



AGENDA

Consolidated Regular Meeting

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

Ron Morrison, Mayor

Ditas Yamane, Vice-Mayor – District 3

Marcus Bush, Councilmember

Luz Molina, Councilmember- District 1

Jose Rodriguez, Councilmember

Benjamin A. Martinez, City Manager

Barry J. Schultz, City Attorney

Shelley Chapel, MMC, City Clerk

R. Mitchel Beauchamp, City Treasurer

The City Council also sits as the City of National City Community Development Commission, Housing Authority, Joint Powers Financing Authority, and Successor Agency to the Community Development Commission as the National City Redevelopment Agency

Thank you for participating in local government and the City of National City Council Meetings.

Meetings: Regular City Council Meetings are held on the first and third Tuesday of the month at 6:00 p.m. Special Closed Session Meetings and Workshops may be same day, the start time is based on needs. Check Special Agendas for times.

Location: Regular City Council Meetings are held in the Council Chamber located at City Hall, 1243 National City Boulevard, National City, CA 91950, the meetings are open to the public.

Agendas and Material: [Agendas and Agenda Packet](#) for items listed are available on the City website, and distributed to the City Council no less than 72 hours before the City Council Meeting. Sign up for [E-Notifications](#) to receive alerts when items are posted.

Public Participation: Encouraged in a number of ways as described below. Members of the public may attend the City Council Meeting in person, watch the City Council Meeting via [live](#) web stream, or participate remotely via Zoom. [Recording of Meetings](#) are archived and available for viewing on the City's website.

Public Comment: Persons wishing to address the City Council on matters not on the agenda may do so under Public Comments. Those wishing to speak on items on the agenda may do so when the item is being considered. Please submit a Speaker's Slip to the City Clerk before the meeting or immediately following the announcement of the item. All comments will be limited up to three (3) minutes. The Presiding Officer shall have the authority to reduce the time allotted to accommodate for a large number of speakers. *(City Council Policy 104)*

EFFECTIVE JANUARY 1, 2023

All Contributions to Candidates and Current Elected Officials are required to self-report a Declaration of Campaign Contribution to a Councilmember of more than \$250 within the past year (effective Jan 1, 2023). This report may be included on the Public Comment Speaker Slip to be completed prior to the City Council Meeting.

If you wish to submit a written comment [email](#) to the City Clerk's Office at least 4 hours before the City Council Meeting to allow time for distribution to the City Council.

Spanish Interpretation Services: Spanish Interpretation Services are available; please contact the City Clerk before the start of the meeting for assistance.

American Disabilities Act Title II: In compliance with the American Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Title II. Any person with a disability who requires a modification or accommodation to participate in a meeting should direct such request to the City Clerk's Office (619) 336-4228 at least 24 hours in advance of the meeting.



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Gracias por participar en las reuniones del gobierno local y del Consejo de la Ciudad de National City.

Reuniones: Las reuniones regulares del Consejo Municipal se llevan a cabo el primer y tercer martes del mes a las 6:00 p.m. La reunión especial de sesión privada y los talleres pueden ser el mismo día, la hora de inicio se basa en las necesidades. Consulte las agendas especiales para conocer los horarios.

Ubicación: Las reuniones regulares del Concejo Municipal se llevan a cabo en la Cámara del Consejo ubicada en el Ayuntamiento, 1243 National City Boulevard, National City, CA 91950, las reuniones están abiertas al público.

Agendas y Material: Las Agendas y el Paquete de Agenda para los temas enumerados están disponibles en el sitio web de la Ciudad y se distribuyen al Concejo Municipal no menos de 72 horas antes de la Reunión del Concejo Municipal. Regístrese para recibir notificaciones electrónicas cuando se publiquen artículos.

Participación pública: Se fomenta de varias maneras como se describe a continuación. Los miembros del público pueden asistir a la Reunión del Concejo Municipal en persona, ver la Reunión del Concejo Municipal a través de la transmisión web en vivo o participar de forma remota a través de Zoom. Las grabaciones de las reuniones están archivadas y disponibles para su visualización en el sitio web de la Ciudad.

Comentario Público: Las personas que deseen dirigirse al Concejo Municipal sobre asuntos que no están en la agenda pueden hacerlo bajo Comentarios públicos. Quienes deseen hacer uso de la palabra sobre los temas del programa podrán hacerlo cuando se esté examinando el tema. Por favor, envíe una solicitud del orador al Secretario de la Ciudad antes de la reunión o inmediatamente después del anuncio del artículo. Todos los comentarios estarán limitados a tres (3) minutos. El Presidente tendrá la autoridad para reducir el tiempo asignado para dar cabida a un gran número de oradores. (Política del Concejo Municipal 104)

Si desea enviar comentarios por escrito, envíe un correo electrónico a la Oficina del Secretario de la Ciudad al menos 4 horas antes de la Reunión del Concejo Municipal para dar tiempo a la distribución al Consejo Municipal.

A PARTIR DEL 1 DE ENERO DE 2023

Todas las contribuciones a los candidatos y funcionarios electos actuales deben autoinformar una Declaración de contribución de campaña a un concejal de más de \$ 250 en el último año (a partir del 1 de enero de 2023). Este informe puede incluirse en el Recibo del orador de comentarios públicos que se completará antes de la reunión del Concejo Municipal

Servicios de interpretación en español: Los servicios de interpretación en español están disponibles, comuníquese con el Secretario de la Ciudad antes del inicio de la reunión para obtener ayuda.

Título II de la Ley de Discapacidades Americanas: En cumplimiento con la Ley de Discapacidades Americanas de 1990, las personas con discapacidad pueden solicitar una agenda en formatos alternativos apropiados según lo requerido por el Título II. Cualquier persona con una discapacidad que requiera un modificación o adaptación para participar en una reunión debe dirigir dicha solicitud a la Oficina del Secretario de la Ciudad (619) 336-4228 al menos 24 horas antes de la reunión.



AGENDA

Consolidated Regular Meeting

Tuesday, May 21, 2024, 6:00 p.m.
City Council Chamber - 1243 National City Boulevard
National City, CA

Pages

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. INVOCATION

5. PUBLIC COMMENT

In accordance with State law, an item not scheduled on the agenda may be brought forward by the general public for comment; however, the City Council will not be able to discuss or take action on any issue not included on the agenda. Speakers will have up to three (3) minutes.

6. PROCLAMATIONS AND RECOGNITION

6.1 Proclamation - Emergency Medical Services Week

7

6.2 Proclamation - National Public Works Week

8

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

8. INTERVIEWS AND APPOINTMENTS

Mayoral and City Council appointments to City Boards/Commission/Committees

8.1 Appointments: City Boards, Commissions, and Committees – City Council
Interview and Appointment for the Civil Service Commission

9

Recommendation:

City Council to Conduct Interviews and Appoint.

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

Per Government Code Section 53232.3(d) also known as AB1234: Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

10. CONSENT CALENDAR

The Consent Calendar may be enacted in one motion by the City Council with a Roll Call Vote without discussion unless a Councilmember, a member of the Public, or the City Manager requests an item be removed for discussion. Items removed from the Consent Calendar will be considered immediately following the adoption of the Calendar.

- 10.1 Approval of Reading by Title Only and Waiver of Reading in Full of Ordinance on this Agenda
- 10.2 Approval of City Council Meeting Minutes 27
- Recommendation:
Approve and File.
- 10.3 Acceptance of an Easement Located on the Southeast Corner of the Paradise Creek Channel Between Highland Avenue, and Kimball Way for Construction and Maintenance Purposes. 44
- Recommendation:
Adopt a Resolution Entitled "Resolution of the City Council of the City of National City, California, Accepting and Authorizing the Mayor to Sign a Grant of Easement from D Avenue Housing Associates, LP, for an Area Located on the Southeast Corner of the Paradise Creek Channel Between Highland Avenue and Kimball Way for Construction and Maintenance Purposes."
- 10.4 Acceptance of Highway Safety Improvement Program Funding for the Construction Phase of the Citywide Protected Left Turn Enhancements Project, CIP 19-22. 53
- Recommendation:
Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, 1) Authorizing the Establishment of an Appropriation of \$1,201,590 and a Corresponding Revenue Budget for the Construction Phase of the Citywide Protected Left Turn Enhancements Project, CIP 19-22, Reimbursable Through the Highway Safety Improvement Program Approved by Caltrans; and 2) Committing to Providing a Local Match in the Amount of \$290,610."

- 10.5 Acceptance and Appropriation of Funds from CalRecycle SB1383 Local Assistance Grant Program. 59
- Recommendation:
 Adopt the Resolution Entitled, “Resolution of the City Council of the City of National City, California, 1) Accepting an SB 1383 Local Assistant Grant Program Grant in the Amount of \$165,976 from the California Department of Resources Recycling and Recovery to Implement Regulation Requirements Associated with SB 1383; and 2) Authorizing the Establishment of an Appropriation and Corresponding Revenue Budget in the Amount of \$165,976.”
- 10.6 Adoption of Resolution Initiating Proceedings for the Levy and Collection of Assessments for the Landscape Maintenance District No. 1 (Mile of Cars) for Fiscal Year 2024-25. 63
- Recommendation:
 Adopt the Resolution entitled “Resolution of the City Council of the City of National City, California, Initiating Proceedings for the Levy and Collection of Assessments for the Landscape Maintenance District No. 1 (Mile of Cars) for Fiscal Year 2024-25.”
- 10.7 Adoption of Resolution Approving the Annual Report for Landscape Maintenance District No. 1 (Mile of Cars) for the Fiscal Year 2024-25. 66
- Recommendation:
 Adopt the Resolution Entitled “Resolution of the City Council of the City of National City, California, Approving the Annual Report for the Landscape Maintenance District No. 1 (Mile of Cars) for Fiscal Year 2024-25.”
- 10.8 Adoption of a Resolution Declaring Its Intention to Conduct a Public Hearing on June 4, 2024 and to Levy and Collect Assessments for the Landscape Maintenance District No. 1. 90
- Recommendation:
 Adopt the Resolution entitled “Resolution of the City Council of the City of National City, California, Declaring Its Intention to Conduct a Public Hearing on June 4, 2024 and to Levy and Collect Assessments for the Landscape Maintenance District No. 1 (Mile of Cars) for Fiscal Year 2024-2025.”

- 10.9 Authorize the Purchase of a Large Front Loader for Engineering & Public Works Streets and Wastewater Division 94
- Recommendation:
 Adopt a 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 2.60.260 Regarding Cooperative Purchasing, and Authorizing the City to Piggyback onto Sourcewell Contract # 011723 with Sonsray Machinery for the Purchase of a CASE 521G2 ZBAR STAGE 5 Large Front Loader in a Not-to-Exceed amount of \$171,000 for the Public Works Streets and Wastewater Division: Authorizing a Transfer from the Sewer Fund to the Vehicle Acquisition Fund of up to \$47,025, and Authorizing the City Manager to Approve Adjustments of up to \$17,100 to the Not-to-Exceed Amount for the Purchase as a 10% Contingency for Unforeseen Fluctuations in Pricing.”
- 10.10 Discussion Regarding Policy and Possible Removal of Parks, Recreation & Senior Citizens Advisory Committee Member Due to Unexcused Absences per City Council Policy No. 107 131
- Recommendation:
 Provide direction to staff.
- 10.11 Notice of Decision – Planning Commission Approval of a Conditional Use Permit (CUP) for Beer and Wine Sales at Villa Manila Restaurant Located at 600 East 8th Street. 159
- Recommendation:
 Approval of the Sale of On-Site Beer and Wine 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 Beer and Wine and Live Entertainment is a Conditionally-Allowed Use in the Major Mixed-Use Corridor Zone and Would be Accessory to Food Sales at the Restaurant.
- 10.12 Project Close-Out and Notice of Completion for the Paradise Creek Mitigation Project at Kimball Way, CIP No. 19-35. 197
- Recommendation:
 Adopt the Resolution Entitled, “Resolution of the City Council of the City of National City, California, 1) Accepting the Work Performed by Wright Construction Engineering Corp., for the Paradise Creek Mitigation Project at Kimball Way, CIP No. 19-35; 2) Ratifying Change Order Work in the Amount of \$64,218.07; 3) Approving the Final Contract Amount of \$1,005,761.71; 4) Ratifying the Release of Retention in the Amount of \$23,980.24; and 5) Authorizing the Mayor to Sign the Notice of Completion.”

10.13	Warrant Register #39 for the period of 3/21/24 through 3/28/24 in the amount of \$341,752.24. Recommendation: Ratify Warrants Totaling \$341,752.24	206
10.14	Warrant Register #40 for the period of 3/29/24 through 4/4/24 in the amount of \$2,789,960.62 Recommendation: Ratify Warrants Totaling \$2,789,960.62	208
10.15	Warrant Register #41 for the period of 4/5/24 through 4/11/24 in the amount of \$501,804.34 Recommendation: Ratify Warrants Totaling \$501,804.34	210
10.16	Warrant Register #42 for the period of 4/12/24 through 4/18/24 in the amount of \$1,588,660.69 Recommendation: Ratify Warrants Totaling \$1,588,660.69	214
10.17	Warrant Register #43 for the period of 4/19/24 through 4/25/24 in the amount of \$1,539,153.39 Recommendation: Ratify Warrants Totaling \$1,539,153.39	220

11. STAFF REPORTS

11.1	Notice of and Calling for the Holding of a General Municipal Election, and Request for Consolidation with the Statewide General Municipal Election Recommendation: Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Providing Notice of and Calling for the Holding of a General Municipal Election for the Purpose of the Election of Certain Elected Officials and for the Submission to the Voters a Question Relating to a Citizen Initiative Regarding a Special Parcel Tax for Streets and Parks, and Requesting the San Diego County Board of Supervisors to Consolidate the Municipal Election with the Statewide General Municipal Election on Tuesday, November 5, 2024, as Required by the Provisions of the Laws of the State of California Relating to General Law Cities."	227
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- 11.2 Adoption of a Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements for the Tuesday, November 5, 2024, Election. 232

Recommendation:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements of Qualifications to be Submitted to the Voters at a Statewide General Municipal Election to be held on Tuesday, November 5, 2024."

- 11.3 Adoption of a Resolution Providing Conduct of a Special Runoff Election in the Event of a Tie Vote 237

Recommendation:

Adopt the Resolution Entitled, "A Resolution of the City Council of the City of National City, California, Providing for the Conduct of a Special Runoff Election for Elective Offices in the Event of a Tie Vote at any Municipal Election."

- 11.4 POLICY 105 REQUEST - Support California Senate Bill 915 (Dave Cortese) - Requested by Councilmember Rodriguez 239

Adopt Resolution for the City of National City to Support California Senate Bill 915 (Dave Cortese), the Autonomous Vehicle Services Deployment and Data Transparency Act Prioritizing Local Control in the Decision to Deploy Autonomous Vehicle Services.

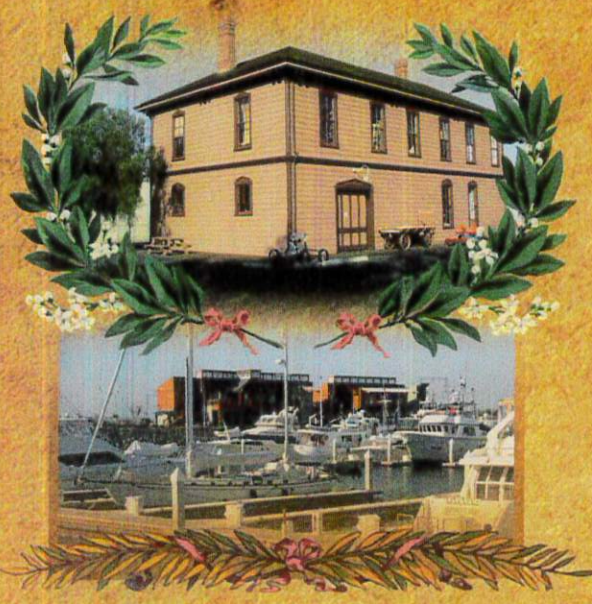
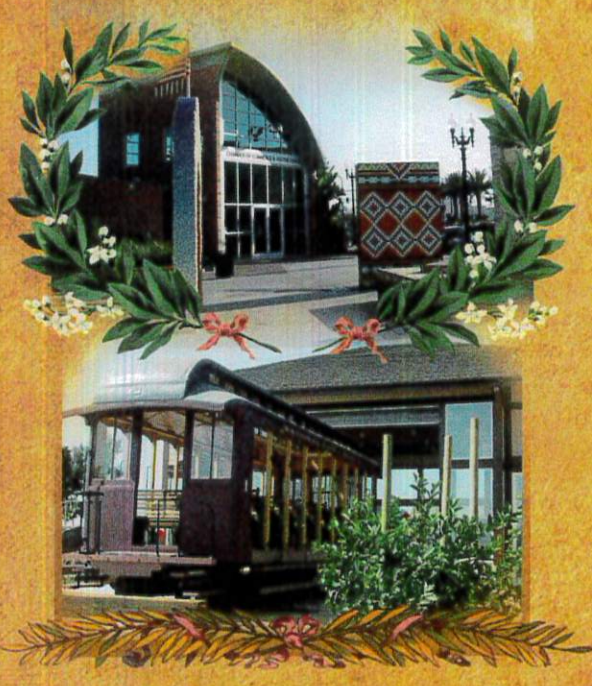
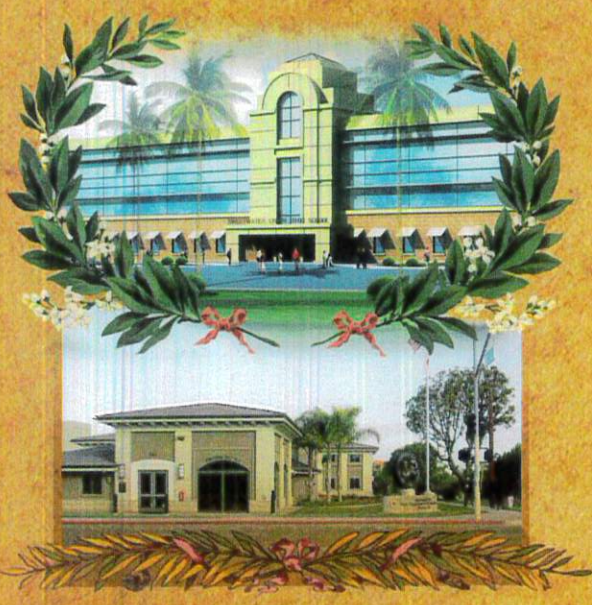
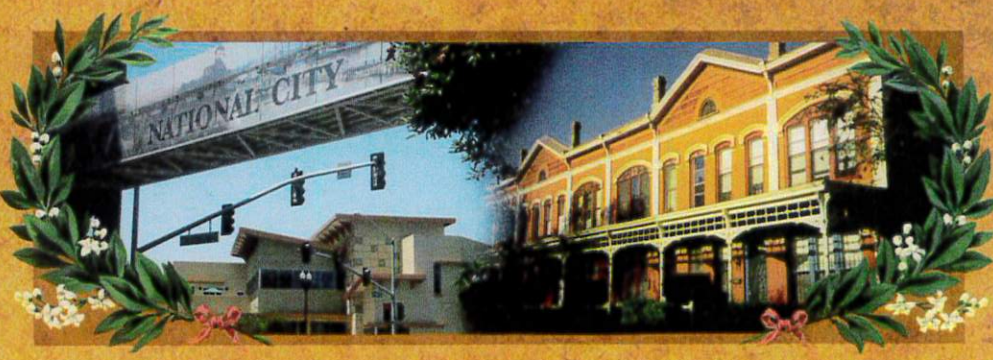
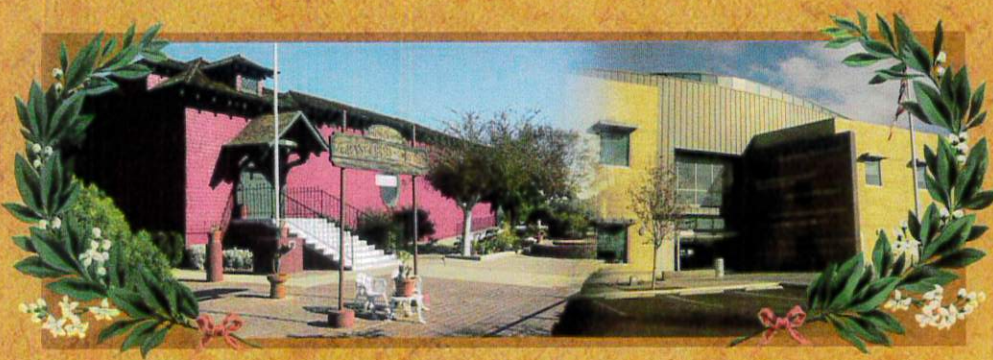
12. CITY MANAGER'S REPORT

13. ELECTED OFFICIALS REPORT

14. CITY ATTORNEY REPORT

15. ADJOURNMENT

Regular Meeting of the City Council of the City of National City - Tuesday, June 4, 2024
- 6:00 p.m. - Council Chambers - National City, California.



