33 AM

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Good morning Clerks,  
Hope you're both well.

Please review the minutes of November 21, 2023 and amend the minutes on the City Council's agenda to properly reflect the receipt and inclusion of my ESCRIBE and written comments for item 12.1.

Also, please identify the source, or person, who provided the document you identified as "Public Comment Handout provided to ..."

Lastly, in the minutes of December 11, there are no details. I know you have told me before that you view your recording task to be "action only," but in this meeting, which was considered a workshop on one topic, there were statements that should be recorded in the minutes.

For guidance: the next steps mentioned at the end of the meeting could be included in this recordation of minutes. Also, Mr. Aguirre mentioned six things that would likely be added or accomplished at a later date. The lack of a motion and vote are not the only way to look at "actions." Sometimes, the Mayor and Council look for consensus on issues, and that should be "on the record."

Thank you,  
Ted Godshalk



## Item 9.4 - Ted Godshalk

**From:** [donotreply@escribemeetings.com](mailto:donotreply@escribemeetings.com) on behalf of [eSCRIBE.Admin](#)  
**To:** [Tonya Hussain](#)  
**Subject:** Public Comment Approval Request  
**Date:** Tuesday, January 16, 2024 10:41:07 AM

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User Ted Godshalk has enter the following comment(s):

This grant will help with DUI enforcement in our city. It does not place more officers in the Traffic Division, which is understaffed for the amount of traffic and traffic-related issues that plague our city. Paying a few officers overtime is not a long term solution. It is also a fact that without this grant, some of the funded activities would have to cease. Please help the department really solve the speeding and accident problems before more damage is done.

for 2024 Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant Number PT24128 in the Amount of \$142,000. in Regular City Council Meeting 1/16/2024 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).

## Item 9.6 - CarMax

**From:** [donotreply@escribemeetings.com](mailto:donotreply@escribemeetings.com) on behalf of [eSCRIBE.Admin](#)  
**To:** [Tonya Hussain](#)  
**Subject:** Public Comment Approval Request  
**Date:** Tuesday, January 16, 2024 10:52:19 AM

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User Ted Godshalk has enter the following comment(s):

The plan to develop this lot near Plaza Bonita started a long time ago when COSTCO wanted to build there. That never happened! CARMAX has not brought the plan to fruition and the CITY looks like it cannot follow through on this project. Other notable examples of this problem exist in our city. ACE METAL was taken out with eminent domain over 25 years ago. Toxic polluter PSI has not been remediated, nor redeveloped. Maybe CARMAX would be better suited there on the I-5 offramp at Cleveland Avenue?

for Tenth Amendment to an Option to Purchase Agreement with CarMax. (Parking Authority) in Regular City Council Meeting 1/16/2024 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).

## Item 9.12 - Ted Godshalk

**From:** [donotreply@escribemeetings.com](mailto:donotreply@escribemeetings.com) on behalf of [eSCRIBE.Admin](#)  
**To:** [Tonya Hussain](#)  
**Subject:** Public Comment Approval Request  
**Date:** Tuesday, January 16, 2024 11:19:58 AM

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User Ted has enter the following comment(s):

Please pull item 9.12 to have an explanation of which cases were paid for to the law firm of Devaney, Pate et. al. with check 365844 on 11/2/23 for \$44,624.

for Warrant Register #18 for the period of 10/27/23 through 11/2/23 in the amount of \$4,005,143.44. in Regular City Council Meeting 1/16/2024 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).



## Item 11.1 - Ted Godshalk

**From:** [donotreply@escribemeetings.com](mailto:donotreply@escribemeetings.com) on behalf of [eSCRIBE.Admin](#)  
**To:** [Tonya Hussain](#)  
**Subject:** Public Comment Approval Request  
**Date:** Tuesday, January 16, 2024 1:26:39 PM

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User Ted has enter the following comment(s):

This study needs very close examination. The previous Engineering Director did not carry out real dialogue with the public concerning the transportation elements discussed in this document. The public needs to be more involved. This is a plan that can lead us to dangerous projects. NC carried out TODO and the F' General Plan and both documents have included the closure of 19th Street under I/5. The entire City Council has concerns with that idea, yet that idea is still in this "Traffic" Study.

for National City and Naval Base San Diego Resiliency Study in Regular City Council Meeting 1/16/2024 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).