



REGULAR MEETING MINUTES OF THE CITY COUNCIL

**December 5, 2023, 6:00 p.m.
City Council Chamber - 1243 National City Boulevard
National City, CA**

Present: Councilmember Bush *(via Zoom)*
Councilmember Rodriguez
Councilmember Yamane
Vice-Mayor Molina
Mayor Morrison

Others Present: Ben Martinez, Interim City Manager
Barry Schultz, City Attorney
Shelley Chapel, City Clerk
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
Tonya Hussain, Executive Secretary
Stephen Manganiello, Director of Public Works/City Engineer
Sergio Mora, Fire Chief
Alex Hernandez, Interim Chief of Police
Richard Romero, Assistant City Attorney

1. **CALL TO ORDER**

A Regular Meeting of the City Council of the City of National City was called to order at 6:17 p.m. via teleconference and in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

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

AB 2449 Request:

Councilmember Bush requested to attend the meeting virtually due to “just cause.”

Mayor Morrison explained the protocol for AB 2449 Teleconference Attendance of a City Councilmember.

Mayor Morrison confirmed that at least a quorum of the legislative body was present at the location of the meeting in City Council Chamber as identified on the agenda.

Mayor Morrison confirmed a two-way visual and telephonic service and a live webcasting of the meeting to allow the public to hear, and observe the meeting was available, and the opportunity for public to attend via call—in option, Zoom, and in-person location of the meeting.

This was the fourth virtual City Council Meeting Councilmember Bush attended in Calendar Year 2023 under the AB 2449 provision. Councilmember Bush confirmed there was no other individual over the age of 18 present at the remote location with him.

ACTION: The remote participation of Councilmember Bush due to “Just Cause” was approved unanimously.

Roll Call Vote to allow Councilmember Bush to attend virtually via AB 2449.

Councilmembers present: Bush (*via Zoom*), Rodriguez, Yamane, Molina, Morrison

2. **ROLL CALL**

Councilmembers present: Bush (*via Zoom*), Rodriguez, Yamane, Molina, Morrison

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

Councilmember Rodriguez led the Pledge of Allegiance.

4. **INVOCATION**

Delivered by Vice-Mayor Molina.

Item #7.1 heard out of order

- 7.1 Presentation of 2024 Storm Water Calendar Winners
Presented by Management Analyst II Tirza Gonzales.

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.

Three (3) speakers provided in-person comments, three (3) people provided virtual comment and one (1) written comment was received.

Virtual Comment:

Barbara Gordon
Judi Strang
Becky Rapp

Written Comment:

Diane Grace

Mayor Morrison left the dais at 6:43 p.m. and returned at 6:44 p.m.

In-Person Comment:

Ted Godshalk
Edward Nieto
Rob Umana

6. PROCLAMATIONS AND RECOGNITION

6.1 Introduction of New City Employees

Eric Dennis, Community Development Department, introduced Building Inspector Jose Solis.

City Engineer Steve Manganiello and Supervising Custodian Christopher Garcia introduced Street & Wastewater Maintenance Superintendent Arturo Gonzalez, Building Trades Specialist Dustin Ellis, Maintenance Worker Manuel Aguirre, and Custodian Andrew Del Sol Williams.

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

7.2 ARTS Annual Presentation

Presented by ARTS Executive Director James Halliday.

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

Councilmember Rodriguez provided an update on SANDAG Mobility Working Group.

Councilmember Bush provided an update on Metropolitan Transit System.

Councilmember Yamane spoke to her attendance at two conferences for water reuse.

Vice-Mayor Molina had no report.

Mayor Morrison reported on the subject of Sweetwater Authority future meetings and his attendance at the National Association of Regional Councils.

Port of San Diego Commissioner Sandy Naranjo provided an update and invited the community to attend the Fourth Annual South Bay Holiday event to be held Thursday, December 7, 2023.

9. CONSENT CALENDAR

ACTION: Motion by Councilmember Yamane, seconded by Mayor Morrison to add agenda item 9.23 to the agenda.