Proclamation



WHEREAS, Emergency medical services (E.M.S.) emerged during the Civil War era in the U.S. All military personnel had to be examined by medical officers to qualify for duty, and ambulance teams were trained in patient care to care for injured soldiers. Fast forward a few decades, in 1865, Cincinnati got its first civilian ambulance. Later, in 1869, New York City advertised a 30-second response time and provided an ambulance surgeon for critical patients; and

WHEREAS, During World War I, signal boxes were used by injured soldiers to assist medical teams in locating them on the battlefields. Along with ambulances, medical teams also used electric, steam, and gasoline-powered carriages to transport the injured. After the war, civilian ambulances carrying surgeons were equipped with radio dispatchers so they could quickly reach those in need; and


WHEREAS, However, the emergence of what we know as modern-day emergency medical services began during the 1950s as a subsidiary of five different types of businesses: towing operators, medical equipment companies, funeral homes, hospitals, and police/fire departments. The subsidiary evolved into its own industry over time. However, the efforts of E.M.T.s and other E.M.S. responders weren't known or understood until President Gerald Ford authorized Emergency Medical Services Week in 1974; and

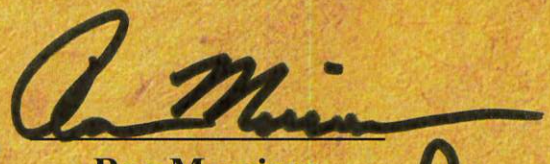
WHEREAS, Emergency Medical Services Week is managed by the federal Emergency Medical Services Program, which partners with the American College of Emergency Physicians, the American Academy of Pediatrics, and the Emergency Nurses Association to raise awareness concerning the need for patients in acute care settings. Every year, the focus is to improve medical facilities for every age group in critical situations; and

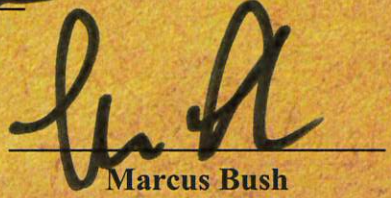
WHEREAS, May 19-25 marks the 50th anniversary of National EMS Week. It's a time to show our gratitude toward EMTs and paramedics who provide lifesaving care across the nation every day. EMS Week is also a time to educate the public about EMS, and the essential service we provide to communities.

NOW, THEREFORE, BE IT RESOLVED, I, Ron Morrison, Mayor of National City, by virtue of the authority vested in me by the City of National City, hereunto set my hand and affix the official seal and together with the City Council do hereby proclaim the week of May 21 thru May 27, 2024, as:

EMERGENCY MEDICAL SERVICES WEEK

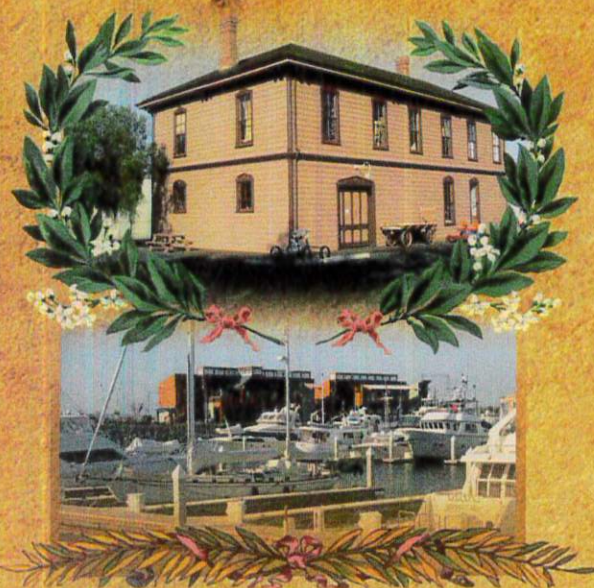
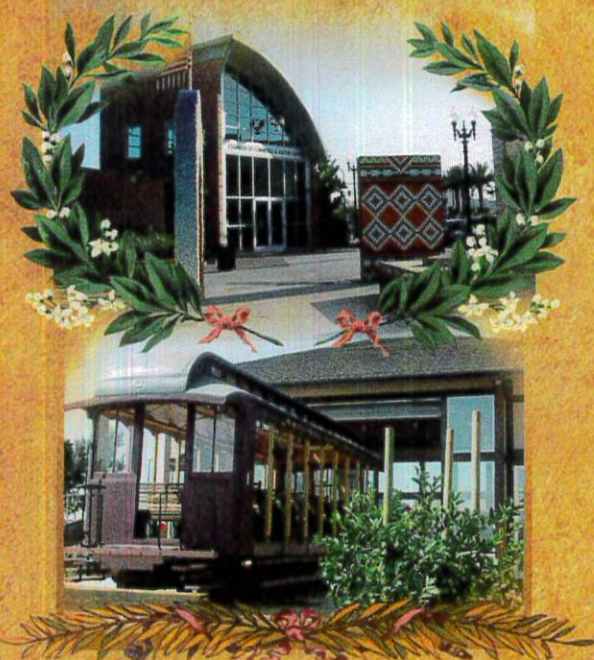
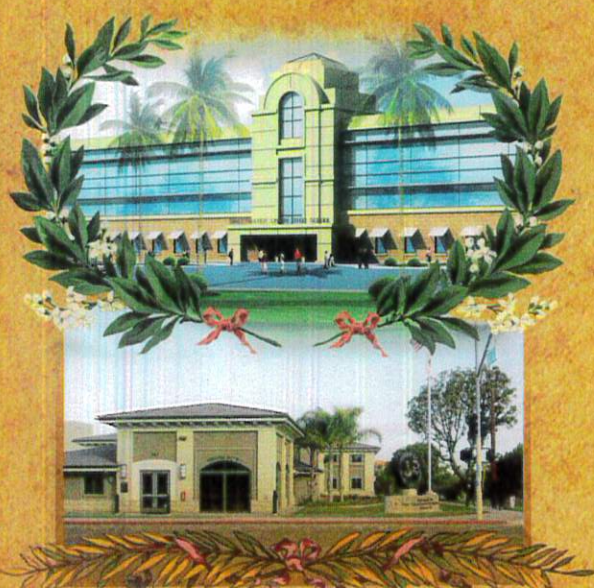
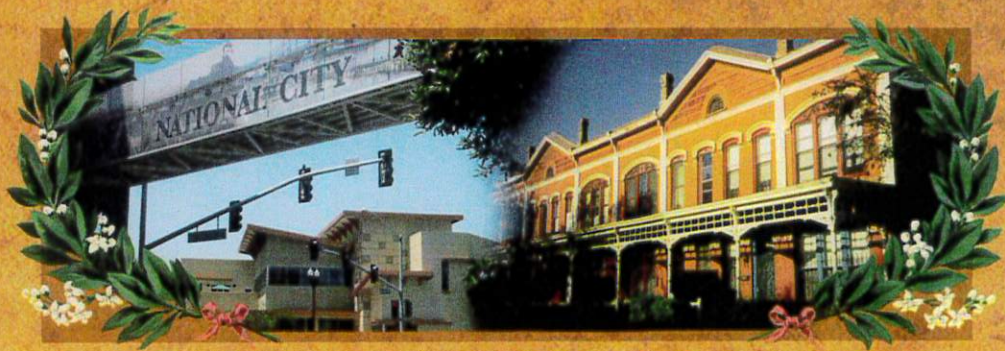
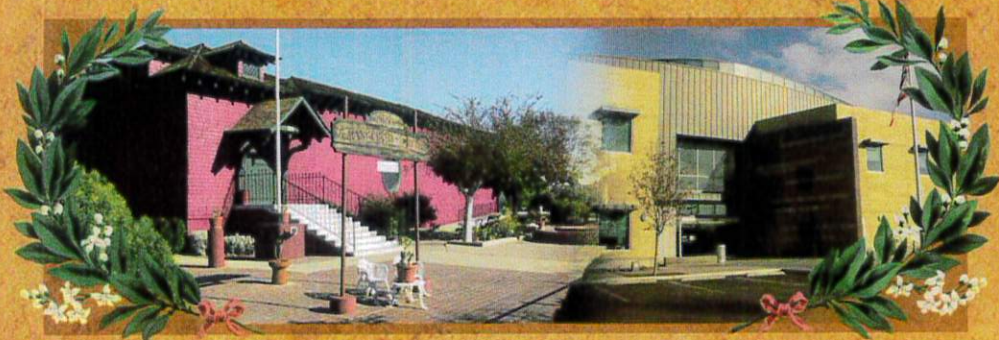

Ditas Yamane
Vice Mayor


Ron Morrison
Mayor


Marcus Bush
Councilmember


Luz Molina
Councilmember


Jose Rodriguez
Councilmember



Proclamation



WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives, infrastructures, facilities and services could not be provided without the dedicated efforts of our public works professionals who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sanitary sewers, storm water systems, streets, public buildings, and solid waste collection; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff our public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED, I, Ron Morrison, Mayor of National City, by virtue of the authority vested in me by the City of National City, hereunto set my hand and affix the official seal and together with the City Council do hereby proclaim the week of May 21 thru May 27, 2024, as:

NATIONAL PUBLIC WORKS WEEK

As the Mayor, I call upon all citizens in the City of National City, and civic organizations and ask that they acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Ron Morrison
Mayor

Ditas Yamane
Vice Mayor

Marcus Bush
Councilmember

Luz Molina
Councilmember

Jose Rodriguez
Councilmember



AGENDA REPORT

Department: City Clerk's Office
Prepared by: Shelley Chapel, MMC, City Clerk
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Appointments: City Boards, Commissions, and Committees – City Council Interview and Appointment for the Civil Service Commission

RECOMMENDATION:

City Council to Conduct Interviews and Appoint.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Two vacancies on the Civil Service Commission were noticed in the Star News, posted on the City Hall Bulletin Boards, City Website, NatCity News, and City Social Media sites to advertise the opening and the application acceptance period.

The Vacancy Notice was posted on April 5, 2024 with an application deadline of April 25, 2024 and again on May 1, 2024 with a deadline of May 14, 2024. The Civil Service Commission has two (2) vacancies caused by the resignations of Leslie Coyote and Thomas Luna. The appointment for both vacancies would be to fulfill the remainder of the term to September 30, 2024.

FINANCIAL STATEMENT:

Not Applicable

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Communication and Outreach

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

- Exhibit A – Explanation for City Council Appointment
- Exhibit B – Applications (Redacted)
- Exhibit C – CC Policy 107 – Amended November 16, 2021
- Exhibit D – BCC Reference Chart

The City Clerk’s Office began advertising and accepting applications for vacancies on the following Boards, Committees, and Commissions: Civil Service Commission on April 5, 2024 with an application deadline of April 25, 2024 and again on May 1, 2024 with a deadline of May 14, 2024.

Background

In order to obtain qualified candidates, a Notice of Vacancies was advertised on the following: The City website, posted on the City Hall Bulletin Boards, the Star News and City Social Media sites to advertise openings and the application acceptance period. The vacancies presented are due to the resignation of Leslie Coyote and Thomas Luna.

Vacancies are listed below:

BCC	Number of Open Seats and Term expiration for that seat	Appointing Member(s)	Residency Requirement	Applications Received
Civil Service Commission	(2) Two Seats – September 2024	City Council	Yes	Eric Quinones (Does not meet Residency Requirement)* Gilmore Elayda

Residency requirements are listed if required in the chart above. If filling a resident requirement, applicant must reside within the City of National City at the time the application is submitted to be considered for the resident position.

***Application received from Eric Quinones is disqualified as he does not meet the residency requirement. The address provided is not a National City documented address.**

Appointment:

Per City Council Policy #107 (D)(8):

1. For City Council Appointments, the Interview Process is as follows:
 - a. The City Clerk will provide an overview of the Board, Commission, or Committee(s) with current vacancy (ies). The Mayor will introduce the applicant and two (2) questions will be asked of each applicant on behalf of the City Council.
 - b. Each applicant is given two (2) minutes to make a brief introduction of themselves and their qualifications to the City Council.
 - c. Mayor and City Councilmembers will ask questions of each applicant. All applicants must be asked the same questions.
 - d. Total time per applicant is five (5) timed minutes with time allowed for clarification at the discretion of the City Council, not to exceed ten (10) minutes total per applicant.
 - e. All appointments and interviews before the City Council will be scheduled as needed to fill unexpected vacancies, with every effort to be made before an individual's term expires. Interviews may take place at one meeting, with appointments made at a subsequent meeting.

Per City Council Policy #107 (D)(14)(3): Attendance

A Commissioner or Member of a Board, Committee, or Commission must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for purposes of attendance.

Per City Council Policy #107 (D)(14)(3): Mandatory Training and Filing Requirements:

Commissioners and Members of Board, Committee, or Commission, as appointed by the legislative body, are entrusted with certain responsibilities and concomitant training and reporting. The following are requirements of Commissioners and Members of Boards, Commissions, and Committees. This training is required to be completed within 30 days of appointment or notification.

1. Oath of Office (Article XX of the California Constitution, and California Government Code Section 36507)
 2. Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 Filing (California Government Code Section 87100 et seq)
 3. AB1234 Ethics Training (California Government Code Section 53235.1(b))
 4. Anti-Sexual Harassment Training
 5. Brown Act Training
 6. Social Media Training
- Any training required by State Law, Federal Law, or City Policies.

All training is offered in a variety of formats including in person, via Zoom, and training website/software, and pre-recorded video. Currently, these are all requirements of the Mayor and City Council, and City staff.

Civil Service Commission
Applicant Package - Commissioner

Civil Service Commission - Commissioner

Term 08 May 2024 - 30 Sep 2024

Positions Available 1

Number of applicants in this package 1

- Quinones, Eric

Name: Quinones, Eric

Address: 5555 homeless street, National City, 91950

Email: [REDACTED]

Board Name: Civil Service Commission

Telephone Number:

[REDACTED]

Registered to Vote in National City?:

Yes

Resident of National City?:

Yes

District Number?:

n/a

Term of Residency?:

n/a

Present Employer?:

Full time student working on bachelors in political science

Occupation:

Full time student

Business Address:

none

Educational Background:

SouthWestern College associates in political science this summer.

Currently Serving on a BCC?:

No

Previously Served on a BCC?:

No

If so, which ones? If it does not apply, type N/A:

n/a

Professional or Technical Organization Memberships?:

Phi Theta Kappa

Civic or Community Experience, Membership, or Previous Public Service Appointments?:

community advocate

Experience or Special Knowledge Pertaining to Area of Interest?:

I will be certified in communications a degree in political , science

Have you ever been convicted of a felony crime?:

No

Have you ever been convicted of a misdemeanour crime?:

No

Time of Submission: 04/06/24 7:32:21 PM

Civil Service Commission
Applicant Package - Commissioner

Civil Service Commission - Commissioner

Term ~~01 Oct 2024 - 30 Sep 2025~~ 22 May 2024 - 30 Sept 2024

Positions Available 1

Number of applicants in this package 1

- Elayda, Gilmore

Name: Elayda, Gilmore

Address: [REDACTED], National City, 91950

Email: [REDACTED]

Board Name: Civil Service Commission

Telephone Number:

[REDACTED]

Registered to Vote in National City?:

No

Resident of National City?:

Yes

Present Employer?:

Horizons CBAS

Occupation:

Program aide

Business Address:

[REDACTED], 91950

Educational Background:

Some college

Currently Serving on a BCC?:

No

Previously Served on a BCC?:

No

If so, which ones? If it does not apply, type N/A:

N/A

Have you ever been convicted of a felony crime?:

No

Have you ever been convicted of a misdemeanour crime?:

No

Time of Submission: 05/02/24 5:35:14 PM

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
ADOPTED: June 17, 1986	AMENDED: November 16, 2021

PURPOSE

To establish a procedure to serve as a guide in making appointments to various City Boards, Commissions, and Committees. The City currently has the following Boards, Commissions, and Committees to which this Policy applies:

Mayor's Appointments:

1. Board of Library Trustees
2. Community and Police Relations Commission
3. Park, Recreation, and Senior Citizens Advisory Committee
4. Public Art Committee
5. Sweetwater Authority
6. Traffic Safety Committee
7. Veterans and Military Families Advisory Committee

City Council Appointments:

1. Civil Service Commission
2. Planning Commission
3. Housing Advisory Committee including Ex-Officio Members
4. Port Commission

POLICY

Appointment Process

- A. Opportunity to apply. All interested individuals shall be given an opportunity to submit applications for vacancies on City Boards, Commissions, and Committees. Incumbent Appointees are not automatically re-appointed but are required to fill out an abbreviated application provided by the City Clerk, indicating their interest in continuing to serve.
- B. Unexpired terms. If an incumbent Appointee was appointed to fill an unexpired term and the Appointee serves for less than one year in that position, the Council may re-appoint the incumbent without considering other applicants.
- C. Vacancies. When vacancies occur, the following procedure shall be followed:
 1. Schedule vacancy. When a term is expiring or expires, public notice of the vacancy shall be made, inviting interested individuals to submit applications for the vacancy on a form provided by the City Clerk on the City website.

Unscheduled vacancy. An unscheduled vacancy shall be filled according to

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
ADOPTED: June 17, 1986	AMENDED: November 16, 2021

Government Code Section 54974, which generally provides as follows: Whenever an unscheduled vacancy occurs, whether due to resignation, death, termination, or other causes, a special vacancy notice shall be posted in the Office of the City Clerk, the City website, outside City Hall on the Bulletin Board, and on City social media platforms not earlier than twenty (20) days before or not later than twenty (20) days after the vacancy occurs. The City Council shall not make a final appointment for at least ten (10) working days after posting the notice in designated locations. The notice's posting and application period shall be thirty (30) calendar days. However, if it finds that an emergency exists, the City Council may, fill the unscheduled vacancy immediately. According to this section, a person appointed to fill the vacancy shall serve only on an interim basis until the final appointment.

The end of term for the members of Boards, Commissions, and Committees generally occurs in an annual rotation during the months of March and September. Appointments will be considered at those times unless a vacancy resulting from a resignation results in the lack of a Quorum on the Board, Commission, or Committee, in which case the appointment could occur at the time of the unscheduled vacancy in accordance with the procedure set out above.

3. Government Code Section 40605, and National City Municipal Code Title 16, grants the Mayor, with the City Council's approvals, the authority to make all appointments unless otherwise explicitly provided by statute. The exceptions are:
 1. Civil Service Commission
 2. Planning Commission
 3. Housing Advisory Committee including Ex-Officio Members

The City Council fills vacancies on these bodies.

- D. Implementation. Implementation of Council policy for appointment to Boards, Commissions, and Committees requires the following:
 1. Per Government Code Section 54972, on or before December 31 of each year, the City Council shall prepare a list of appointments of all regular and ongoing Boards, Commissions, and Committees appointed by the City Council. The City Clerk will prepare the list of all regular and ongoing Boards, Commissions, and Committees appointed by the Mayor or the City Council. The list shall contain a list of all terms that will expire during the next calendar year, the incumbent appointee's name, the appointment date, the term's expiration date, and the position's necessary qualifications. It shall also include a list of all

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
ADOPTED: June 17, 1986	AMENDED: November 16, 2021

Boards, Commissions, and Committees whose members serve at the City Council's pleasure and the qualifications required for each position. This Local Appointments List shall be made available to the public on the City website.