Motion carried by unanimous vote.

ACTION: Motion by Councilmember Yamane, seconded by Councilmember Rodriguez to approve all Consent Calendar Items with the exception of Items 9.4, 9.10, and 9.23 pulled by Councilmember Yamane and Item 9.6 pulled by Vice-Mayor Molina, Items 9.7, and 9.12 pulled for Public Comment. Councilmember Rodriguez recused on Item 9.12.

Motion carried by unanimous vote.

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 Approval the Local Appointments List – Maddy Act Requirement

Approve the Local Appointments List for 2024 and Authorize the City Clerk to post the list at City Hall and Post End of Term Vacancies on the City Website.

Motion carried by unanimous vote.

9.3 Acceptance of State Active Transportation (ATP) Program Funding for the Construction Phase of the National City Bicycle Wayfinding Project.

Adopted Resolution No. 2023-164

Adopt a Resolution Entitled, “Resolution of the City Council of the City of National City, California, Authorizing the Establishment of an Appropriation of \$832,000 and a Corresponding Revenue Budget for the Construction Phase of the National City Bicycle Wayfinding Project, Reimbursable through the State Active Transportation Program Approved by Caltrans.”

Motion carried by unanimous vote.

Item pulled by Councilmember Yamane

9.4 Affordable Housing Density Bonus Agreement for 200 E 31st Street

Adopted Resolution No. 2023-165

Steven Gaspar with Kier Builders addressed the City Council on behalf of KD Cove, LLC. Planning Manager Martin Reeder answered questions posed by the City Council.

Councilmember Bush exited Zoom visibility at 7:40 p.m. and returned at 7:41 p.m.

Recommendation: Adopt the Resolution Entitled “Resolution of the City Council of the City of National City, California, Approving an Affordable Housing Density Bonus Agreement and Related Documents with KD Cove, LLC, a California Limited Liability Company, and Restricting the Rent and Occupancy of Five Units to Very-Low-Income Households in Exchange for One Incentive Pursuant to California Government Code Sections 65915–65918 for the Development of 92 Housing Units Located at 200 E 31st Street in National City.”

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

Motion carried by unanimous vote.

- 9.5 Approval of Amendment to Agreement with San Diego County for Nutrition Services

Adopted Resolution No. 2023-166

Adopt the Resolution Entitled, “Resolution of the City Council of the City of National City, California, Ratifying Amendment 11 to County Contract 561763, Increasing the Senior Nutrition Infrastructure Grant by an Amount of \$59,676 Resulting in a New Maximum Agreement Amount of \$1,939,607, and Authorizing an Increase of \$7,090 in Appropriations for Nutrition Center Kitchen Equipment with a Corresponding Increase in Revenue.”

Motion carried by unanimous vote.

Item pulled by Vice-Mayor Molina

- 9.6 Approving the Second Amendment to an Agreement Between the City of National City and SCI Consulting Group to Provide Cannabis-Related Management and Monitoring Services.

Adopted Resolution No. 2023-167

Economic Development Manager Pedro Garcia provided a brief report.

One written comment was received from Ted Godshalk.

Recommendation: Adopt the Resolution Entitled, “Resolution of the City Council of the City of National City, California, Approving the Second Amendment to an Agreement Between the City of National City and SCI Consulting Group for Cannabis Related Management and Monitoring Services for a Not-to-Exceed Amount of \$100,880.”

ACTION: Motion by Vice-Mayor Molina, seconded by Councilmember Bush to adopt the resolution with the condition that the City Council would receive a detailed cost analysis report.

Motion carried by unanimous vote.

Item pulled for Public Comment.

- 9.7 Approval of the Agreement between the City of National City and SCI Consulting Group.

Adopted Resolution No. 2023-168

In-person public comment was received from Edward Nieto.

Economic Development Manager Pedro Garcia and Director of Administrative Services Molly Brennan answered questions posed by the City Council.

ACTION: Motion by Vice-Mayor Molina, seconded by Councilmember Rodriguez to adopt the resolution.

Recommendation: Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the City Manager to Enter into an Agreement Between the City of National City and SCI Consulting Group for Cannabis Related Management and Monitoring Services for a Not-to-Exceed Amount of \$27,500."

Motion carried by unanimous vote.

- 9.8 Authorize the City Manager to Execute a Third Amendment with Claims Management Associates, Inc., Extending the Term by One Year and Increasing the Not-to-Exceed Amount by \$80,000.

Adopted Resolution No. 2023-169

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the City Manager to Execute a Third Amendment to the Agreement with Claims Management Associates, Inc. to Extend the Term of the Agreement by One Year and Increase the Not-to-Exceed Amount by \$80,000."

Motion carried by unanimous vote

- 9.9 Authorizing Submittal of Individual Grant Applications for All California Department of Resources Recycling and Recovery (CalRecycle) Grant Programs for which the City of National City is Eligible.

Adopted Resolution No. 2023-170

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing Submittal of Individual Grant Applications for all California Department of Resources Recycling and Recovery Grant Programs for which the City of National City is Eligible."

Motion carried by unanimous vote.

Item pulled by Councilmember Yamane.

9.10 Civil Service Rule VII Amendment – Employee Performance Reports

Director of Administrative Services Molly Brennan answered questions posed by the City Council.

Recommendation: Adopt the Resolution Entitled “Resolution of the City Council of the City of National City, California, Amending Civil Service Rule VII – Employee Performance Reports.”

ACTION: Motion by Councilmember Rodriguez, seconded by Councilmember Yamane to retain the current rating language within the degrees of performance.

Amended Motion by Councilmember Bush to continue the item to the January 16, 2024 City Council meeting to allow a response from City labor groups.

Substitute Motion by Vice-Mayor Molina to postpone the item to allow representation from the Municipal Employees Association to attend the January 16, 2024 City Council meeting to address Council.

Substitute Motion by Councilmember Rodriguez, seconded by Councilmember Bush to continue the item to a future Council meeting.

Friendly amendment by Vice-Mayor Molina to include that representation from the Municipal Employees Association attend the meeting to address Council.

Motion carried by unanimous vote.

Mayor Morrison released the translator at 8:09 p.m..

9.11 Development Impact Fees Annual Report Fiscal Year 2022-23

Accept and file the report.

Motion carried by unanimous vote.

Item pulled for public comment.

9.12 Installation of two (2), 3-minute passenger loading spaces in front of Mommy’s Creative Thinkers Daycare located at 834 Delta Street, valid Monday through Friday from 7:30 a.m. to 8:30 a.m. and 3:00 p.m. to 5:00 p.m.

Adopted Resolution No. 2023-172

Councilmember Rodriguez recused himself from the item, as his spouse is the owner of Mommy’s Creative Thinkers Daycare and left the dais at 8:09 p.m..

City Engineer Steve Manganiello answered questions posed by the City Council. Applicant Sandra Rodriguez was present and addressed the City Council.

Councilmember Bush exited Zoom visibility at 8:24 p.m. and returned at 8:25 p.m.

Recommendation: Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Installation of Two (2), 3-minute passenger loading spaces in front of Mommy's Creative Thinkers Daycare located at 834 Delta Street, valid Monday through Friday from 7:30 a.m. to 8:30 a.m. and 3:00 p.m. to 5:00 p.m."

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

Ayes: Bush, Yamane, Molina, Morrison

Recused: Rodriguez

Motion carried by 4-0 vote.

Councilmember Rodriguez returned to the dais at 8:30 p.m.

- 9.13 Installation of "No Parking Vehicles Over 6' High" signs to prohibit parking for oversized vehicles in front of the property at 2240 Cleveland Avenue.

Adopted Resolution No. 2023-173

One written comment was received from Ted Godshalk.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Installation of "No Parking Vehicles Over 6' High" Signs to Prohibit Parking for Oversized Vehicles on the North and South Sides of W. 23rd Street, West of Cleveland Avenue and on the West Side of Cleveland Avenue, North of E. 23rd Street, in Front of the Property at 2240 Cleveland Avenue.