2. Notice. A public notice for vacancies must be placed in the newspaper of general circulation within the City, on the City's website, City Hall Bulletin Boards, and City social media platforms.
3. Expiration of term. All appointees will receive a letter as their terms expire asking if they would like to re-apply for the position.
4. Applications. Applications shall be available on the City website and in the City Clerk's Office. Submissions must be received before the advertised deadline for consideration for the appointment. All applications will be retained in the City Clerk's Office for one year from the date the application was submitted. During the one-year retention period of the application, an applicant shall be considered for other vacancies on Boards, Commissions, and Committees. The City Clerk's Office will notify the applicant being considered for an appointment to confirm that they are still interested in volunteering.
5. A member may only serve on one (1) Board, Commission, or Committee at a time. If an applicant applies for another position on a different Board, Commission, or Committee, that applicant will forfeit the prior seat and a vacancy will occur per policy.
6. Interviews:
 - a. Mayor Appointments: Interviews for Mayoral appointments will be conducted by the Mayor outside of the public meeting and scheduled by the Mayor's Office.
 - b. City Council Appointments: Interviews for the four (4) Civil Service Commission, Planning Commission, Housing Advisory Committee, and Port Commission who serve at the City Council's pleasure and are appointed by the City Council as a body will be interviewed in the public forum at a City Council Meeting as described below.
7. Mayoral Appointments:

The Mayor will make the motion to appoint (naming the appointee) and Councilmembers may second the motion. The City Clerk will then take a roll call

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
ADOPTED: June 17, 1986	AMENDED: November 16, 2021

vote of the City Council. A majority vote of the City Council will be required for the appointment. If the majority of the City Council choose to deny the proposed appointment, the Mayor shall either propose an alternative candidate from the current application pool or choose to reopen the application period and return to the City Council at a future City Council Meeting with a different applicant for consideration. If a Mayoral Appointment is not approved by the majority of the City Council by confirmation, that applicant is removed from the pool for that seat. The Mayor will return to a future meeting with a substitute Mayoral appointment.

8. For City Council Appointments, the Interview Process is as follows:
 - a. The City Clerk will provide an overview of the Board, Commission, or Committee(s) with current vacancy (ies). The Mayor will introduce the applicant and two (2) questions will be asked of each applicant on behalf of the City Council.
 - b. Each applicant is given two (2) minutes to make a brief introduction of themselves and their qualifications to the City Council.
 - c. Mayor and City Councilmembers will ask questions of each applicant. All applicants must be asked the same questions.
 - d. Total time per applicant is five (5) timed minutes with time allowed for clarification at the discretion of the City Council, not to exceed ten (10) minutes total per applicant.
 - e. All appointments and interviews before the City Council will be scheduled as needed to fill unexpected vacancies, with every effort to be made before an individual's term expires. Interviews may take place at one meeting, with appointments made at a subsequent meeting.
9. Vacancies for City Council Appointed Positions. If the vacancy is for a City Council appointed position, and there is more than one (1) applicant for a given position, the voting process will proceed as follows: Once the interviews are complete, each Councilmember votes for their choice via a written ballot provided by the City Clerk. Each Councilmember shall print and sign their name on the ballot. All ballots shall be considered a public record and be open to inspection by the public. The ballots are passed to the City Clerk who announces the number of votes for each candidate.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
ADOPTED: June 17, 1986	AMENDED: November 16, 2021

If the appointment process is conducted via a virtual meeting the process is the same except the ballot/vote process. The City Clerk's Office will provide a Vote Sheet (a piece of paper electronically) with the name of each applicant to be considered. The Mayor will count to three (3) and the Council will hold their vote sheet up in front of their face to make sure it is captured on the camera during the live virtual meeting. The City Clerk will tally the votes and will then confirm the votes with a verbal roll call. The applicant with the most votes is appointed.

In the event of a tie, each Councilmember votes again until one (1) candidate has the majority vote and is declared to be the newly-appointed member of the Board, Commission, or Committee.

10. Re-appointment beyond two terms. Anyone wishing to be re-appointed to any Board, Commission, or Committee and has served two or more full terms already must be approved by a four-fifths vote of the City Council. If all five members of the City Council are not present, or if one member abstains or recuses their vote, the four-fifths requirement shall be changed to require only a simple majority.

11. Report to Council:

All applications received for vacancies, whether Mayoral Appointment or City Council Appointment, will be attached to the staff report to Council. All applications will have private personal information redacted (name, street numbers and name of street address, and phone number). This redacted information is in alignment with Government Code Section 6255(a) because the public interest served by not disclosing the applicant's personal, private information and protection of the applicant's right to privacy outweighs the public interest served by disclosing that information.

12. An automatic vacancy upon becoming a Non-Resident. An unscheduled vacancy automatically occurs when a resident holding an appointment position on a City Board, Committee, or Commission becomes a non-resident by moving out of National City limits. When an unscheduled vacancy occurs due to a resident becoming a non-resident, the unscheduled vacancy may be filled as follows:

- a. A special vacancy notice shall be posted in the Office of the City Clerk, and in other places as directed by the City Council, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final Appointment at a City Council Meeting shall not be made by the Appointing Authority for at least 10 working days after the posting of the notice in the City Clerk's Office.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
ADOPTED: June 17, 1986	AMENDED: November 16, 2021

- b. The Appointing Authority may appoint the former resident to a Non-Residential position if a Non-Residential position is vacant.

However, the Appointing Authority may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.

- 13. Only City Residents may be elected to Chair and Vice-Chair positions. To be eligible to be elected as the Chairperson of a City Board, Committee, or Commission, the member must be a resident of the City.
- 14. Resignations, Attendance, Training, and Removals

Resignation:

If a Commissioner or Member of a Board, Committee, or Commission is unable to continue serving because of health, business requirements, or personal reasons, a letter of resignation shall be submitted to the City Clerk, who will present to the City Council.

Attendance:

Regular attendance at meetings is critical to be effective operation of City Boards, Commissions, and Committees. The City Council relies on the advice of the City's Boards, Commissions, and Committees, which is the result of discussions among appointed members. The City Council anticipates that members of Boards, Committees, and Commissions shall make every reasonable effort to attend all regular and special meetings of their respective Boards, Commissions, and Committees, and to be prepared to discuss matters on their respective agendas.

A Commissioner or Member of a Board, Committee, or Commission shall be considered removed from any advisory board under the following conditions:

- 1. A Commissioner or Member of a Board, Committee, or Commission with unexcused absences from three consecutive regularly scheduled meetings.
- 2. A Commissioner or Member of a Board, Committee, or Commission misses more than 25% of the advisory body's meetings in a calendar year.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

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3. A Commissioner or Member of a Board, Committee, or Commission must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for purposes of attendance.

Excused Absences:

An “excused absence” is only granted when absolutely necessary and pre-approved if at all possible. The City Council encourages Boards, Commissions, and Committees to refrain from scheduling meetings on cultural and religious holidays in order to encourage full participation by all Commissioners, Board Members, and the public. The pre-approval of excused absences will be by the body as a whole and documented in the meeting minutes.

Excused absences are listed as follows:

1. Illness of the Commissioner or Member of the Board, Committee, or Commission, their family member, or their personal friend;
2. Business commitment of the Commissioner or Member of the Board, Committee, or Commission that interferes with the attendance at a meeting;
3. Attendance of the Commissioner or Member of the Board, Committee, or Commission at a funeral, religious service or ceremony, wedding, or other similarly-significant event; or
4. Other reason for which the Commissioner or Member of the Board, Committee, or Commission has given notice to the Chairperson or Secretary of their unavailability fifteen (15) days in advance, as long as the unavailability is not expected to last longer than 30 days.

Removal:

The Secretary or Lead of each Board, Commission, or Committee will report the attendance to the Office of the City Clerk on a monthly basis. If the attendance or absences fall within these guidelines, the Office of the City Clerk will prepare a report to City Council for review and possible removal of the Commissioner, Member, or Alternate sitting on the Board, Committee, or Commission. Any Commissioner, Member, or Alternate sitting on a Board, Committee, or Commission may be removed from office at any time by a simple majority vote of the City Council at a regularly scheduled Council meeting with or without cause.

Mandatory Training and Filing Requirements:

Commissioners and Members of Board, Committee, or Commission, as appointed by the legislative body, are entrusted with certain responsibilities and

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
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concomitant training and reporting. The following are requirements of Commissioners and Members of Boards, Commissions, and Committees. This training is required to be completed within 30 days of appointment or notification.

1. Oath of Office (Article XX of the California Constitution, and California Government Code Section 36507)
2. Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 Filing (California Government Code Section 87100 et seq)
3. AB1234 Ethics Training (California Government Code Section 53235.1(b))
4. Sexual Harassment Training
5. Brown Act Training
6. Social Media Training
7. Any training required by State Law, Federal Law, or City Policies.

All training is offered in a variety of formats including in person, via Zoom, training website/software, and pre-recorded video. Currently, these are all requirements of the Mayor and City Council, and City staff.

Removal:

Failure to complete any of these requirements within 30 days of the appointment date or date of notification is cause for automatic removal.

Related Policy References

Government Code Section 40605

Government Code Section 54970, et seq.

Article XX of the California Constitution, and California Government Code Section 36507

California Government Code Section 53235(b)

California Government Code Section 87100 et seq

National City Municipal Code Title 16 (pending)

Prior Policy Amendments:

February 2, 2021 (Resolution No. 2021-08)

May 19, 2020 (Resolution No. 2020-95)

November 9, 1993 (Resolution No. 93-173)

June 11, 2013 (Revised – No Resolution – Refer to Meeting Minutes)

October 8, 2013 (Resolution No. 2013-147)

May 19, 2020 (Resolution No. 2020-20)

BOARDS/COMMISSION/COMMITTEES

BOARDS, COMMISSION AND COMMITTEES (11)	BOARD OF LIBRARY TRUSTEE	CIVIL SERVICE COMMISSION	COMMUNITY AND POLICE RELATIONS COMMISSION	PARK, RECREATION AND SENIOR CITIZENS' ADVISORY COMMITTEE (7 Members)	PLANNING COMMISSION and HOUSING ADVISORY COMMITTEE (7 Members) 2 Ex Officio	PORT COMMISSION	PUBLIC ART COMMITTEE	SWEETWATER AUTHORITY	TRAFFIC SAFETY COMMITTEE
TOTAL MEMBERS (51+)	(5 Members)	(5 Members)	(8 Members)	(7 Members)	(7 Members)	(1 Member)	(5 Members)	(1 Member)	(5 Members)
TERM	3 Years	5 Years	3 Years	3 Years	4 Years	4 Years	3 Years	4 Years	3 Years
RESIDENCY REQUIREMENT	Yes	Yes	5 Resident up to 2 Non-Resident (1) Non-Voting Member	Yes	Yes	Yes	No	n/a	Yes
VOTER REQUIREMENT	No	No	No	No	No	No	No	No	No
MAYORAL APPOINTMENT SUBJECT TO CONFIRMATION BY THE CITY COUNCIL	X		X	X			X	X	X
CITY COUNCIL AS A BODY APPOINTMENT		X			X	X			
COMPENSATION	No	No	No	No	Compensation set by Council Resolution	No	No	No	No
FORM 700 FILING REQUIREMENT	Yes	Yes	Yes	No	Yes	n/a	No	n/a	No
MEETINGS	1 X per month	1X every other month	1X every 3 months	1X every 2 months	2X per month	n/a	1X per quarter	n/a	1X per month
REQUIRED TO REPORT TO COUNCIL ANNUALLY	Yes, on or before August 31st and to the State Librarian	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
OTHER		Can not be salaried employee or holds office of the City							

CITY COUNCIL POLICY #107 and NCMC TITLE 16

**Effective February 2, 2020 all Chair and Vice-Chairs are required to be NC Residents



AGENDA REPORT

Department: City Clerk's Office
Prepared by: Shelley Chapel, MMC, City Clerk
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Approval of City Council Meeting Minutes

RECOMMENDATION:

Approve and File.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Meeting Minutes:

Special City Council Meeting – Budget Workshop of May 3, 2024

Special City Council Meeting – Closed Session of May 7, 2024

Regular City Council Meeting of May 7, 2024

FINANCIAL STATEMENT:

Not Applicable

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;
PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Special City Council Meeting – Budget Workshop of May 3, 2024 Meeting Minutes

Exhibit B – Special City Council Meeting – Closed Session of May 7, 2024 Meeting Minutes

Exhibit C – Regular City Council Meeting of May 7, 2024 Meeting Minutes



SPECIAL MEETING MINUTES OF THE CITY COUNCIL BUDGET WORKSHOP

**May 3, 2024, 3:30 p.m.
City Council Chamber - 1243 National City Boulevard
National City, CA**

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

Others Present:
Benjamin A. Martinez, City Manager
Barry J. Schultz, City Attorney
Shelley Chapel, City Clerk (via Zoom)
Carlos Aguirre, Director of Community Development
Phil Davis, Interim Finance Director
Danielle Ghio, Acting City Librarian
Brian Hadley, Deputy City Manager
Alejandro Hernandez, Police Captain
Lydia Hernandez, Director of Human Resources
Tonya Hussain, Deputy City Clerk
Steve Manganiello, Director of Public Works/City Engineer
JoAnne McGee, Community Services Manager
Paul Valadez, Budget Manager

1. **CALL TO ORDER**

A Special Meeting of the City Council of the City of National City was called to order at 3:41 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, Molina, Yamane, Morrison
City Treasurer Mitch Beauchamp

3. **PLEDGE OF ALLEGIANCE**

Councilmember Molina led the Pledge of Allegiance.

4. **PUBLIC COMMENT (Public Comment will be Restricted to Agenda Items Only)**

One (1) Public Comment was received from Ed Nieto.

5. **STAFF REPORT**

Fiscal Year 2024-2025 Preliminary Budget Workshop

City Manager Ben Martinez introduced the item. Budget Manager Paul Valadez and Director of Public Works/City Engineer Steve Manganiello provided a PowerPoint presentation.

Councilmember Bush left the dais at 3:50 p.m. and returned at 3:54 p.m.

Further discussion to occur at a Special City Council Meeting proposed to occur prior to the Regular City Council meeting on Tuesday, May 21, 2024.

6. **ADJOURNMENT**

Mayor Morrison adjourned to the Regular Meeting of the City Council of the City of National City, on Tuesday, May 7, 2024, at 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned 5:15 p.m.

Tonya Hussain, Deputy City Clerk

The foregoing minutes were approved at the Regular Meeting of May 21, 2024.

Ron Morrison, Mayor



SPECIAL MEETING MINUTES OF THE CITY COUNCIL

May 7, 2024, 5:00 p.m.

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

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

Others Present: Benjamin A. Martinez, City Manager
Barry J. Schultz, City Attorney
Shelley Chapel, City Clerk

1. CALL TO ORDER

A Special Meeting of the City Council of the City of National City was called to order at 5:09 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, Molina, Yamane, Morrison

3. PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Bush led the Pledge of Allegiance.

4. PUBLIC COMMENT – None

5. CLOSED SESSION

Members retired into Closed Session at 5:12 p.m. Bush, Rodriguez, Yamane, Molina, Morrison, Martinez, Schultz, and Special Counsel Ralph Hicks.

All members returned to Open Session at 5:59 p.m. with all members present in attendance: Bush, Rodriguez, Yamane, Molina, and Morrison

5.1 CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

Government Code Section 54956.9

Property: Block Bounded by West 23rd St., Bay Marina Dr., & Cleveland Ave.

APN Nos.: 559-117-04,05,06,07 and 12; and 559-118-02

Agency Negotiation: City of National City

Negotiating Parties: City Manager Martinez, City Attorney Schultz,
Special Counsel Ralph Hicks, and Hotel Investment Group,
Inc.

Under Negotiation: Instruction to Negotiate

6. ADJOURNMENT

Mayor Morrison adjourned to the Regular Meeting of the City Council of the City of National City, on Tuesday, May 7, 2024, at 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 6:00 p.m.

Shelley Chapel, MMC, City Clerk

The foregoing minutes were approved at the Regular Meeting of May 21, 2024.

Ron Morrison, Mayor



REGULAR MEETING MINUTES OF THE CITY COUNCIL

**May 7, 2024, 6:00 p.m.
City Council Chamber - 1243 National City Boulevard
National City, CA**

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

Others Present:
Benjamin A. Martinez, City Manager
Barry J. Schultz, City Attorney
Shelley Chapel, City Clerk
Carlos Aguirre, Director of Community Development
Brian Hadley, Deputy City Manager
Alex Hernandez, Chief of Police
Tonya Hussain, Deputy City Clerk
Martha Juarez, Assistant Director of Engineering/Public Works
Sergio Mora, Fire Chief

1. **CALL TO ORDER**

A Regular Meeting of the City Council of the City of National City was called to order at 6:04 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 (6:11 p.m. arrival), Molina, Rodriguez, Yamane, Morrison

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 Duenas, President of the National City Clergy Association.

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.

Ten (10) speakers provided in-person comment and four (4) people provided virtual comment.

In-person public comment:

Jack Shu
Susan Meyer
Eddie Perez
Vanessa Quezada
JoAnne Fields
Edward Nieto
Ted Godshalk
Juan Antonio Vasquez
Eriq Vargas
Raul Del Toro

Public comment via Zoom:

Terri-Ann Skelly
Becky Rapp
Barbara Gordon
Jacqueline Marquez

Councilmember Bush left the dais at 6:17 p.m. and returned at 6:17 p.m.

6. PROCLAMATIONS AND RECOGNITION

6.1 Proclamation - Professional Municipal Clerks Week - May 5-11, 2024

Mayor Morrison introduced City Clerk Shelley Chapel who accepted the Proclamation with Deputy City Clerk Tonya Hussain.

6.2 Proclamation - Asian Pacific American Heritage Month - May 2024

Mayor Morrison introduced the Proclamation. The Proclamation was received by JoAnne Fields and a National City Resident.

6.3 Proclamation - National Law Enforcement Appreciation Month - May 2024

Mayor Morrison introduced the Proclamation. Police Chief Alex Hernandez was joined by National City Police Officers in acceptance of the Proclamation.

6.4 Proclamation - South West Lodge No. 283 Day

Mayor Morrison introduced the Proclamation. The Proclamation was accepted by members of South West Lodge No. 283.

6.5 Introduction of New City Employees

Fire Chief Sergio Mora introduced Battalion Chief Jay Stiles who introduced new employee Irving Carillo Hernandez.

Police Chief Alex Hernandez introduced new employees Rudy Sandoval and Erika Navarro.

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

None.

8. INTERVIEWS AND APPOINTMENTS

8.1 Appointments: City Boards, Commissions and Committees – Mayoral Appointment for the Traffic Safety Committee.

Recommendation: Mayoral Appointment with City Councilmembers' Confirmation.

ACTION: Motion by Mayor Morrison, seconded by Councilmember Bush to appoint Amelito Gozum to the Traffic Safety Committee with a term ending September 30, 2024.

Motion carried by unanimous vote.

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

Councilmember Rodriguez provided an update on an upcoming SANDAG meeting.

Councilmember Bush spoke to his attendance at the American Public Transit Association Annual Conference.

Councilmember Bush left the dais at 7:07 p.m. and returned at 7:08 p.m.

Councilmember Molina provided an update on SANDAG and announced the “Bike Anywhere Day” event scheduled to occur on Thursday, May 16, 2024.

Vice-Mayor Yamane spoke to Strategic Plan Workshop on Budget Studies.

Mayor Morrison provided an update on Sweetwater Authority.

ITEM TAKEN OUT OF ORDER

- 12.4 Discussion and Consideration of the Status of Port Commissioner Sandy Naranjo Pursuant to City Council Policy 107.

City Manager Ben Martinez introduced the item.

In-person comment

Sandy Naranjo
Kelsey Genesi
Bertha Rodriguez
Eddie Perez
Josephine Talamantez
Meli Morales
Alicia Nichols-Gonzalez
Edward Nieto
Geoffrey Schrock
Ricardo Pulido
Jesse Marquez
Janice Luna Reynoso
Anthony Avalos

Written Comment

Coalition for a Safe Environment
Rita Clement
Zoe Luiz

Recommendation: Not Applicable. This appointee is approved by the City Council.

ACTION: Motion by Councilmember Bush, seconded by Councilmember Molina for Sandy Naranjo to remain Port Commissioner.

Substitute motion by Vice-Mayor Yamane, seconded by Councilmember Rodriguez to remove Sandy Naranjo as Port Commissioner.

Friendly amendment by Councilmember Bush to accept Sandy Naranjo’s proposal to the Port of San Diego to resign if the Port of San Diego would fully fund the Balanced Plan, renegotiate the MSA, and issue an apology letter.

Substitute Motion carried by 3-2 vote.