Motion carried by unanimous vote.

- 9.14 Installation of a Blue Curb Disabled Persons Parking Space with Signage in Front of the Residence at 318 S Kenton Avenue.

Adopted Resolution No. 2023-174

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Installation of a Blue Curb Disabled Persons Parking Space with Signage in Front of the Residence at 318 S Kenton Avenue."

Motion carried by unanimous vote.

- 9.15 Notice of Decision - Conditional Use Permit for a Drive-Through Coffee Shop (Dutch Bros Coffee) to be Located at 1638 East Plaza Boulevard.

Staff Recommends Approval of the Operation of a Drive-Through Coffee Shop, Subject to the Recommended Conditions in the Attached Resolution and a Determination that the Project is Exempt from CEQA. The Operation of a Drive-Through Coffee Shop is a Conditionally Allowed Use in the Major Mixed-Use District (MXD-2) Zone.

Motion carried by unanimous vote.

- 9.16 Ratification of a Subordination Agreement for an Affordable Housing Density Bonus Agreement for 1105 National City Blvd.

Adopted Resolution No. 2023-175

Adopt the Resolution Entitled, "Resolution of the City Council of the City Of National City, California, Ratifying A Subordination Agreement with National City Pacific Associates, LLP, A California Limited Partnership, and the California Housing Finance Agency, Subordinating the Deed of Trust Securing the Performance of an Affordable Housing Density Bonus Agreement Entered Into on December 21, 2020 that Restricts 26 Housing Units at 1105 National City Boulevard in National City."

Motion carried by unanimous vote.

- 9.17 Ratification of a Subordination Agreement for an Affordable Housing Density Bonus Development Located at 1628 Orange Street.

Adopted Resolution No. 2023-176

Adopt the Resolution Entitled "Resolution of the City Council of the City of National City, California, ratifying a Subordination Agreement with Orange Street Partners, LLC, a California Limited Liability Company, and Quanta Finance Inc., Subordinating the Deed of Trust Securing the Performance of an Affordable Housing Density Bonus Agreement Entered into on December 12, 2022, that Restricts One Housing Unit at 1628 Orange Street in National City."

Motion carried by unanimous vote.

- 9.18 Redevelopment Obligations Payment Schedule for Fiscal Year 2024-25 (ROPS 24-25) and Associated Administrative Budget (SUCCESSOR AGENCY)

Adopted Successor Agency Resolution No. 2023-115

Adopt the Resolution Entitled, "Resolution of the Successor Agency to the Community Development Commission as the National City Redevelopment

Agency, Approving the Recognized Obligation Payment Schedule (ROPS) for the Period July 1, 2024, Through June 30, 2025 (ROPS 24-25) with Expenditures Totaling \$4,250,528, Approving the Associated Administrative Budget of \$190,000, and Approving the Submittal of both to the County of San Diego Countywide Redevelopment Successor Agency Oversight Board.”

Motion carried by unanimous vote.

- 9.19 Warrant Register #13 for the period of 09/22/23 through 9/28/23 in the amount of \$697,539.32

Ratify Warrants Totaling \$697,539.32

Motion carried by unanimous vote.

- 9.20 Warrant Register #14 for the period of 09/29/23 through 10/5/23 in the amount of \$5,162,012.71

Ratify Warrants Totaling \$5,162,012.71

Motion carried by unanimous vote.

- 9.21 Warrant Register #15 for the Period of 10/6/23 through 10/12/23 in the Amount of \$6,124,140.24.

Ratify Warrants Totaling \$6,124,140.24

Motion carried by unanimous vote.

- 9.22 Warrant Register #16 for the period of 10/13/23 through 10/19/23 in the amount of \$1,941,585.88.

Ratify Warrants Totaling \$1,941,585.88

Motion carried by unanimous vote.

Item pulled by staff.