Ayes: Rodriguez, Yamane, Morrison

Nays: Bush, Molina

Mayor Morrison called for a recess at 8:46 p.m.

Meeting reconvened at 9:03 p.m. with all members present.

10. CONSENT CALENDAR

ACTION: Motion by Councilmember Rodriguez, seconded by Vice-Mayor Yamane to approve Consent Agenda items 10.1 through 10.7, and 10.9 through 10.11 with Item 10.8 pulled for public comment.

Motion carried by unanimous vote.

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

Motion carried by unanimous vote.

10.2 Acceptance of State Active Transportation Grant Funds for the Construction Phase of the Central Community Mobility Enhancements Project, CIP No. 19-23.

Adopted Resolution No. 2024-33.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, 1) Authorizing the Establishment of an Appropriation of \$1,095,000 and a Corresponding Revenue Budget for the Construction Phase of the Central Community Mobility Enhancements Project, CIP 19-23, Reimbursable through the State Active Transportation Program approved by Caltrans; and 2) Committing to Providing a Local Match in the Amount of \$442,000."

Motion carried by unanimous vote.

10.3 Agreements with Fozi Dwork and Modafferi, LLP and Burke, Williams and Sorensen, LLP for Legal Services in the Specialized Area of Litigation.

Adopted Resolution No. 2024-34.

Adopt the Resolution Entitled "Resolution of the City Council of the City of National City, California, Authorizing Agreements with the Law Firms of Fozi Dwork and Modafferi, LLP, and Burke, Williams and Sorensen, LLP for Legal Services in the Specialized Area of Litigation."

Motion carried by unanimous vote.

- 10.4 Agreement with MDG Associates, LLC, for the HUD Five-Year Consolidated Plan and Related Documents

Adopted Resolution No. 2024-35.

Adopt the Resolution Entitled "Resolution of the City Council of the City of National City, California, Authorizing an Agreement with MDG Associates, LLC, for the Development of the Consolidated Plan and Related Documents for Fiscal Years (FY) 2025-2029 in a Not-to-Exceed Amount of \$85,000 from FY 2024 and FY 2025 HUD Entitlement Grant Administration Funds."

Motion carried by unanimous vote.

- 10.5 Approval of City Council Meeting Minutes

Approve and File.

Motion carried by unanimous vote.

- 10.6 Biennial Review and Adoption of Resolution Amending the National City Conflict of Interest Code.

Adopted Resolution No. 2024-36.

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City Adopting the Amended City Conflict of Interest Code which Incorporates by Reference the Fair Political Practices Commission's (FPPC) Standard Model of Conflict of Interest Code, Repealing Resolution No. 2022-128."

Motion carried by unanimous vote.

- 10.7 City Council 2024 Legislative Recess and Notification of Cancelled Meeting for November 5, 2024, Election Day

Recommendation: Provide Direction to Staff on observing a Legislative Recess, which is Historically taken in the Month of July. In Addition, Direct the City Clerk to Notice the Cancelled Meeting for Tuesday, November 5, 2024, Election Day, as Allowed by National City Municipal Code (NCMC) 2.04.020, and City Council Policy No. 104 (III)(H), and (K).

Motion carried by unanimous vote.

Item pulled for public comment.

- 10.8 Consent for the Housing Authority of the County of San Diego to Administer 24 HUD-VASH Project Based Vouchers for the Union Tower Affordable Housing Development

Adopted Resolution No. 2024-91.

Public comment received from Thomas Rike.

Recommendation: Adopt the Resolution Entitled "Resolution of the Community Development Commission-Housing Authority of the City of National City, California, Consenting to the Housing Authority of the County of San Diego Administering 24 HUD-VASH Project-Based Vouchers for the Union Tower Affordable Housing Development Project at 2312 "F" Avenue in National City."

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

Motion carried by unanimous vote.

- 10.9 Grant Agreement with the County of San Diego Health Human Services Agency for Reimbursement to the City of National City for Homelessness Outreach.

Adopted Resolution No. 2024-37.

Recommendation: Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing a Subrecipient Grant Agreement with the County of San Diego Health Human Services Agency Funded by the California Interagency Council on Homelessness Encampment Resolution Funding Program to Provide Reimbursement for Homelessness Outreach and Establishing an Appropriation and Corresponding Revenue Budget of \$110,332.72."

Motion carried by unanimous vote.

- 10.10 Investment Transactions for the Month Ended January 31, 2024.

Accept and File the Investment Transaction Ledger for the Month Ended January 31, 2024.

Motion carried by unanimous vote.

- 10.11 Investment Transactions for the Month Ended February 29, 2024.

Accept and File the Investment Transaction Ledger for the Month Ended February 29, 2024.

Motion carried by unanimous vote.

11. **PUBLIC HEARING**

11.1 Adoption of an Ordinance amending Section 9.07 (Food Caterers and Catering Equipment Rentals) of the National City Municipal Code.

Adopted Ordinance No. 2024-2530

Mayor Morrison declared the Public Hearing open at 9:09 p.m.

In-person public comment:

Leah Gutierrez

Erika Burboa

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

Motion carried by unanimous vote.

Public Hearing closed at 9:11 p.m.

Recommendation: Adopt the Ordinance.

ACTION: Motion by Councilmember Rodriguez, seconded by Councilmember Molina to adopt the Ordinance.

Motion carried by unanimous vote.

11.2 Ordinance for Adoption – Discharge of Fats, Oils, and Grease (FOG) to the Municipal Sewer System.

Adopted Ordinance No. 2024-2531

Item was introduced by Assistant Director of Engineering/Public Works Martha Juarez.

Mayor Morrison declared the Public Hearing open at 9:14 p.m..

Public comment was received from Thomas Rike.

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

Motion carried by unanimous vote.

Public Hearing closed at 9:18 p.m.

Recommendation: Adopt Ordinance, Entitled, "Ordinance of the City Council of the City of National City, California, Amending Section 14.06.190 – Industrial Wastes - Discharge Restrictions - Permit Required When, and Adding Chapter 14.24 –

Fats, Oils and Grease Discharge Control to Title 14 of the National City Municipal Code.”

ACTION: Motion by Councilmember Molina, seconded by Vice-Mayor Yamane to adopt the Ordinance.

Motion carried by unanimous vote.

- 11.3 Public Hearing No. 2 of 2 and Adoption of HUD 2024-2025 Action Plan and Allocation of Funds to CDBG and HOME Activities.

Adopted Resolution No. 2024-38

Mayor Morrison declared the Public Hearing open 9:20 p.m.

No public comments were received.

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

Motion carried by unanimous vote.

The Public Hearing closed at 9:21 p.m.

Recommendation: Adopt the Resolution Entitled, “Resolution of the City Council of the City of National City, California Adopting the U.S Department of Housing and Urban Development (HUD) 2024-2025 Annual Action Plan and Approving the Allocation of 2024-2025 HUD Entitlement Grant Funds and Program Income to Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Program Activities Proposed in the 2024-2025 Annual Action Plan.”

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

Motion carried by unanimous vote.

ITEM CONTINUED TO A FUTURE COUNCIL MEETING

- 11.4 Zoning Map Amendment to Implement the Focused General Plan Update.

Introduce the Ordinance by First Reading, Entitled, “An Ordinance of the City Council of the City of National City, California, Adopting an Amendment to the City of National City Zoning Map to Implement the Focused General Plan Update.”

12. STAFF REPORTS

Councilmember Rodriguez left the dais at 9:22 p.m. and returned at 9:25 p.m.

- 12.1 Summary Vacation of an Unused and Undeveloped Section of Paradise Avenue East of Plaza Blvd.

Assistant Director of Engineering/Public Works Martha Juarez presented the item.

Recommendation: Initiate the Street Vacation.

ACTION: Motion by Councilmember Molina, seconded by Mayor Morrison to initiate the street vacation.

Motion carried by unanimous vote.

- 12.2 Update on El Toyon Park Improvements Bid Process (CIP No. 22-26)

Assistant Director of Engineering/Public Works Martha Juarez presented the item.

In-Person Public Comment:

Matthew Gonzalez

AJ Estrada

Sean Ellis

Cori Schumacher

Recommendation: Provide direction to staff on whether to readvertise the project as a PLA covered contract or non-PLA contract.

ACTION: Motion by Mayor Morrison, seconded by Councilmember Rodriguez to readvertise the project as a PLA covered contract.

Motion carried by unanimous vote.

- 12.3 Discussion and Possible Adoption of Revised Proposed City Councilmember Budget Policy.

Item presented by City Attorney Schultz.

Recommendation: Review Revised Policy, Make Modifications, and Potential Adoption of Revised Proposed Policy.

No vote. City Council concluded that the Ad Hoc Committee would discuss the item further and would return with recommendations at the June 4, 2024 City Council meeting.

ITEM CONTINUED TO THE MAY 21, 2024 CITY COUNCIL MEETING

- 12.5 Notice of and Calling for the Holding of a General Municipal Election, and Request for Consolidation with the Statewide General Municipal Election

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Providing Notice of and Calling for the Holding of a General Municipal Election for the Purpose of the Election of Certain Elected Officials and for the Submission to the Voters a Question Relating to a Citizen Initiative Regarding a Special Parcel Tax for Streets and Parks, and Requesting the San Diego County Board of Supervisors to Consolidate the Municipal Election with the Statewide General Municipal Election on Tuesday, November 5, 2024, as Required by the Provisions of the Laws of the State of California Relating to General Law Cities."

ITEM CONTINUED TO THE MAY 21, 2024 CITY COUNCIL MEETING

- 12.6 Adoption of a Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements for the Tuesday, November 5, 2024, Election.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements of Qualifications to be Submitted to the Voters at a Statewide General Municipal Election to be held on Tuesday, November 5, 2024."

ITEM CONTINUED TO THE MAY 21, 2024 CITY COUNCIL MEETING

- 12.7 Adoption of a Resolution Providing Conduct of a Special Runoff Election in the Event of a Tie Vote

Adopt the Resolution Entitled, "A Resolution of the City Council of the City of National City, California, Providing for the Conduct of a Special Runoff Election for Elective Offices in the Event of a Tie Vote at any Municipal Election."

Written Public Comment was received and will be included when the item returns at a future meeting.

13. CITY MANAGER'S REPORT

No report.

14. ELECTED OFFICIALS REPORT

Closing remarks were provided by members of the City Council.

- 14.1 POLICY 105 REQUEST - Support California Senate Bill 915 (Dave Cortese) - Requested by Councilmember Rodriguez

ACTION: Motion by Councilmember Bush, seconded by Councilmember Rodriguez to add the item to the June 4, 2024 City Council meeting agenda.

15. **CITY ATTORNEY REPORT**

CLOSED SESSION

Mayor Morrison introduced City Attorney Schultz who announced that there was no reportable action on the Closed Session item.

5.1 **CONFERENCE WITH REAL PROPERTY NEGOTIATIONS**

Government Code Section 54956.9

Property: Block Bounded by West 23rd St., Bay Marina Dr., & Cleveland Ave.

APN Nos.: 559-117-04,05,06,07 and 12; and 559-118-02

Agency Negotiation: City of National City

Negotiating Parties: City Manager Martinez, City Attorney Schultz,
Special Counsel Ralph Hicks, and Hotel Investment Group Inc.

Under Negotiation: Instruction to Negotiate

Councilmember Molina left the dais at 10:29 p.m. and returned at 10:31 p.m.

16. **ADJOURNMENT**

Mayor Morrison adjourned the meeting to the Regular Meeting of the City Council of the City of National City on Tuesday, May 21, 2024, 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 10:33 p.m.

Tonya Hussain, Deputy City Clerk

The foregoing minutes were approved at the Regular Meeting of May 21, 2024.

Ron Morrison, Mayor



AGENDA REPORT

Department: Engineering and Public Works
Prepared by: Luca Zappiello, Associate Engineer - Civil
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Acceptance of an Easement Located on the Southeast Corner of the Paradise Creek Channel Between Highland Avenue, and Kimball Way for Construction and Maintenance Purposes.

RECOMMENDATION:

Adopt a Resolution Entitled "Resolution of the City Council of the City of National City, California, Accepting and Authorizing the Mayor to Sign a Grant of Easement from D Avenue Housing Associates, LP, for an Area Located on the Southeast Corner of the Paradise Creek Channel Between Highland Avenue and Kimball Way for Construction and Maintenance Purposes."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The Paradise Creek Mitigation Project at Kimball Way, CIP 19-35, was a grant-funded project completed in October 2022 that improved Paradise Creek between Highland Avenue and Kimball Way (Project). The Project repaired sections of Paradise Creek at Kimball Way, including removing existing concrete lining on the south creek bank, earthwork and regrading, and installing articulated concrete blocks and cutoff wall on the south creek bank. In addition, the Project enhanced the drainage, including adding new bar screen gates at the outlet and inlet of existing reinforced concrete box storm drains, and rip rap. Other site improvements included installation of new concrete driveways, perimeter wrought iron fencing, and access gates to secure the area.

A critical component of the Project scope was to replace the retaining wall located on the southeast side of the channel by the parking lot of the 99 Cents Only store, which was at risk of collapse due to extensive stormwater erosion over the years. During the Project design phase, staff determined that a portion of the failing retaining wall was located on private property. The City coordinated with the adjacent property owner, D Avenue Housing Associates LP, to obtain an easement to reconstruct and maintain the retaining wall. D Avenue Housing Associates LP has agreed to grant the easement to the City, which considers the improvements the City made as part of the Project and additional area in the event the City needs to repair the retaining wall in the future. The Grant Easement (Exhibit A) contains the graphical depiction and legal description of the area. The Easement will be granted in perpetuity and at no cost to the City. The City agrees to undertake all repair and maintenance of the area contained within this easement for public drainage purposes.

Staff recommends accepting and approving the recordation of the Grant of Easement.

FINANCIAL STATEMENT:

The Easement will be granted at no cost to the City.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is a project under CEQA subject to a Categorical Exemption. Existing Facilities. CCR 15301(c).

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A - Easement

Exhibit B - Resolution

FREE RECORDING REQUESTED PURSUANT
TO GOVERNMENT CODE SECTION 27383

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City Clerk
City of National City
1243 National City Boulevard
National City, CA 91950

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT OF EASEMENT

This Grant of Easement (the "Agreement") is entered into between D AVENUE HOUSING ASSOCIATES LP ("Grantor") and the City of National City, a municipal corporation ("Grantee") and is effective on the date it is recorded in the Office of the County Recorder, which date is _____, 2024.

RECITALS

- A. Grantor is the owner of one parcel of real property situated in the City of National City, County of San Diego, California commonly known as APN 5600501500 ("Grantor's Property").
- B. Easement is needed for the perpetual maintenance of a portion of the public drainage channel.

AGREEMENT

THEREFORE, the parties agree as follows:

- 1. Grant of Easement. Grantor grants and conveys to Grantee a perpetual easement for the purpose of construction and maintenance (the "Easement") over, upon and through that portion of Grantor's property located in the City of National City, County of San Diego, as particularly described in Exhibit A and as depicted on Exhibit B, attached to this Agreement (the "Easement Area").
- 3. Term. The Easement shall be an easement in perpetuity for the benefit of Grantee, its successors and assigns.
- 4. Easement Purposes. The Easement Area shall be for right to enter upon the right-of-way hereby granted for the purpose of construction and maintenance of Drainage Channel Facilities.
- 5. Character of Easement. The Easement is nonexclusive. Grantee has the absolute right to use the Easement Area for the Easement Purposes which use must not be disturbed, interrupted, or impeded in any manner while this Agreement is in effect. During the term of this Agreement, no walls, fences, obstructions, or barriers of any sort or kind whatsoever that prevent or impair the use of the Easement Area, or the exercise or performance of any of the Easement Purposes, shall be constructed, maintained, or permitted on the Easement Area, or any portion thereof, by the Grantor.

No vehicles shall be parked on the Easement Area at any time. Grantor shall ensure that the Easement Area complies with all applicable federal, state, and local laws and regulations.

6. Maintenance and Repair. Grantee shall be solely responsible to conduct such maintenance and repair of the Easement Area as is necessary to maintain the Easement Area in good condition. All costs of maintenance and repair to the Easement Area shall be the sole responsibility of the Grantee.

7. Successors and Assigns. The provisions of this Agreement are intended to and shall run with the land, and until its termination in accordance with the terms of this Agreement, shall bind and be a charge upon the land of the Grantor, its respective successors and assigns, and shall inure to the benefit of Grantee, its respective successors and assigns.

9. Termination. This Agreement may not be terminated unless Grantee determines, in its sole discretion, that the Easement is no longer necessary for the Easement Purposes. In this instance, Grantee shall record a Deed of Release of the Easement in the Office of the County Recorder.

10. Indemnification. Grantee agrees to defend, indemnify and hold harmless Grantor, its officers and employees, against and from any and all liability, loss, damages to property, injuries to, or death of any person or persons, and all claims, demands, suites, actions, proceedings, reasonable attorneys' fees, and defense costs, of any kind or nature, including workers' compensation claims, of or by anyone whomsoever, resulting from or arising out of or in any way connected to the activities of Grantee, its agents, representatives, heirs, successors, assigns or invitees in connection with the Easement; provided, however, that this indemnification and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the Grantee, its agents, officers, or employees. The indemnity, defense, and hold harmless obligations contained herein shall survive the termination of this Agreement for any alleged or actual omission, act, or negligence under this Agreement that occurred during the term of this Agreement.

11. Miscellaneous. This Agreement constitutes the entire agreement between Grantor and Grantee relating to the Easement. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be in writing and signed by Grantor and Grantee or their respective successors or assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

GRANTOR:
D AVENUE HOUSING ASSOCIATES LP

GRANTEE:
CITY OF NATIONAL CITY



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

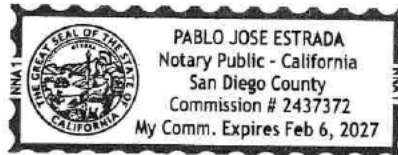
State of California
County of San Diego)

On April 24, 2024 before me, Pablo Jose Estrada, Notary Public
(insert name and title of the officer)

personally appeared Kevin Leichner,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Redacted Signature]

(Seal)

EXHIBIT "A"

LEGAL DESCRIPTION

A PUBLIC DRAINAGE EASEMENT ALONG, OVER, UNDER & ACROSS PARCEL B OF THAT GRANT DEED RECORDED SEPTEMBER 02, 2021 AS DOCUMENT NO. 2021-0627343, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, IN THE STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND SHOWN ON EXHIBIT "B" ATTACHED TO AND MADE A PART OF THIS DOCUMENT:

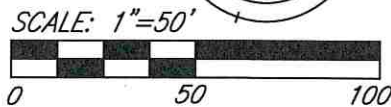
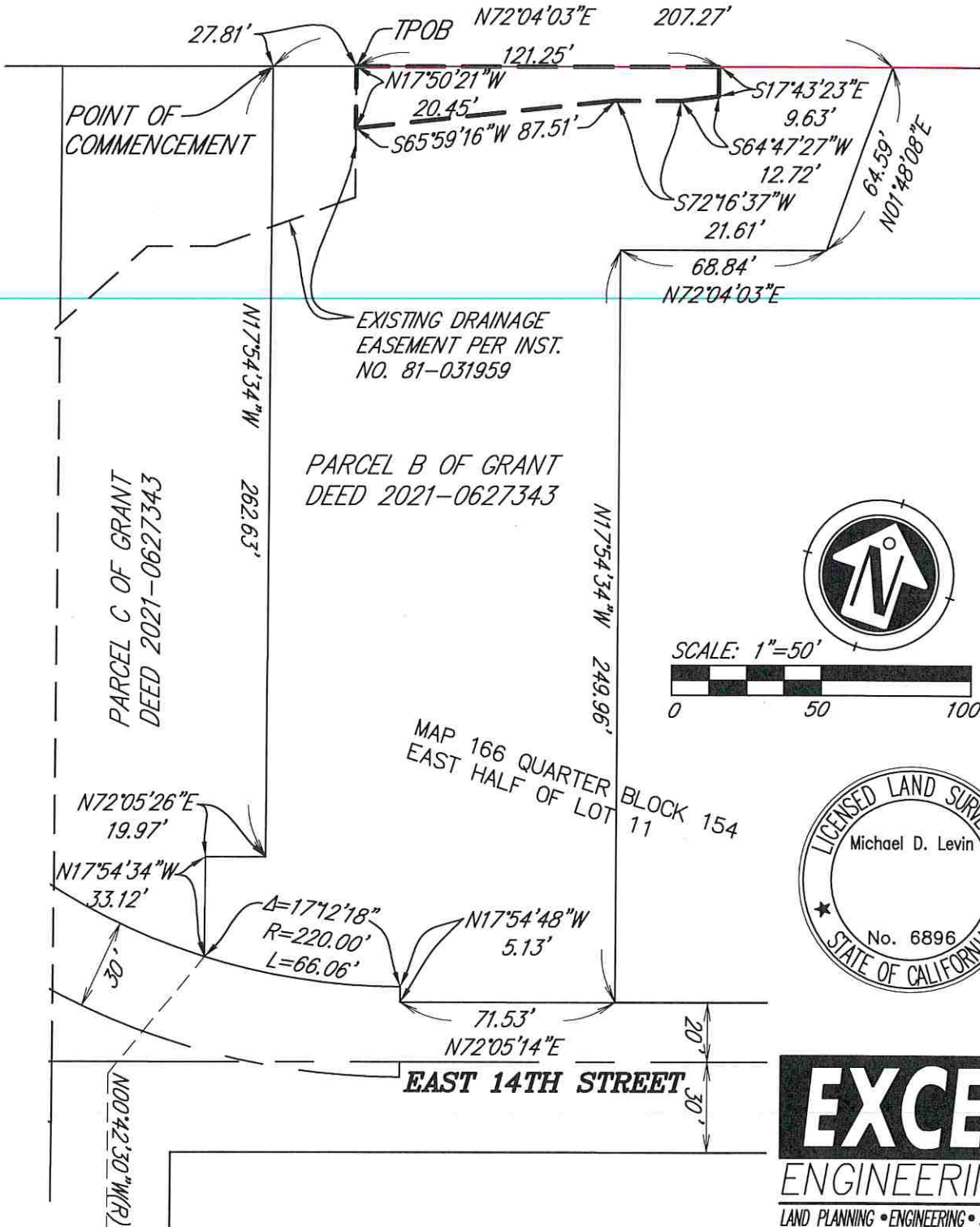
COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL B; THENCE EASTERLY ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL B NORTH 72°04'03" EAST A DISTANCE OF 27.81 FEET TO THE **TRUE POINT OF BEGINNING**, SAID POINT ALSO BEING A POINT ON THE RIGHT OF WAY OF THAT DRAINAGE EASEMENT RECORDED FEBRUARY 2, 1981 AS FILE NO. 1981-031959, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA; THENCE CONTINUING EASTERLY ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL B NORTH 72°04'03" EAST A DISTANCE OF 121.25 FEET; THENCE LEAVING SAID NORTHERLY BOUNDARY SOUTH 17°43'23" EAST A DISTANCE OF 9.63 FEET; THENCE SOUTH 64°47'27" WEST A DISTANCE OF 12.72 FEET; THENCE SOUTH 72°16'37" WEST A DISTANCE OF 21.61 FEET; THENCE SOUTH 65°59'16" WEST A DISTANCE OF 87.51 FEET; TO A POINT ON THE EASTERLY BOUNDARY OF SAID DRAINAGE EASEMENT; THENCE NORTHERLY ALONG THE RIGHT OF WAY OF SAID EASEMENT, NORTH 17°50'21" WEST A DISTANCE OF 20.45 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 0.0402 ACRES OR 1749 SQUARE FEET MORE OR LESS.

[Type here]

EXHIBIT "B"

PUBLIC DRAINAGE EASEMENT DEDICATION



EXCEL
ENGINEERING
 LAND PLANNING • ENGINEERING • SURVEYING
 440 STATE PLACE, ESCONDIDO, CA 92029
 PH (760)745-8118 FX (760)745-1890

RESOLUTION NO. 2024 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, ACCEPTING AND AUTHORIZING THE MAYOR TO SIGN A GRANT OF EASEMENT FROM D AVENUE HOUSING ASSOCIATES, LP FOR AN AREA LOCATED ON THE SOUTHEAST CORNER OF THE PARADISE CREEK CHANNEL BETWEEN HIGHLAND AVENUE AND KIMBALL WAY FOR CONSTRUCTION AND MAINTENANCE PURPOSES.

WHEREAS, the Paradise Creek Mitigation Project at Kimball Way, CIP 19-35, was a grant-funded project completed in October 2022 that improved Paradise Creek between Highland Avenue and Kimball Way (the "Project"); and

WHEREAS, the Project repaired sections of Paradise Creek at Kimball Way, including removing existing concrete lining on the south creek bank, earthwork and regrading, and installing articulated concrete blocks and cutoff wall on the south creek bank; and

WHEREAS, a critical component of the Project scope was to replace the retaining wall located on the southeast side of the channel by the parking lot of the 99 Cents Only store, which was at risk of collapse due to extensive stormwater erosion over the years; and

WHEREAS, during the Project design phase, staff determined that a portion of the failing retaining wall was located on private property; and

WHEREAS, the City coordinated with the adjacent property owner, D Avenue Housing Associates, LP, to obtain an easement to reconstruct and maintain the retaining wall; and

WHEREAS, D Avenue Housing Associates, LP has agreed to grant the easement to the City, which takes into account the improvements the City made as part of the Project and additional area in the event the City needs to repair the retaining wall in the future (the "Easement"); and

WHEREAS, the Easement will be granted in perpetuity and at no cost to the City; and

WHEREAS, the City agrees to undertake all repair and maintenance of the area contained within the Easement for public drainage purposes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: That the City Council hereby accepts and authorizes the Mayor to sign a grant of easement from D Avenue Housing Associates, LP, for an area located on the southeast corner of the Paradise Creek channel between Highland Avenue and Kimball Way for construction and maintenance purposes.

Section 2: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 21st day of May, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Engineering and Public Works
Prepared by: Luca Zappiello, Associate Engineer - Civil
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Acceptance of Highway Safety Improvement Program Funding for the Construction Phase of the Citywide Protected Left Turn Enhancements Project, CIP 19-22.

RECOMMENDATION:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, 1) Authorizing the Establishment of an Appropriation of \$1,201,590 and a Corresponding Revenue Budget for the Construction Phase of the Citywide Protected Left Turn Enhancements Project, CIP 19-22, Reimbursable Through the Highway Safety Improvement Program Approved by Caltrans; and 2) Committing to Providing a Local Match in the Amount of \$290,610."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

On December 19, 2018, the California Department of Transportation (Caltrans) awarded the City of National City a \$1,390,590 Highway Safety Improvement Program (HSIP) grant for the Citywide Protected Left-Turn Enhancements Project. The awarded amount consists of \$189,000 for Preliminary Engineering (PE) phase, and \$1,201,590 for construction (CON) phase.

On October 23, 2019, Caltrans authorized the City to proceed with the PE phase in the amount of \$189,000 with a required local match of \$21,000.

On December 3, 2019, the City Council adopted Resolution No. 2019-169, 1) authorizing the Mayor to execute Program Supplement Agreement (PSA) No. F21 with Caltrans for the Citywide Protected Left-Turn Enhancements Project; 2) allowing for reimbursement of up to \$189,000 in eligible project expenditures; and 3) committing to provide a local match in the amount of \$21,000 available through local TransNet appropriations for Traffic Signal Upgrades CIP.

On April 5, 2024, Caltrans authorized the City to proceed with the CON phase in the amount of \$1,201,590, inclusive of construction engineering, with a required local match of \$290,610.

The project will upgrade existing permissive left-turn phases and signal heads with protected left-turn phases on existing and/or new traffic signal poles and mast arms along the following corridors: 8th Street, 18th Street, D Avenue, Euclid Avenue, Plaza Boulevard, Palm Avenue, Sweetwater Road, Roosevelt Avenue, and Mile of Cars Way (see attached Exhibit A). The project also includes restriping to incorporate protected left-turn lanes at several of these intersections. These upgrades will provide protected phasing for vehicles seeking to make a left turn through these intersections, thereby enhancing safety and navigation of vehicles and other modes of transportation.

Staff recommends authorizing the appropriation of \$1,201,590 with a corresponding revenue budget for the construction phase of the Citywide Protected Left-Turn Enhancements Project and committing to providing a local match of \$290,610, which is available through prior TransNet fund appropriations for Traffic Signal Upgrades CIP.

Design of this project is nearing completion, and construction is anticipated to start by the end of 2024 and be completed by the end of 2025.

FINANCIAL STATEMENT:

HSIP Grant - \$1,201,590

Revenue Account No. 296-06607-3498

Expenditure Account No. 296-409-500-598-6607

Required Local Match - \$290,610

Expenditure Account No. 307-409-500-598-6558 (TransNet – Traffic Signal Upgrades CIP)

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Transportation Choices and Infrastructure

ENVIRONMENTAL REVIEW:

This is a project under CEQA subject to a Categorical Exemption. Existing Facilities. CCR 15301(c).

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

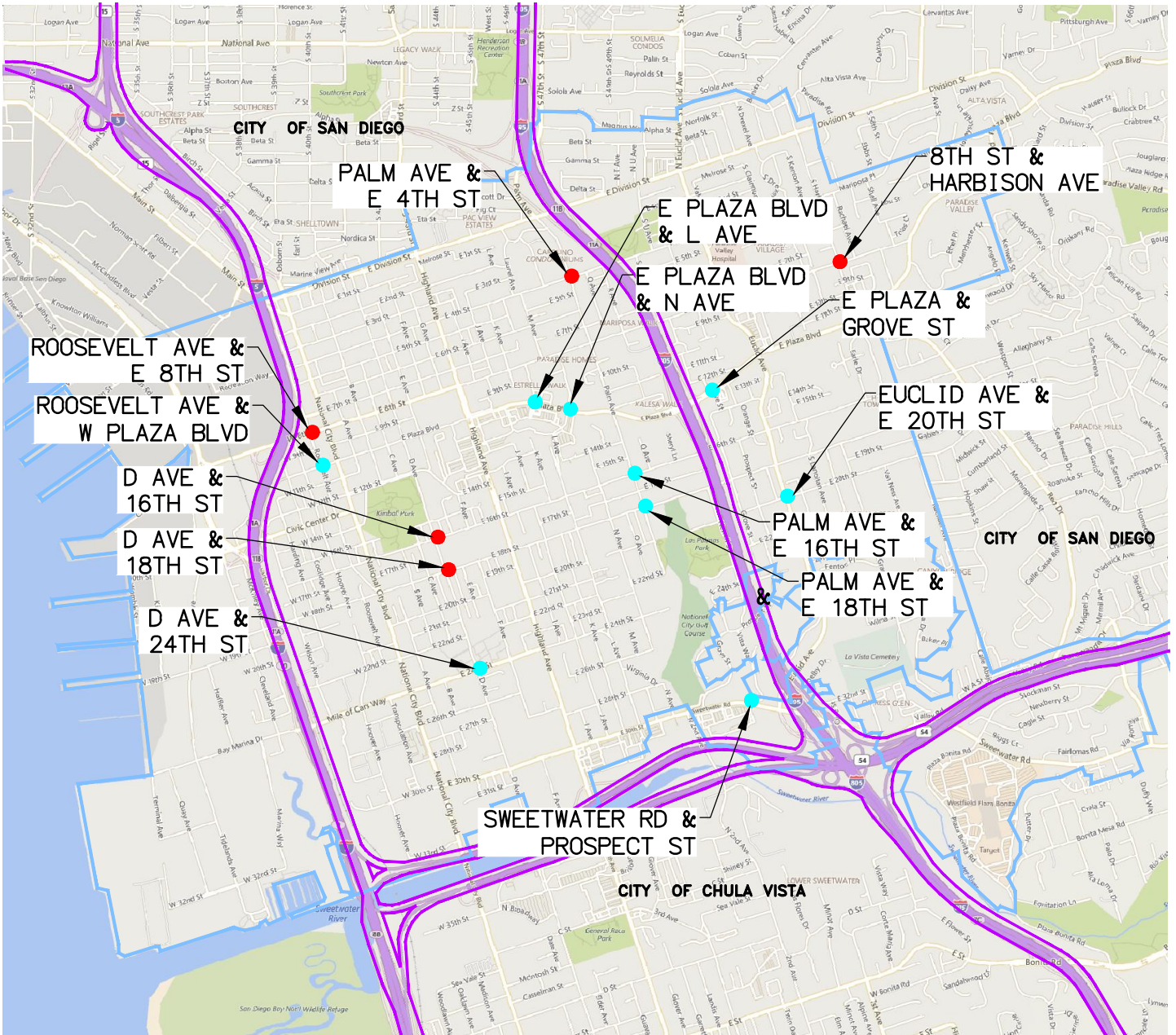
Not Applicable

EXHIBITS:

Exhibit A – Exhibit

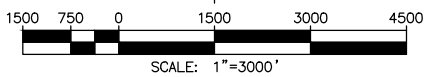
Exhibit B – Finance Letter

Exhibit C – Resolution



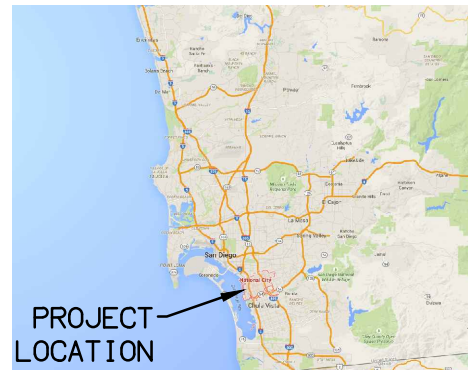
LEGEND

- S6 SIGNALIZED PROJECT LOCATION
- S17 SIGNALIZED PROJECT LOCATION
- CITY LIMITS
- CALTRANS RIGHT OF WAY



LOCATION MAP

VICINITY MAP



VICINITY/LOCATION MAP

ATTACHMENT

FINANCE LETTER

Date: 04/05/2024
 D_CO_RT: 11-SD-0-NATC
 Project No: HSIPL-5066(041)
 Adv. Project Id: 112000021
 Project End Date: 12/31/2025

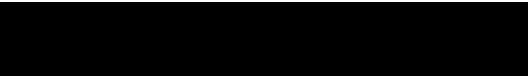
EA No:

To: City of National City

Est Tot Proj Costs: \$1,702,200

FINANCE ITEMS	PRO RATA OR LUMP SUM	TOTAL COST OF WORK	FEDERAL PART. COST	FED. REIMB %	FEDERAL FUNDS	LOCAL FUNDS
					ZS30	
Agency Preliminary Engineering	Lump Sum	\$210,000.00	\$210,000.00	90.00%	\$189,000.00	\$21,000.00
Contract Items: \$1,202,000 Contingencies: \$120,200 Total: \$1,322,200						
Construction		\$1,322,200.00	\$1,322,200.00	79.31%	\$1,048,590.00	\$273,610.00
Agency Construction Engineering		\$170,000.00	\$170,000.00	90.00%	\$153,000.00	\$17,000.00
Totals:		\$1,702,200.00	\$1,702,200.00		\$1,390,590.00	\$311,610.00

Participation Ratio: 100% This Finance Letter was created based on specific financial information provided by the responsible local agency. The following encumbrance history is prepared by Local Assistance Accounting Office and is provided here for local agency's information and action.

Signature: 

Printed Name: Patrick Louie

Title: HQ Local Assistance Area Engineer

Telephone No: (916) 444-7273

Remarks: Sequence #4 authorizes construction and construction engineering funding based on the amounts shown in the agency finance letter dated 1/23/24 and extended the PED to 12/31/25.. Reimburse with ZS30 funds at a maximum ratio of 90% on a lump sum reimbursement basis.

Sequence #3 extends the project end date (PED) from 6/30/23 to 10/30/24.

ACCOUNTING INFORMATION										Cooperative Work Agreement	
ADV. PROJECT ID	APPROP. UNIT	STATE PROG.	FED/ STATE	ENCUMBRANCE AMOUNT	APPROP YEAR	EXPENDITURE AMOUNT	ENCUMBRANCE BALANCE	REVERSION DATE*	HSIPL-5066(041)	APPROVED AMOUNT	EXPIRATION DATE
112000021	24102F	2030010550	F	\$1,201,590.00	2324	\$0.00	\$1,201,590.00	06/30/2029			
112000021	20102F	2030010550	F	\$189,000.00	1920	\$141,510.92	\$47,489.08	06/30/2025			

*Please submit invoices to the appropriate Districts by April 1st to avoid funds lapsing on the June 30th reversion date listed above and to allow sufficient time for Accounting and SCO year-end closing procedures.

RESOLUTION NO. 2024 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, 1) AUTHORIZING THE ESTABLISHMENT OF AN APPROPRIATION OF \$1,201,590 AND A CORRESPONDING REVENUE BUDGET FOR THE CONSTRUCTION PHASE OF THE CITYWIDE PROTECTED LEFT TURN ENHANCEMENTS PROJECT, CIP 19-22, REIMBURSABLE THROUGH THE HIGHWAY SAFETY IMPROVEMENT PROGRAM APPROVED BY CALTRANS; AND 2) COMMITTING TO PROVIDING A LOCAL MATCH IN THE AMOUNT OF \$290,610.

WHEREAS, the Citywide Protected Left-Turn Enhancements Project, CIP 19-22, will upgrade existing permissive left-turn phases and signal heads with protected left-turn phases on existing and/or new traffic signal poles and mast arms along the following corridors: 8th Street, 18th Street, D Avenue, Euclid Avenue, Plaza Boulevard, Palm Avenue, Sweetwater Road, Roosevelt Avenue, and Mile of Cars Way, as well as including restriping to include protected left-turn lanes at several of these intersections (the "Project"); and

WHEREAS, the Project upgrades will provide protected phasing for vehicles seeking to make a left turn through these intersections, thereby enhancing safety and navigation of vehicles and other modes of transportation; and

WHEREAS, on December 19, 2018, the California Department of Transportation ("Caltrans") awarded a \$1,390,590 Highway Safety Improvement Program ("HSIP") grant to the City of National City ("City") for the Project; and

WHEREAS, the \$1,390,590 award was distributed by Project phases, including \$189,000 for Preliminary Engineering ("PE") and \$1,201,590 for Construction; and

WHEREAS, on October 23, 2019, Caltrans authorized the City to proceed with the PE phase in the amount of \$189,000, with a required local match of \$21,000; and

WHEREAS, on December 3, 2019, the City Council adopted Resolution No. 2019-169, 1) authorizing the Mayor to execute Program Supplement Agreement ("PSA") No. F21 with Caltrans for the Project to allow for reimbursement of up to \$189,000 in eligible Project expenditures through the HSIP grant; and 2) committing to provide a local match in amount of \$21,000 available through local TransNet appropriations for Traffic Signal Upgrades CIP; and

WHEREAS, on April 5, 2024, Caltrans authorized the City to proceed with the Construction phase in the amount of \$1,201,590 with a required local match of \$290,610; and

WHEREAS, TransNet funds were appropriated through prior City Council actions to satisfy the local match requirement; and

WHEREAS, City staff recommends the City Council adopt this Resolution authorizing the establishment of an appropriation and corresponding revenue budget to allow for reimbursement of up to \$1,201,590 in eligible Project expenditures through the HSIP grant and committing to a local match of \$290,610.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: That the City Council hereby authorizes the establishment of an appropriation of \$1,201,590 and a corresponding revenue budget for the Construction phase of the Citywide Protected Left Turn Enhancements project, CIP 19-22, reimbursable through the Highway Safety Improvement Program approved by Caltrans.

Section 2: That the City Council hereby authorizes the commitment to a local match in the amount of \$290,610 utilizing TransNet fund appropriations previously established for the Traffic Signal Upgrades CIP.

Section 3: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 21st day of May, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Engineering
Prepared by: Ricardo Rodriguez, Assistant Engineer-Civil
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Acceptance and Appropriation of Funds from CalRecycle SB1383 Local Assistance Grant Program.

RECOMMENDATION:

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, 1) Accepting an SB 1383 Local Assistant Grant Program Grant in the Amount of \$165,976 from the California Department of Resources Recycling and Recovery to Implement Regulation Requirements Associated with SB 1383; and 2) Authorizing the Establishment of an Appropriation and Corresponding Revenue Budget in the Amount of \$165,976."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

CalRecycle administers a grant program to provide assistance to jurisdictions in the implementation of regulations associated with SB 1383, including capacity planning, collection, edible food recovery, education and outreach, enforcement and inspection, program evaluation, procurement requirements, and record keeping.