- 9.23 Temporary Use Permit – Kimball Park Winter Carnival hosted by Paul Maurer Shows at Kimball Park from February 29, 2024 thru March 3, 2024 with no waiver of fees.

Councilmember Rodriguez left the dais at 8:31 p.m. and returned at 8:33 p.m.

Recommendation: Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waive of fees and in accordance with City Council Policy 802.

ACTION: Motion by Councilmember Yamane, seconded by Councilmember Rodriguez to approve the item with the condition that the applicant obtain a Fictitious Business Name and Limited Liability Corporation certificate prior to holding the event.

Motion carried by unanimous vote.

10. PUBLIC HEARING

10.1 Second Reading and Adoption of Ordinance Establishing Speed Limits Based on Engineering and Traffic Surveys.

Adopted Ordinance No. 2023-2525

Mayor Morrison declared the Public Hearing open at 8:41 p.m.

There was no public comment.

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

Motion carried by unanimous vote.

Public Hearing closed at 8:41 p.m.

Recommendation: Adopt an Ordinance 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 Yamane to adopt the resolution.

Motion carried by unanimous vote.

10.2 TEFRA Hearing Union Tower

Adopted Resolution No. 2023-177

City Attorney Barry Schultz recused himself from the item and left the dais at 8:42 p.m. Assistant City Attorney Richard Romero joined the meeting.

Housing Director Carlos Aguirre answered questions posed by the Council.

Mayor Morrison declared the Public Hearing open at 8:45 p.m.

No public comments were received.

ACTION: Motion by Councilmember Yamane, seconded by Councilmember Rodriguez to close the public hearing.

Motion carried by unanimous vote.

The Public Hearing closed at 8:45 p.m.

Recommendation: Adopt the Resolution Entitled "Resolution of the City Council of the City of National City, California, Authorizing the Approval of a Plan of Finance Including the Issuance of Revenue Bonds by the California Municipal Finance Authority in an Aggregate Principal Amount Not-To-Exceed \$45,000,000 to Finance and Refinance a Qualified Residential Rental Project for the Benefit of an Ownership Entity to be Created by Wakeland Housing and Development Corporation".

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

Motion carried by unanimous vote.

City Attorney Barry Schultz returned to the dais at 8:46 p.m.

11. STAFF REPORTS

11.1 Appointments of City Councilmember to Regional Boards and Committees for Outside Agencies

Adopted Resolution Nos. 2023-178, 2023-179, and 2023-180.

In-person public comment was received from Jose Franco Garcia and Edward Nieto.

Recommendation: Mayor to Appoint with City Council Consensus to Certain Regional Boards and Committees. Adopt Resolutions Memorializing the Appointments for the Use by Other Agencies: (1) Resolution of the City Council of the City of National City, California, Appointing Members of the City Council to the San Diego Association of Governments (SANDAG) Board of Directors; (2) Resolution of the City Council of the City of National City, California, Appointing Members of the City Council to the San Diego County Water Authority Board of Directors; and (3) Resolution of the City Council of the City of National City, California, Appointing Members of the City Council to the Various Regional Committee Assignments.

Recommendation: To appoint to the San Diego Association of Governments.

ACTION: Motion by Mayor Morrison to appoint Vice-Mayor Molina as the Primary, Councilmember Yamane as the Alternate, and Mayor Morrison as Second Alternate. Motion died due to lack of a second.

Substitute Motion by Councilmember Bush, seconded by Councilmember Rodriguez to retain the current appointments.

Amended motion by Councilmember Bush, seconded by Councilmember Rodriguez to appoint Councilmember Rodriguez as the Alternate.

Motion carried by unanimous vote.

Recommendation: To appoint to the SANDAG Shoreline Preservation Working Group

ACTION: Motion by Mayor Morrison, seconded by Councilmember Bush to appoint Councilmember Rodriguez as the Primary and Councilmember Bush as the Alternate.

Motion carried by unanimous vote.

Recommendation: To appoint to the SANDAG Mobility Working Group

ACTION: Motion by Mayor Morrison, seconded by Councilmember Bush to appoint Councilmember Rodriguez as the Primary.