On April 27, 2022, CalRecycle previously awarded the City of National City a grant in the amount of \$89,461. On August 2, 2022, the City Council ratified acceptance of those funds through adoption of Resolution No. 2022-121. The period of performance to deliver the project was initially set to end on end on May 2, 2024, but was extended to November 1, 2024.

The work necessary to comply with all the regulations required of SB 1383 is being performed by the Solana Center for Environmental Innovation (Solana Center) through the scope included in the agreement that was executed for the performance of such services. The original agreement was authorized by Resolution No. 2023-46, which was adopted by City Council on May 2, 2023.

On November 7, 2023, the City submitted a grant application in the amount of \$119,365 for the SB 1383 Local Assistant Grant Program. On February 26, 2024, CalRecycle notified the City it had been awarded a grant in the amount of \$165,976. The period of performance to deliver the project ends on April 1, 2026.

The funds from the original grant award and this subsequent award enable the City to continue to work with Solana Center to implement and continue its edible food recovery program by providing education, outreach and general support to Tier 1 & Tier 2 generators. The City will also continue to use these funds to inspect Tier 1 & Tier 2 generators, track progress on compliance, and

prepare SB 1383 compliance reports required by CalRecycle, which is also part of the scope of services provided by Solana Center.

Staff is requesting acceptance of funds and authorization to establish an appropriation and corresponding revenue budget in the total amount of \$165,976.

FINANCIAL STATEMENT:

The appropriation and corresponding revenue of \$165,976 will be established in the Trash Rate Stabilization Fund (Fund 172) in accounts to be determined by the Finance Department.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Health, Environment, and Sustainability

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Exhibit A - Resolution

RESOLUTION NO. 2024 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, 1) ACCEPTING AN SB 1383 LOCAL ASSISTANCE GRANT PROGRAM GRANT IN THE AMOUNT OF \$165,976 FROM THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY TO IMPLEMENT REGULATION REQUIREMENTS ASSOCIATED WITH SB 1383; AND 2) AUTHORIZING THE ESTABLISHMENT OF AN APPROPRIATION AND CORRESPONDING REVENUE BUDGET IN THE AMOUNT OF \$165,976.

WHEREAS, the Department of Resources Recycling and Recovery (“CalRecycle”) administers a grant program to provide assistance to jurisdictions in the implementation of regulations associated with SB 1383; and

WHEREAS, on April 27, 2022, CalRecycle previously awarded the City of National City (“City”) a grant in the amount of \$89,461; and

WHEREAS, on May 2, 2023, the City Council adopted Resolution No. 2023-46 authorizing the execution of an agreement with Solana Center for Environmental Innovation (“Solana Center”) for services related to implementation of SB 1383 regulations, which services were paid for with CalRecycle grant funds; and

WHEREAS, on November 7, 2023, the City submitted a grant application in the amount of \$119,365 for the SB 1383 Local Assistant Grant Program; and

WHEREAS, on February 26, 2024, CalRecycle notified the City that it had been awarded a grant in the amount of \$165,976 (the “Grant”); and

WHEREAS, the period of performance under the Grant ends on April 1, 2026; and

WHEREAS, the Grant funds will be used to continue the services from Solana Center to support the City’s edible food recovery program by providing education, outreach and general support to Tier 1 & Tier 2 generators, as well as to inspect Tier 1 & Tier 2 generators and to train City staff to conduct these inspections for future years; and

WHEREAS, City staff recommends the City Council adopt this Resolution accepting the Grant funds and authorizing the establishment of an appropriation and corresponding revenue budget in the Trash Rate Stabilization Fund in the amount of \$165,976.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: That the City Council hereby authorizes the acceptance of an SB 1383 Local Assistance Grant Program grant from the California Department of Resources Recycling and Recovery funds in the amount of \$165,976 to implement regulation requirements associated with SB 1383.

Section 2: That the City Council hereby authorizes the establishment of an appropriation of \$165,976 and a corresponding revenue budget in the Trash Rate Stabilization Fund.

Section 3: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 21st day of May, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Community Development
Prepared by: Martin Reeder, AICP – Asst. Director of Community Development
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, Acting City Manager

SUBJECT:

Adoption of Resolution Initiating Proceedings for the Levy and Collection of Assessments for the Landscape Maintenance District No. 1 (Mile of Cars) for Fiscal Year 2024-25.

RECOMMENDATION:

Adopt the Resolution entitled “Resolution of the City Council of the City of National City, California, Initiating Proceedings for the Levy and Collection of Assessments for the Landscape Maintenance District No. 1 (Mile of Cars) for Fiscal Year 2024-25.”

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The City formed the Mile of Cars Landscape Maintenance District No. 1 in 1995 to provide for the maintenance, operations, and servicing of certain improvements in the District, including landscaping, signage, and lighting. Each year, the City Council considers the adoption of resolutions to allow the District to continue operating with funding through a special tax levy on properties within the District. The resolution would initiate proceedings for the District for Fiscal Year 2024-25. The Mile of Cars Association has approved the scope of work, the proposed assessment, and the District budget based on the Engineer’s Report, an annual report that identifies the assessment to be levied and the work program to be conducted by the Mile of Cars Landscape Maintenance District. The proposed total assessment of \$167,836.72 is an increase of 4.26% over the prior year's total assessment. The City’s consultant and City administrative costs are paid from the District’s assessment funds.

FINANCIAL STATEMENT:

The total proposed budget for the District for Fiscal Year 2024-25 is \$183,369.29. The funding sources include \$167,836.72 from assessments levied on property owners who directly benefit from the maintenance and improvements carried out within the district, and \$15,532.57 from the City’s General Fund to pay for the general benefit to the public at large from the District’s operations. Because the City owns one of the parcels within the district, it will pay a share of the \$167,836.72, which for Fiscal Year 2024-25 will be \$2,753.85, bringing the total general fund cost to \$18,286.42. The City receives \$5,500 annually to cover administrative costs.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Balanced Budget and Economic Development

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Exhibit A - Resolution

RESOLUTION NO. 2024-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE LANDSCAPE MAINTENANCE DISTRICT NO. 1 (MILE OF CARS) FOR FISCAL YEAR 2024-25.

WHEREAS, the City Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") to establish the City's Landscape Maintenance District No. 1 (Mile of Cars) (the "Assessment District"); and

WHEREAS, the City has retained the consultant, NBS, for the purpose of assisting with the annual levy of the Assessment District, and the preparation and filing of an Annual Report; and

WHEREAS, the City Council wishes to initiate proceedings to provide for the levy of assessments for Fiscal Year 2024-25.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDERS AS FOLLOWS:

Section 1: Annual Report: The Council orders NBS to prepare and file with the City Clerk the Annual Report concerning the levy and collection of assessments within the Assessment District for the fiscal year commencing July 1, 2024 and ending June 30, 2025.

Section 2: New Improvements or Changes to Existing Improvements: There are no changes to existing improvements nor are there any items being added to the list of improvements previously approved at the formation of the Assessment District.

Section 3: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED this 21st day of May, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Community Development
Prepared by: Martin Reeder, AICP – Asst. Director of Community Development
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, Acting City Manager

SUBJECT:

Adoption of Resolution Approving the Annual Report for Landscape Maintenance District No. 1 (Mile of Cars) for the Fiscal Year 2024-25.

RECOMMENDATION:

Adopt the Resolution Entitled “Resolution of the City Council of the City of National City, California, Approving the Annual Report for the Landscape Maintenance District No. 1 (Mile of Cars) for Fiscal Year 2024-25.”

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The City formed the Mile of Cars Landscape Maintenance District No. 1 in 1995 to provide for the maintenance, operations, and servicing of certain improvements in the District, including landscaping, signage, and lighting. Each year, the City Council considers the adoption of resolutions to allow the District to continue operating with funding through a special tax levy on properties within the District. The resolution would approve the Engineer’s Report, an annual report that identifies the assessment to be levied and the work program to be conducted by the Mile of Cars Landscape Maintenance District. The Mile of Cars Association has approved the scope of work, the proposed assessment, and the District budget. The proposed total assessment of \$167,836.72 is an increase of 4.26% over the prior year’s total assessment. The City’s consultant and City administrative costs are paid from the District’s assessment funds.

FINANCIAL STATEMENT:

The total proposed budget for the District for Fiscal Year 2024-25 is \$183,369.29. The funding sources include \$167,836.72 from assessments levied on property owners who directly benefit from the maintenance and improvements carried out within the district, and \$15,532.57 from the City’s General Fund to pay for the general benefit to the public at large from the District’s operations. Because the City owns one of the parcels within the district, it will pay a share of the \$167,836.72, which for Fiscal Year 2024-25 will be \$2,753.85, bringing the total general fund cost to \$18,286.42. The City receives \$5,500 annually to cover administrative costs.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Balanced Budget and Economic Development

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Resolution

Exhibit B – Engineer’s Report

RESOLUTION NO. 2024-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING THE ANNUAL REPORT FOR THE LANDSCAPE MAINTENANCE DISTRICT NO. 1 (MILE OF CARS) FOR FISCAL YEAR 2024-25.

WHEREAS, the City Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the “Act”) to establish the City’s Landscape Maintenance District No. 1 (Mile of Cars) (the “Assessment District”); and

WHEREAS, the City has retained the consultant, NBS, for the purpose of assisting with the annual levy of the Assessment District, and the preparation and filing of an Annual Report; and

WHEREAS, the City Council has, by previous resolution, ordered NBS to prepare and file such Annual Report; and

WHEREAS, such Annual Report has been prepared and filed with the City Clerk.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDERS AS FOLLOWS:

Section 1: That the City Council of the City of National City hereby approves the Annual Report concerning the levy of assessments for the fiscal year commencing July 1, 2024 and ending June 30, 2025.

Section 2: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED this 21st day of May, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney

CITY OF NATIONAL CITY

Fiscal Year 2024/25 Engineer's Report For:

Landscape Maintenance District No. 1 (Mile of Cars)

April 2024

Prepared by:



nbsgov.com

CITY OF NATIONAL CITY LANDSCAPE MAINTENANCE DISTRICT NO. 1 (MILE OF CARS)

**1243 National City Boulevard
National City, CA 91950
Phone - (619) 336-4241
Fax - (619) 336-4239**

CITY COUNCIL

Ron Morrison, Mayor

Ditas Yamane, Vice Mayor

Marcus Bush, Councilmember

Luz Molina, Councilmember

Jose Rodriguez, Councilmember

CITY STAFF

Ben Martinez, City Manager

Frank Parra, Assistant City Manager

Martin Reeder, Principal Planner

DISTRICT STAFF

Leslie Larranaga-Britt, Executive Director

NBS

Charmane Custodio, Administrator

Darrylanne Zarate, Project Manager

John Egan, Assessment Engineer

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1. ENGINEER’S LETTER

WHEREAS, the City Council of the City of National City (the “City”), State of California, directed NBS to prepare and file a report presenting plans and specifications describing the general nature, location and extent of the improvements to be maintained, an estimate of the costs of the maintenance, operations and servicing of the improvements for the City’s Landscape Maintenance District No. 1 (Mile of Cars) (the “District”) for Fiscal Year 2024/25. The report includes a diagram for the District, showing the area and properties proposed to be assessed, an assessment of the estimated costs of the maintenance, operations and servicing the improvements, and the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received and;

WHEREAS, the assessment for each parcel is in compliance with the Proposition 218 Omnibus Implementation Act and Section 4 of Article XIII D of the California Constitution. The Fiscal Year 2024/25 assessment is not proposed to increase by more than the 10% annual increase approved at formation of the District over the Fiscal Year 2023/24 maximum assessment.

NOW THEREFORE, only special benefits are assessed and any general benefits have been separated from the special benefits for purposes of this report. The following assessment is made to cover the portion of the estimated costs of maintenance, operation and servicing of said improvements to be paid by the assessable real property within the District in proportion to the special benefit received:

Summary of Assessment	Fiscal Year 2024/25 Amounts
Annual Budget	\$183,369.29
(Less) General Benefit Contribution by the City	(15,532.57)
Annual Assessment ⁽¹⁾	\$167,836.72

(1) Amount shown is prior to truncating and rounding. Refer to Assessment Roll in Section 5.3 for final total figure.

I, the undersigned, respectfully submit the enclosed Engineer’s Report and, to the best of my knowledge, information and belief, the assessments herein have been prepared and computed in accordance with the assessment methodology adopted and approved by the City Council at the time of District formation.

John Egan, Assessment Engineer

2. OVERVIEW

2.1 Introduction

The City formed the District in 1995 to provide maintenance services to benefit certain parcels in the City. The levies are made pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highway Code (the “Act”).

The City designated the Mile of Cars Association as the entity that maintains and administers the improvements and services funded by the District. The Engineer’s Report (the “Report”) describes the District and the annual assessment per parcel for Fiscal Year 2024/25, which is based on the historical and estimated costs to maintain the improvements and provide the services that benefit parcels within the District.

The word “parcel,” for the purposes of this Report, refers to an individual property assigned its own Assessor’s Parcel Number by the San Diego County Assessor’s Office. The San Diego County Auditor-Controller uses Assessor’s Parcel Numbers and specific Fund Numbers to identify on the tax roll, properties assessed for special district benefit assessments.

Following consideration of public comments at a noticed public hearing, and following review of the Report, the City Council may confirm the Report as submitted, and may order the levy and collection of assessments for Fiscal Year 2024/25. If approved, the assessment information shall be submitted to the County Auditor-Controller, and included on the property tax roll for each benefiting parcel for Fiscal Year 2024/25.

2.2 Description of the District Boundaries

The District’s improvements are generally located along National City Boulevard and bounded by 18th Street to the north and 33rd Street and State Route 54 (SR 54) to the south.

2.3 Description of Improvements

A general description of the improvements to be maintained under these proceedings is described as follows, but, shall not be limited to:

1. Median Improvements
 - Landscape planting and irrigation
 - Colored concrete hardscape
 - Lighting system
 - Graphic panels, banners and signage
 - Painted crosswalks
 - Identification sign at 23rd Street and McKinley Avenue

2. Frontage Improvements

- Improvements to parkways on both sides of National City Boulevard between 18th Street and 33rd Street
- Landscape planting and irrigation
- Colored concrete sidewalks and mow curbs
- Street furniture

2.4 Description of Maintenance

The maintenance of the improvements shall include the furnishing of services and materials for the ordinary and usual maintenance and servicing of the improvements, including but shall not be limited to:

1. General Plant Maintenance

- Mowing, trimming, pruning and weeding
- Watering, including water usage
- Fertilizing
- Plant replacement
- Periodic skinning of palm trees

2. Maintenance of Irrigation System

- Adjustment of timers
- Repair/replacement of worn-out, stolen or malfunctioning equipment

3. Periodic restriping of decorative crosswalks

4. Periodic repainting of metal benches and trash receptacles

5. Periodic repainting and repair of light poles, graphic panels, signage and other miscellaneous equipment

6. Maintenance of electrical system

- Bulb replacement
- Repair/replacement of worn out or malfunctioning equipment
- Electrical energy charges

7. Litter removal

8. Trash pick-up

9. Other repairs of damage caused by vandalism and/or traffic accidents

3. ESTIMATE OF COSTS

3.1 District Budget

The cost of servicing, maintaining, repairing and replacing the improvements as described in the Description of Maintenance are summarized in the table below. Estimated expenditures are shown along with the incidental expenses to be funded by the District.

The following table summarizes the components that make up the Fiscal Year 2024/25 estimate of costs for the District:

Description	Median Improvements	Frontage Improvements	Total
<u>Maintenance Costs</u>			
1. Lawn planting care	\$0.00	\$46,503.29	\$46,503.29
2. Median planting care	25,688.06	0.00	25,688.06
3. Palm tree maintenance	9,300.00	9,300.00	18,600.00
4. Water usage	13,836.67	13,836.67	27,673.34
5. Refurbishment of graphic panels	20,000.00	0.00	20,000.00
6. General maintenance of electrical system/lights	5,500.00	0.00	5,500.00
7. Electrical usage	15,000.00	0.00	15,000.00
8. Refurbishment of decorative crosswalks	250.00	250.00	500.00
9. Reserves	250.00	250.00	500.00
Total Cost of Annual Maintenance:	\$89,824.73	\$70,139.96	\$159,964.69
<u>Incidental Expenses</u>			
A. Administration	\$3,750.00	\$3,750.00	\$7,500.00
B. Other contractual obligations ⁽¹⁾	4,950.00	4,950.00	9,900.00
C. Engineering	0.00	0.00	0.00
D. City expenses	2,750.00	2,750.00	5,500.00
E. Consultant fees	250.00	250.00	500.00
F. County collection fees	2.30	2.30	4.60
Total Incidentals:	\$11,702.30	\$11,702.30	\$23,404.60
Total Estimated Annual Cost:	\$101,527.03	\$81,842.26	\$183,369.29
(Less) General Benefit Contribution ⁽²⁾:	(\$8,721.98)	(\$6,810.59)	(\$15,532.57)
TOTAL ANNUAL ASSESSMENT ⁽³⁾:	\$92,805.05	\$75,031.67	\$167,836.72

(1) Includes legal, accounting and advertising.

(2) General benefit contribution will be funded from other sources and is not being paid from annual assessments.

(3) Amounts shown are prior to truncating and rounding. Refer to Assessment Roll in Section 5.3 for final total figure.

3.2 Reserves

The City may establish and collect reserve funds for the District in order to pay for the maintenance and servicing of the improvements prior to December 10 of the fiscal year, or whenever the City expects to receive its apportionment of special assessments and tax collections from the County, whichever is later. The fund may be allowed to accumulate in anticipation of any unforeseen expenses not included in the yearly maintenance costs.

The following table details the current and projected reserve balances:

Reserve Balance 12/31/2023	Reserve Collection/Reduction for FY 2024/25 ⁽¹⁾	Reserve Balance Projection 6/30/2024
\$151,196.03	(\$38,666.50)	\$112,529.53

(1) Includes expenses and reductions between the dates 12/31/2023 and 4/4/2024.

4. ASSESSMENT DIAGRAM

The Assessment Diagram sets forth (a) the exterior boundaries of the District and (b) the lines of each lot or parcel of land within the District. The Assessment Diagram further identifies each lot or parcel by a distinctive number or letter. For a detailed description of the lines and dimensions of any lot or parcel, reference is made to the County Assessor's Map applicable for the next fiscal year, which map shall govern for all details concerning the lines and dimensions of such lots or parcels. The following pages provide a copy of the Amended Assessment Diagram for the District.

AMENDED ASSESSMENT DIAGRAM OF
LANDSCAPE MAINTENANCE DISTRICT NO. 1 (MILE OF CARS)
CITY OF NATIONAL CITY
COUNTY OF SAN DIEGO
STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF NATIONAL CITY THIS _____ DAY OF _____, 1996.

CITY CLERK
CITY OF NATIONAL CITY
STATE OF CALIFORNIA

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF THE CITY OF NATIONAL CITY THIS _____ DAY OF _____, 1996.

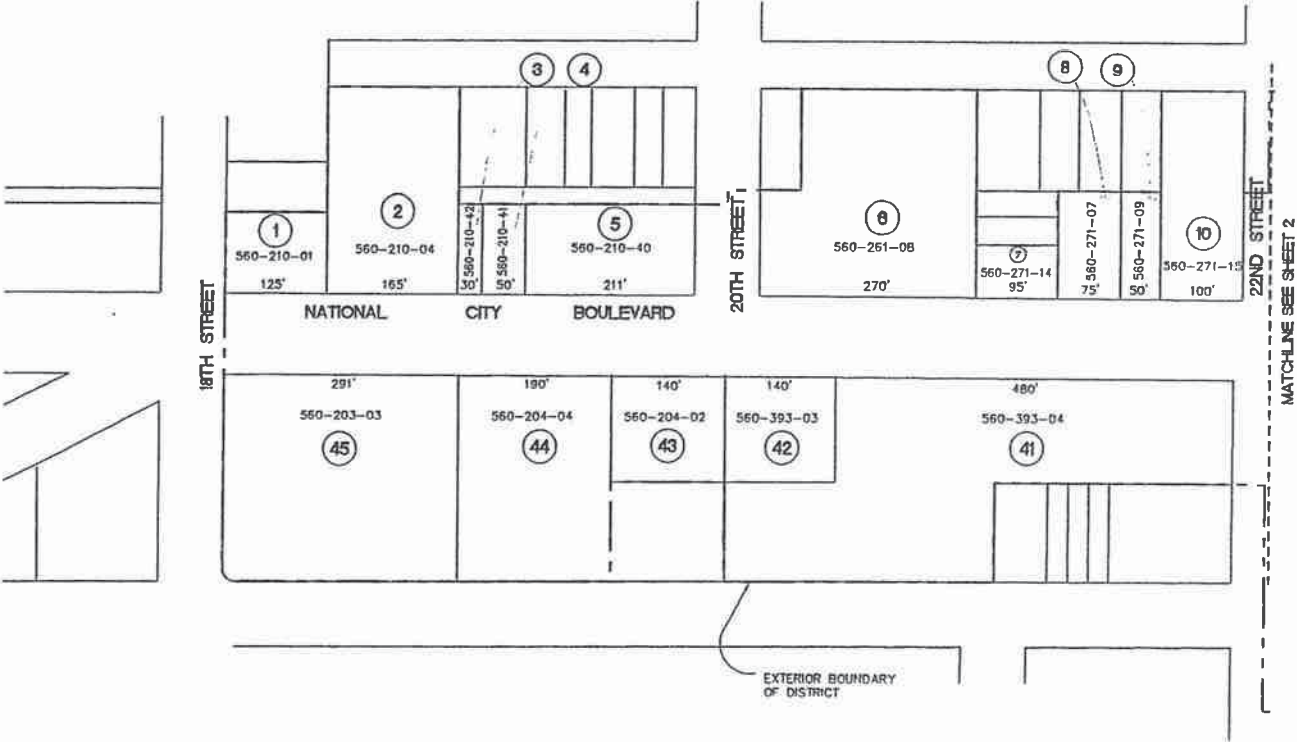
SUPERINTENDENT OF STREETS
CITY OF NATIONAL CITY
STATE OF CALIFORNIA

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL ON THE LOTS, PIECES, AND PARCELS OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM. SAID ASSESSMENT WAS LEVIED ON THE _____ DAY OF _____, 1996; SAID ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF SAID CITY ON THE _____ DAY OF _____, 1996. REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM.

CITY CLERK
CITY OF NATIONAL CITY
STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 1996, AT THE HOUR OF _____ O'CLOCK _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN DIEGO, CALIFORNIA.

COUNTY RECORDER
COUNTY OF SAN DIEGO
STATE OF CALIFORNIA



NOTE:
THE FRONTAGE OF EACH PARCEL IS BASED UPON CURRENT COUNTY ASSESSOR'S MAPS AND SHOWN HEREDON TO THE NEAREST FOOT. REFER TO ASSESSOR'S PARCEL MAPS FOR PROPERTY DIMENSIONS NOT SHOWN.

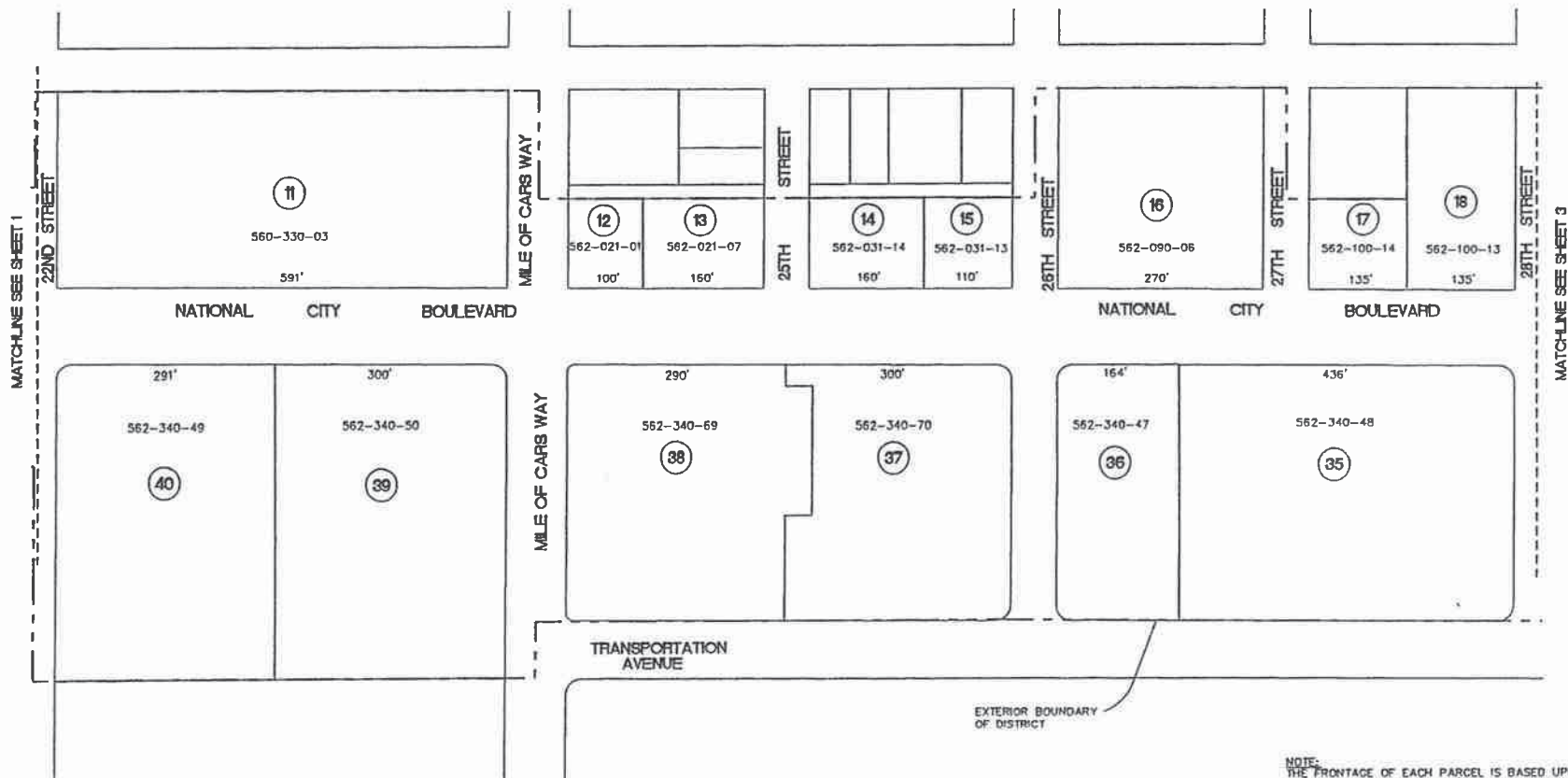
REVISED 8-1-96
REVISED 6-11-97
REVISED 6-19-02
REVISED 6-09-03
REVISED 5-26-04



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AMENDED ASSESSMENT DIAGRAM OF LANDSCAPE MAINTENANCE DISTRICT NO. 1 (MILE OF CARS)

CITY OF NATIONAL CITY
COUNTY OF SAN DIEGO
STATE OF CALIFORNIA



MATCHLINE SEE SHEET 1

MATCHLINE SEE SHEET 3

REVISED 8-1-96
 REVISED 6-11-97
 REVISED 6-19-02
 REVISED 6-09-03
 REVISED 5-26-04

NOTE:
 THE FRONTAGE OF EACH PARCEL IS BASED UPON
 CURRENT COUNTY ASSESSOR'S MAPS AND SHOWN
 HEREON TO THE NEAREST FOOT. REFER TO ASSESSOR'S
 PARCEL MAPS FOR PROPERTY DIMENSIONS NOT SHOWN.



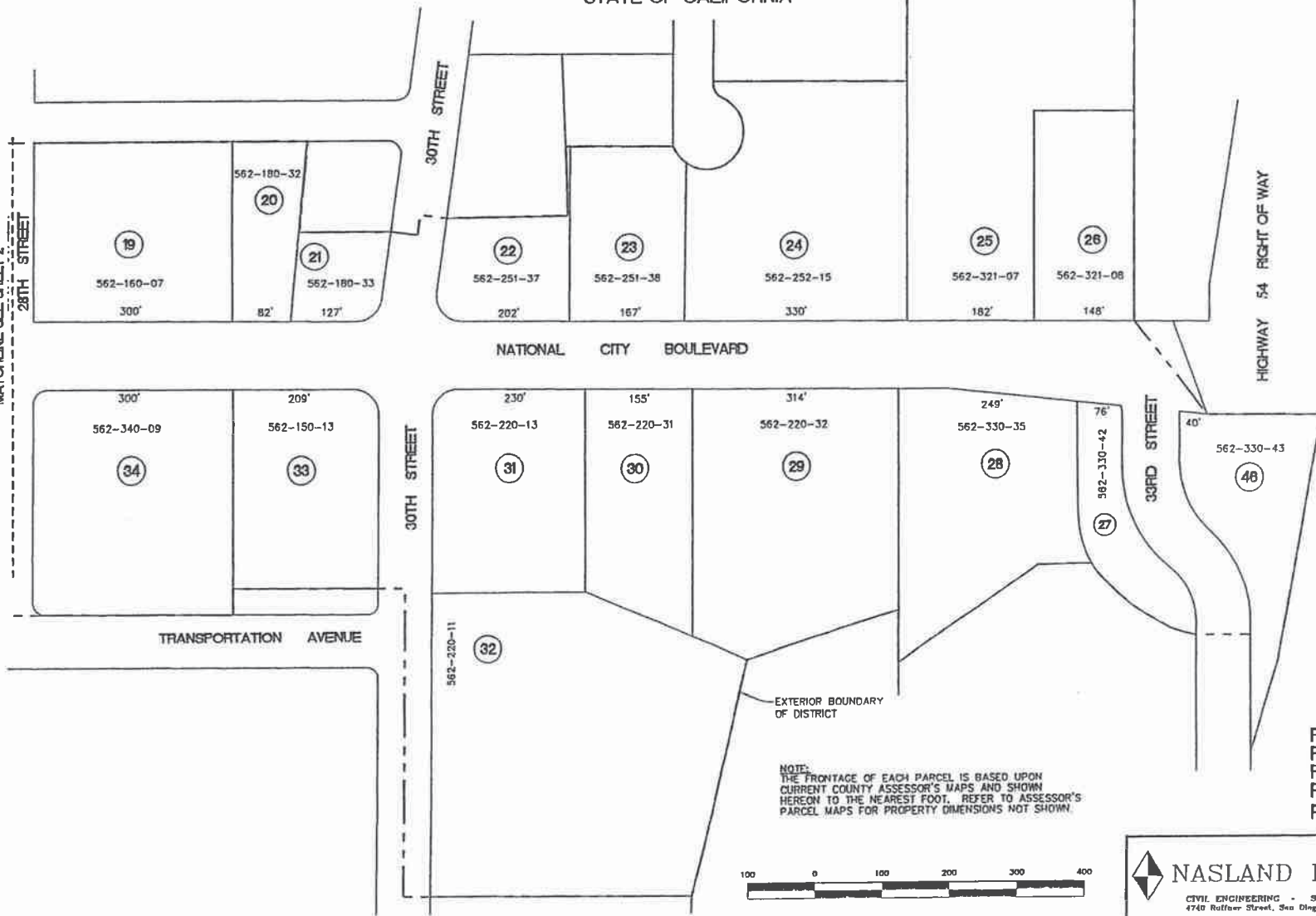
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AMENDED ASSESSMENT DIAGRAM OF LANDSCAPE MAINTENANCE DISTRICT NO. 1 (MILE OF CARS)

CITY OF NATIONAL CITY
COUNTY OF SAN DIEGO
STATE OF CALIFORNIA



MATCHLINE SEE SHEET 2
28TH STREET



REVISED 8-1-96
REVISED 6-11-97
REVISED 6-19-02
REVISED 6-09-03
REVISED 5-26-04



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5. ASSESSMENTS

The actual assessments for Fiscal Year 2024/25, apportioned to each parcel as shown on the latest equalized roll at the County Assessor’s office, are listed and submitted at the end of this section. The description of each lot or parcel is part of the records of the County Assessor of the County of San Diego and such records are, by reference, made part of this Report.

5.1 Method of Apportionment

The law requires and the statutes provide that assessments, as levied pursuant to the provisions of the Act, must be based on the benefit that the properties receive from the improvements to be maintained. The statute does not specify the method or formula that should be used in any special assessment district proceedings. The responsibility rests with the Assessment Engineer, who is appointed for the purpose of making an analysis of the facts and determining the correct apportionment of the assessment obligation.

The figures in Section 5.1 are derived from a Special v. General Benefit Analysis performed in Fiscal Year 2013/14.

5.1.1 IDENTIFY THE BENEFIT

First, it is necessary to identify the benefit that the improvements to be maintained will render to the properties within the boundaries of the District. The improvements significantly improve the visual appearance of the streetscape, making the Mile of Cars a more enjoyable and desirable location for customers. The special signage and lighting provide a unifying theme, benefiting all of the properties within the District.

The District’s improvements and services provide benefits to both those properties within the District boundaries and to the community. The benefit conferred to property within the District will be referred to as an “aesthetic benefit.” The aesthetic benefit provided by the district improvements and services are supported by the City’s General Plan (the “Plan”) and the Citywide Goals and Policies regarding Land Use and Community Character for its districts. The Plan states a desire to, “have the community character integrated and to ensure that physical forms, patterns, and aesthetic features advance the City’s desire for a higher quality of life.” The aesthetic benefits provided by the improvements and services support the following City policies outlined in the Plan:

- Policy LU-5.3: Recognize the diverse needs of the City’s business districts through the development of policies, design guidelines, and implementation measures specific to the unique requirements of each district.
- Policy LU-5.4: Allow for adaptive reuse of vacant car dealerships and the establishment of new compatible uses along the Mile of Cars.
- Policy LU-5.9: Encourage members of the business community to participate in implementing actions to improve business districts.
- Policy LU-5.10: Assist the business community in evaluating the City’s marketing and development potential and in identifying development strategies that are beneficial to the public and private sectors.

- Policy LU-9.1: Design developments along mixed-use and “community corridors” for the comfort and enjoyment of pedestrians and bicyclists. This includes features such as street trees, placing buildings close to the street, de-emphasizing parking lots and garages, limited driveway cuts, traffic-calming features, clearly defined street crossings, adequate lighting, and street furnishings where appropriate.
- Policy LU-9.4: Encourage an overall high-quality streetscape design, where feasible, that promotes narrow roadways, bike lanes; on-street parking, minimal curb cuts; enhanced crosswalks; appropriate sidewalk widths, landscaped medians and parkways; street trees, planters, and wells; street lighting; street furniture; way finding; enhanced paving; public art; and other features that contribute to the desired character for the City, where appropriate.
- Policy LU-11.2: Identify gateways at major entrances to the City using such features as buildings, street trees, welcome signs, decorative lighting, archways, and other design techniques to announce the gateway.
- Policy LU-11.4: Recognize, maintain, and enhance the character and identity of residential neighborhoods and business districts.
- Policy LU-11.7: Encourage residential and businesses to clean and maintain their properties and public spaces to further a sense of ownership and community pride.
- Policy LU-11.8: Require the sensitive placement, screening, and/or treatment of utility meters, boxes, valves, vaults, switches, plumbing, wiring, fences, etc. to eliminate or minimize the aesthetic impact to the neighborhood.
- Policy LU-11.9: Encourage the improvement of existing signage to help promote a more attractive street scene in business districts.

The Plan states these policies are important because a positive community image and quality community design instills a sense of pride and well-being in the community. The aesthetic benefit attained as a result of the services and improvements provided by the District is detailed below.

5.1.2 AESTHETIC BENEFIT

The aesthetic benefit relates to an improvement in the District’s visual appearance as a result of the District improvements and services. The beautification of property within the District can best be described as the ability for the property within the District to develop and operate at the property’s highest and best use. Properties within the District receive the following aesthetic benefits as a result of the District’s improvements and services:

- Uniform and up-to-date streetscape and median and frontage improvements create cohesion throughout the District from 18th Street to SR 54. This District cohesion enhances the experience for all stakeholders.
- The improvements and services enhance the community identity of the Mile of Cars area, which will lead to a stronger and healthier street corridor. The image of the Mile of Cars area is improved by maintaining the median and frontage improvements.
- The District revitalizes and beautifies the Mile of Cars area. This revitalization encourages new business development and existing business retention and expansion which overall reduces vacancies and increases lease rates for property, more specifically, the auto dealerships located within the District.

- The streetscape improvements encourage an increase in activity throughout the District. The Mile of Cars area becomes more pedestrian-friendly, thus improving activity for residents and businesses alike.
- Upgraded median and frontage amenities provided by the District enhance the appearance, desirability, and experience of the properties directly fronting the improvements provided throughout the District.

The streetscape improvements add aesthetic value to property adjacent to the improvements, but the improvements also make the property appear more stable and prosperous. The aesthetic benefit received by properties within the District assists each property in developing and operating at its highest and best use.

5.1.3 SEPARATION OF GENERAL BENEFIT

Section 4 of Article XIID of the California Constitution provides that once a local agency which proposes to impose assessments on property has identified those parcels that will have special benefits conferred upon them and upon which an assessment will be imposed, the local agency must then “separate the general benefits from the special benefits conferred,” and only the special benefits can be included in the amount of the assessments imposed.

General benefit is an overall and similar benefit to the public at large resulting from the improvements and services to be provided. The District improvements and maintenance services, which are more fully presented in Section 2 of this Report, will be provided within the District boundaries only. There will be no improvements or maintenance services provided by the District outside of the District boundaries.

The District provides aesthetic benefits to the properties within the District. However, it is recognized that the District also provides a level of benefit to some property and businesses within close proximity to the District, as well as visitors and individuals passing through the District. Vehicular and pedestrian traffic from property within and outside of the District, as well as individuals passing through the Mile of Cars area, will be able to enjoy the improvements and maintenance services. Therefore, it is necessary to quantify the general benefits created as a result of the District improvements and services. A Special v. General Benefit Analysis was performed in Fiscal Year 2013/14 to quantify said general benefits.

5.1.4 QUANTIFICATION OF GENERAL BENEFIT

As previously mentioned, general benefit is an overall and similar benefit to the public at large resulting from the improvements and services which are funded by the assessment revenue. The District improvements and maintenance services will be provided within the District boundaries only. There will be no improvements or maintenance services provided by the District outside of the District boundaries.

General benefits accrue to individuals “walking through” the District and to vehicles “passing through” the District. Individuals walking through the District are typically people who live in close proximity and whose origin or destination neither begins with nor ends at a parcel within the District. Any walking that begins with or ends at a parcel within the District are considered part of the special benefit for those parcels within the boundaries of the District.

Vehicles passing through the District are those vehicles whose origin or destination neither begins with nor ends at a parcel within the District. Any vehicle trips that begin with or end at a parcel within the District

are considered part of the special benefit for those parcels within the boundaries of the District. For the purposes of this analysis, it was determined that the general benefit quantification should be focused on vehicle trips passing through the District because National City Boulevard is a major thoroughfare which connects and provides access to SR 54.

To quantify and separate the amount of general benefit received by the general population as a result of the improvements and services provided by the assessment revenue, it has been determined that general benefits accrue mainly to vehicles “passing through” the District. Meaning, any vehicle using the City’s streets that lie within the boundaries of the District that is coming or going to a parcel within the District ultimately is not part of the “general public” benefitting from the proposed improvements and services. Accordingly, the separation of general benefits from special benefits will be measured by that estimated portion of vehicle trips “passing through” the District.

In order to determine the estimated portion of the vehicle trips “passing through” the District, trip generation data was collected for each parcel within the boundaries of the District using San Diego County assigned land use codes and property characteristics. Each land use code was categorized and located in the ITE Trip Generation Manuals – 2nd Edition. Using the property characteristics and data gathered from the ITE Trip Generation Manuals, the estimated amount of Average Daily Trips (ADT) was calculated for each parcel within the boundaries of the District. The ADT were then added together for each parcel within the boundaries of the District to arrive at a total amount of vehicle trips generated by the District, which equaled 13,385 ADT.