Motion carried by unanimous vote.

Recommendation: To appoint to the League of California Cities

ACTION: Motion by Councilmember Bush, seconded by Councilmember Yamane to appoint Mayor Morrison as the Primary and Vice-Mayor Molina as the Alternate.

Motion carried by unanimous vote.

Recommendation: To appoint to the San Diego Community Power Joint Powers Authority Board

ACTION: Motion by Mayor Morrison, seconded by Councilmember Bush to appoint Councilmember Yamane as the Primary and Councilmember Bush as the Alternate.

Motion carried by unanimous vote.

11.2 Selection of Vice-Mayor for 2024

Councilmember Bush exited Zoom visibility at 9:05 p.m. and returned at 9:06 p.m..

Recommendation: Selection of a Councilmember as Vice-Mayor May be Accomplished by Approval of a Motion per the Policy.

ACTION: Motion by Mayor Morrison, seconded by Councilmember Rodriguez to select Councilmember Yamane as Vice-Mayor.

Motion carried by unanimous vote.

11.3 Discussion of the Levine Act – Post SB 1439

City Clerk Shelley Chapel presented the item utilizing a PowerPoint presentation.

Receive and file.

Councilmember Bush exited Zoom visibility at 9:50 p.m. and returned at 9:52 p.m.

- 11.4 Verbal Report-Out of Salary and Benefits in the Employment Agreement of the City Manager as Required by the Brown Act.

Adopted Resolution No. 2023-181

One written comment was received from Ted Godshalk.

Item introduced by City Attorney Schultz and a brief PowerPoint presentation delivered by Director of Administrative Services Molly Brennan.

Recommendation: Consider Adoption of the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Appointing Benjamin A. Martinez as City Manager and Authorizing the Mayor to Execute an Employment Agreement between the City of National City and Benjamin A. Martinez with the Effective Date of December 5, 2023."

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

Motion carried by unanimous vote.

12. CITY MANAGER'S REPORT

City Manager Ben Martinez expressed his gratitude and excitement for the future as the new City Manager. Mr. Martinez introduced Acting Community Development Director Brian Hadley who reported on food vendors. Mr. Hadley provided the report.

13. ELECTED OFFICIALS REPORT

Closing remarks were provided by members of the City Council.

14. CITY ATTORNEY REPORT

CLOSED SESSION

City Attorney Schultz reported on the two Closed Session items and reported that there was no reportable action.

5.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation

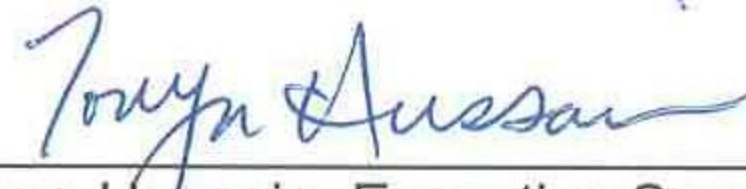
Government Code Section 54956.9(d)(2)

Number of Potential Cases: 2

15. ADJOURNMENT

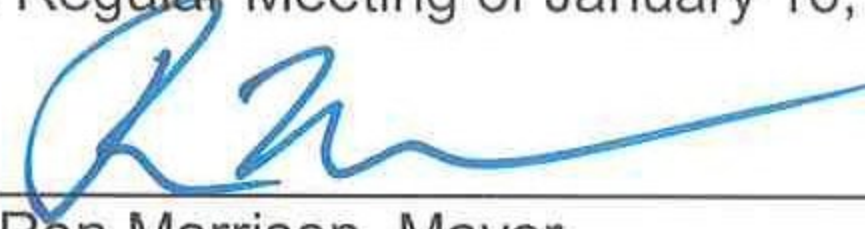
Mayor Morrison adjourned to the Regular Meeting of the City Council of the City of National City, Tuesday, January 16, 2024, 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 10:22 p.m.



Tonya Hussain, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of January 16, 2024.



Ron Morrison, Mayor