The total average vehicle trips were then compared to the average vehicle trip generation data detailed in the City of National City Comprehensive Land Use Update (Transportation and Circulation) for the streets running through the District, which equaled 14,825 ADT. The comparison concluded that 90.29% of all vehicle trips passing through the District were coming or going to a parcel within the boundaries of the District, hence 90.29% of all vehicle trips passing through the District are designated as benefiting from the special benefits provided by the District. As a result, 9.71% of all vehicle trips passing through the District are general in nature and hence, do not receive any special benefit from the District.

Pursuant to the Special v. General Benefit Analysis performed in Fiscal Year 2013/14, 9.71% of the benefits of the services are considered general benefit. Accordingly, 90.29% of the benefit from the improvements and services are considered to provide special benefit to the properties within the District and thus are subject to the assessment.

5.1.5 APPORTIONMENT OF COSTS

In further making the analysis, it is necessary that the property owners receive a special and direct benefit distinguished from that of the general public. In this case, an in-depth analysis was performed and several factors are being used in the final method and spread of assessment.

All of the improvements are intended to be of direct benefit to properties within the District. These improvements require significantly more maintenance than normally provided by the City. It is therefore appropriate that the properties receiving the benefit be assessed for the additional cost.

Lineal frontage was assigned as the assessment variable by the original assessment engineer because all of the special aesthetic benefits received by properties within the District from the improvements and services provided, using revenues from the annual assessment levy, can be quantified best by identifying

the lineal frontage of the property along National City Boulevard. Lineal frontage is a tangible property characteristic that clearly ties the aesthetic benefits received by parcels within the District to the amount of frontage of each property, which is where the aesthetic benefit is to be received and realized.

The improvements and maintenance services being provided to and enjoyed by the parcels within the District provide an aesthetic benefit not provided to any parcels outside of the District boundaries. The annual assessment is based upon a parcel's lineal frontage unless otherwise identified by the original assessment engineer, as previously approved by property owners at the formation of the District.

There are generally two categories of improvements to be maintained by the District – the median improvements and the frontage improvements. The median improvements benefit all properties within the District. The improvements to the parkway (referred to herein as Frontage Improvements) benefit those properties which they abut. The specific method of spreading the assessment is described below:

5.1.6 MEDIAN IMPROVEMENTS

1. The total cost for maintenance of the Median Improvements is apportioned to all parcels in the District and is based on the frontage of each parcel along National City Boulevard.
2. Parcel 32 (APN 562-220-11) does not have frontage on National City Boulevard, but receives some benefit from median improvements and maintenance services benefiting properties within the boundaries of the District. As a result, the original assessment engineer determined that the parcel received a lower level of benefit and therefore assigned 100 frontage feet of benefit to the parcel.

5.1.7 FRONTAGE IMPROVEMENTS

1. The total cost for maintenance of the Frontage Improvements is apportioned to all parcels in the District and is based on the frontage of each parcel along National City Boulevard.
2. Parcel 32 (APN 562-220-11) does not have frontage on National City Boulevard. As such, Parcel 32 receives no benefit from the frontage improvements.
3. The frontage of each parcel is determined from current Assessor's maps for the County of San Diego, State of California. All frontage dimensions have been rounded to the nearest foot.

5.2 Maximum Annual Assessment Rates

The maximum annual assessment to be levied on all properties within the District in any fiscal year shall be subject to an annual escalation of up to 10% based upon actual and anticipated expenditures.

The following table shows the historical maximum annual assessment rates.

Fiscal Year	Percentage Increase	Maximum Frontage Rate Per Frontage Foot	Maximum Median Rate Per Frontage Foot	Total Maximum Rate Per Frontage Foot ⁽¹⁾	Total Actual Rate Per Frontage Foot ⁽¹⁾	Actual Percentage Increase
1996/97	N/A	\$3.29	\$6.43	\$9.72	\$9.72	N/A
1997/98	10%	3.62	7.07	10.69	10.69	9.98%
1998/99	10%	3.98	7.78	11.76	11.09	3.74%
1999/00	10%	4.38	8.56	12.94	11.07	-0.18%
2000/01	10%	4.82	9.41	14.23	11.51	3.97%
2001/02	10%	5.30	10.35	15.66	10.52	-8.60%
2002/03	10%	5.83	11.39	17.22	11.03	4.85%
2003/04	10%	6.41	12.53	18.95	11.25	1.99%
2004/05	10%	7.05	13.78	20.84	11.56	2.76%
2005/06	10%	7.76	15.16	22.93	11.68	1.04%
2006/07	10%	8.54	16.68	25.22	12.37	5.91%
2007/08	10%	9.39	18.35	27.74	13.72	10.91%
2008/09	10%	10.33	20.18	30.52	14.79	7.80%
2009/10	10%	11.36	22.20	33.57	16.19	9.47%
2010/11	10%	12.50	24.42	36.93	16.87	4.20%
2011/12	10%	13.75	26.86	40.62	15.75	-6.64%
2012/13	10%	15.12	29.55	44.68	15.80	0.32%
2013/14	10%	16.64	32.51	49.15	15.49	-1.96%
2014/15	10%	18.30	35.76	54.07	15.15	-2.19%
2015/16	10%	20.13	39.33	59.46	15.11	-0.26%
2016/17	10%	22.15	43.27	65.42	15.86	4.96%
2017/18	10%	24.36	47.60	71.96	15.69	-1.07%
2018/19	10%	26.80	52.36	79.16	16.38	4.40%
2019/20	10%	29.48	57.59	87.07	16.76	2.32%
2020/21	10%	32.43	63.35	95.78	17.23	2.80%
2021/22	10%	35.67	69.69	105.36	17.23	0.00%
2022/23	10%	39.24	76.66	115.90	17.63	2.32%
2023/24	10%	43.16	84.32	127.48	17.84	1.19%
2024/25	10%	47.48	92.76	140.24	18.61	4.26%

(1) Rates are truncated.

The annual assessment shall not exceed the maximum assessment, unless the appropriate Proposition 218 proceedings are conducted by the City to authorize an increase beyond the maximum assessment amount. The actual combined annual assessment rate for Fiscal Year 2024/25 is \$18.61, which reflects an increase of 4.26% from Fiscal Year 2023/24.

5.3 Assessment Roll

Assessor's parcel identification, for each lot or parcel within the District, shall be based on the San Diego County Assessor's secured roll data for the applicable year in which this Engineer's Report is prepared and is incorporated herein by reference.

A listing of parcels assessed within the District for Fiscal Year 2024/25, along with the assessment amounts, is on file in the office of the City Clerk. If any parcel submitted for collection is identified by the San Diego County Auditor/Controller to be invalid for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the San Diego County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel(s) shall be based on the method of apportionment and assessment rate approved in this Engineer's Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amounts applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned a parcel number), dedicated public easements, open space areas and right-of-ways, including public greenbelts and parkways, utility right-of-ways, common areas, bifurcated lots, and any other property that cannot be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and are therefore, exempted from assessment.

City of National City
Landscape Maintenance District No 1 (Mile of Cars)
Preliminary Billing Detail Report for Fiscal Year 2024/25

APN	Frontage	Levy	Other	Levy Total
560-203-03-00	291	\$5,414.67	(\$0.01)	\$5,414.66
560-204-02-00	140	2,604.99	(0.01)	2,604.98
560-204-04-00	190	3,535.35	(0.01)	3,535.34
560-210-01-00	125	2,325.89	(0.01)	2,325.88
560-210-04-00	165	3,070.17	(0.01)	3,070.16
560-210-40-00	211	3,926.10	0.00	3,926.10
560-210-41-00	50	930.35	(0.01)	930.34
560-210-42-00	30	558.21	(0.01)	558.20
560-261-08-00	270	5,023.92	0.00	5,023.92
560-271-07-00	75	1,395.53	(0.01)	1,395.52
560-271-09-00	50	930.35	(0.01)	930.34
560-271-14-00	95	1,767.67	(0.01)	1,767.66
560-271-15-00	100	1,860.71	(0.01)	1,860.70
560-330-03-00	591	10,996.81	(0.01)	10,996.80
560-393-03-00	140	2,604.99	(0.01)	2,604.98
560-393-04-00	480	8,931.42	0.00	8,931.42
562-021-01-00	100	1,860.71	(0.01)	1,860.70
562-021-07-00	160	2,977.14	0.00	2,977.14
562-031-13-00	110	2,046.78	0.00	2,046.78
562-031-14-00	160	2,977.14	0.00	2,977.14
562-090-06-00	270	5,023.92	0.00	5,023.92
562-100-13-00	135	2,511.96	0.00	2,511.96
562-100-14-00	135	2,511.96	0.00	2,511.96
562-150-13-00	209	3,888.89	(0.01)	3,888.88
562-160-07-00	300	5,582.13	(0.01)	5,582.12
562-180-32-00	82	1,525.78	0.00	1,525.78
562-180-33-00	127	2,363.10	0.00	2,363.10
562-220-11-00	100	1,023.77	(0.01)	1,023.76
562-220-13-00	230	4,279.64	0.00	4,279.64
562-220-31-00	155	2,884.10	0.00	2,884.10
562-220-32-00	314	5,842.63	(0.01)	5,842.62
562-251-37-00	202	3,758.64	0.00	3,758.64
562-251-38-00	167	3,107.39	(0.01)	3,107.38
562-252-16-00	330	6,140.35	(0.01)	6,140.34
562-321-07-00	182	3,386.49	(0.01)	3,386.48
562-321-08-00	148	2,753.85	(0.01)	2,753.84
562-330-43-00	40	744.28	0.00	744.28
562-330-47-00	192	3,572.56	0.00	3,572.56
562-330-48-00	133	2,474.74	0.00	2,474.74
562-340-09-00	300	5,582.13	(0.01)	5,582.12
562-340-47-00	164	3,051.56	0.00	3,051.56
562-340-48-00	436	8,112.70	0.00	8,112.70

Slight variances may occur due to rounding

City of National City
Landscape Maintenance District No 1 (Mile of Cars)
Preliminary Billing Detail Report for Fiscal Year 2024/25

APN	Frontage	Levy	Other	Levy Total
562-340-49-00	291	5,414.67	(0.01)	5,414.66
562-340-50-00	300	5,582.13	(0.01)	5,582.12
562-340-69-00	290	5,396.06	0.00	5,396.06
562-340-70-00	300	5,582.13	(0.01)	5,582.12
46 Accounts	9,065	\$167,836.46	(\$0.26)	\$167,836.20



AGENDA REPORT

Department: Community Development
Prepared by: Martin Reeder, AICP – Asst. Director of Community Development
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, Acting City Manager

SUBJECT:

Adoption of a Resolution Declaring Its Intention to Conduct a Public Hearing on June 4, 2024 and to Levy and Collect Assessments for the Landscape Maintenance District No. 1.

RECOMMENDATION:

Adopt the Resolution entitled “Resolution of the City Council of the City of National City, California, Declaring Its Intention to Conduct a Public Hearing on June 4, 2024 and to Levy and Collect Assessments for the Landscape Maintenance District No. 1 (Mile of Cars) for Fiscal Year 2024-2025.”

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The City formed the Mile of Cars Landscape Maintenance District No. 1 in 1995 to provide for the maintenance, operations, and servicing of certain improvements in the District, including landscaping, signage, and lighting. Each year, the City Council considers the adoption of resolutions to allow the District to continue operating with funding through a special tax levy on properties within the District. The resolution would declare the City’s intention to conduct a public hearing and to levy and collect assessments on behalf of the District for Fiscal Year 2024-25 based on the Engineer’s Report, an annual report that identifies the assessment to be levied and the work program to be conducted by the Mile of Cars Landscape Maintenance District. The Mile of Cars Association has approved the scope of work, the proposed assessment, and the District budget. The proposed total assessment of \$167,836.72 is an increase of 4.26% over the prior year’s total assessment. The City’s consultant and City administrative costs are paid from the District’s assessment funds.

FINANCIAL STATEMENT:

The total proposed budget for the District for Fiscal Year 2024-25 is \$183,369.29. The funding sources include \$167,836.72 from assessments levied on property owners who directly benefit from the maintenance and improvements carried out within the district, and \$15,532.57 from the City’s General Fund to pay for the general benefit to the public at large from the District’s operations. Because the City owns one of the parcels within the district, it will pay a share of the \$167,836.72, which for Fiscal Year 2024-25 will be \$2,753.85, bringing the total general fund cost to \$18,286.42. The City receives \$5,500 annually to cover administrative costs.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Balanced Budget and Economic Development

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;
PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with
the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Exhibit A - Resolution

RESOLUTION NO. 2024-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON JUNE 4, 2024, AND TO LEVY AND COLLECT ASSESSMENTS FOR THE LANDSCAPE MAINTENANCE DISTRICT NO. 1 (MILE OF CARS) FOR FISCAL YEAR 2024-25.

WHEREAS, the City Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") to establish the City's Landscape Maintenance District No. 1 (Mile of Cars) (the "Assessment District"); and

WHEREAS, the City has retained the consultant, NBS, for the purpose of assisting with the annual levy of the Assessment District, and the preparation and filing of an Annual Report; and

WHEREAS, the Council has, by previous resolution, ordered NBS to prepare and file such Annual Report; and

WHEREAS, the consultant has prepared and filed such Annual Report with the City Clerk.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: Intention: The Council hereby declares its intention to levy and collect assessments within the Assessment District to pay the costs of the Improvements for the fiscal year commencing July 1, 2024 and ending June 30, 2025. The Council finds that the public's best interest requires such action.

Section 2: Improvements: The Improvements include but are not limited to: landscape planting and irrigation, colored hardscape, lighting systems, graphic panels, banners and signage, painted crosswalks, and street furniture. Services provided include all necessary service, operations, administration, and maintenance required to keep the improvements in a healthy, vigorous, and satisfactory condition.

Section 3: Assessment District Boundaries: The boundaries of the Assessment District are as shown by the assessment diagram filed in the offices of the City Clerk, which map is made a part hereof by reference.

Section 4: Annual Report: Reference is made to the Annual Report prepared by NBS, on file with the Clerk, for a full and detailed description of the improvements, the boundaries of the Assessment District, and the proposed assessments upon assessable lots and parcels of land within the Assessment District.

Section 5: Notice of Public Hearing: The Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments in accordance with Section 22629 of the Act. All objections to the assessment, if any, will be considered by the Council. The Public Hearing will be held on Tuesday, June 4, 2024 at 6:00 pm or as soon thereafter as is feasible in the Council Chambers located at 1243 National City Blvd, National City, CA 91950. The Council further orders the Clerk to publish notice of this resolution in accordance with Section 22626 of the Act.

Section 6: Increase of Assessment: The maximum assessment is not proposed to increase from the previous year above that amount previously approved by the property owners (as “increased assessment” is defined in Section 54954.6 of the Government Code).

Section 7: That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED this 21st day of May, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Engineering and Public Works
Prepared by: Tirza Gonzales, Operations Manager
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Authorize the Purchase of a Large Front Loader for Engineering & Public Works Streets and Wastewater Division

RECOMMENDATION:

Adopt a 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 2.60.260 Regarding Cooperative Purchasing, and Authorizing the City to Piggyback onto Sourcewell Contract # 011723 with Sonsray Machinery for the Purchase of a CASE 521G2 ZBAR STAGE 5 Large Front Loader in a Not-to-Exceed amount of \$171,000 for the Public Works Streets and Wastewater Division: Authorizing a Transfer from the Sewer Fund to the Vehicle Acquisition Fund of up to \$47,025, and Authorizing the City Manager to Approve Adjustments of up to \$17,100 to the Not-to-Exceed Amount for the Purchase as a 10% Contingency for Unforeseen Fluctuations in Pricing."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The Engineering & Public Works Streets and Wastewater Division utilizes a front loader to assist with maintenance and repairs in asphalt work, alley clean-up and grading, drainage channels, and post storm event clean-ups citywide. The current front loader has been in service for sixteen (16) years, has exceeded its useful life of fifteen (15) years, and is scheduled to be replaced.

Staff is requesting the approval of the purchase of a CASE 521G2 ZBAR STAGE 5 Large Front Loader in a not-to-exceed amount of \$171,000, and authorization for the City Manager to approve adjustments to the not-to-exceed amount for the purchase of up to \$17,100 as a 10% contingency for unforeseen fluctuations in pricing. Consistent with Section 2.60.260 of the National City Municipal Code (NCMC) regarding cooperative purchasing, there is an opportunity to piggyback onto the Sourcewell Contract #011723 with Sonsray Machinery to allow for the purchase.

NCMC Section 2.60.260 provides authority to the purchasing agent to join with other public jurisdictions to take advantage of cooperative purchasing opportunities, including but not limited to any federal, state or local agency pricing program or structure that is determined by the purchasing agent to allow a procurement that is in the best interests of the City. The purchasing agent may buy directly from a vendor at a price established through competitive bidding by another public agency whose procedures have been determined by the purchasing agent to be in substantial compliance with the City's procurement procedures, irrespective of the contracting limits of that jurisdiction or agency, even if the City had not initially joined with that public agency in the cooperative purchase.

National City's Purchasing staff has confirmed that the Sourcewell Contract #011723 was competitively bid through a Request for Proposals (RFP) process, and that the Sourcewell procurement procedures are in substantial compliance with those of National City.

FINANCIAL STATEMENT:

Funding of \$250,000 for this purchase was approved through adoption of the FY24 annual budget, but the cost is now expected to be \$171,000. No additional appropriations will be necessary should any portion of the contingency amount be required to complete the purchase of the Large Front Loader, but staff has determined that instead of 100% of the cost of the equipment being paid for from the General Fund as reflected in the adopted budget, 25% of the cost should be paid for by the Sewer Fund. The table below depicts the new appropriation required in the Sewer Fund to transfer monies to the Vehicle Acquisition Fund for that 25% share of the cost. Fund balance is available in the Sewer Fund to enable the transfer.

644-10-31-31600-7511	\$171,000 Vehicle Acq. Automotive Equipment – Streets
125-10-19-19100-8999	\$42,750 Transfer out from Sewer Fund (25% share of \$171,000)
644-10-31-31100-3999	\$42,750 Transfer in from Sewer Fund (25% share of \$171,000)

If some or all of the contingency amount be needed, the expenditure for the Front Loader and associated 25% share of the cost would be recorded as follows:

644-10-31-31600-7511	Up to \$17,100 (contingency) Automotive Equipment – Streets
125-10-19-19100-8999	Up to \$4,275 Transfer out from Sewer Fund (25% share of \$17,100)
644-10-31-31100-3999	Up to \$4,275 Transfer in from Sewer Fund (25% share of \$17,100)

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

- Exhibit A: Sonsray Machinery Quote
- Exhibit B: Sourcewell Contract 011723
- Exhibit C: Resolution



WE MOVE MOUNTAINS © ARIZONA CALIFORNIA NEVADA OREGON WASHINGTON



1475 Pioneer Way · El Cajon · CA · 92020 TEL: (619) 873-0123
www.SonsrayMachinery.com

Ship To: CITY OF NATIONAL CITY
 1243 NATIONAL CITY BOULEVARD
 NATIONAL CITY California 91950
 Invoice To: CITY OF NATIONAL CITY
 1243 NATIONAL CITY BOULEVARD
 NATIONAL CITY California 91950

El Cajon
 April 22, 2024
 BP0014857
 cvallobroso-0499
 619-336-4580
 Purchase Order:

Sales Person: Crystal Vallombroso

Attention: Primary Contact

EQUIPMENT QUOTE/SALES ORDER

CASE 521G2 ZBAR STAGE 5 Serial #: Stock #: EQ0060937 \$170,612.64

521G2 ZBAR STAGE 5

SOURCEWELL CONTRACT 011723 LIST PRICE \$236,962.00 - Less 28% SOURCEWELL DISCOUNT (\$66,349.36) = \$170,612.64

Locking Hydraulic for Coupler, Skid Plate/Transmission Guard, English Literature, Standard Weather Package
 Joystick with 1 AUX Function, Zbar Linkage, No Integrated Payload System, Quick Pick 1 - D LR 1906
 Enhanced Cab Comfort, Enhanced Visibility Bundle, No Transmission Control Unit, Transport Protection
 Limited Slip Differentials, Standard Hydraulic Steering, Ride Control, Standard Fenders w/LH/RH Steps
 Bucket Pins, No Bkt or Coupler 17.5R25 L2 Michelin XTLA, 2.5 cu. yd. JRB Coupler Bucket w/BOE

*** MACHINE QUOTED IS SUBJECT TO AVAILABILITY ***

**CASE PROCARE COVERAGE APPLIES

- 1-YEAR / UNLIMITED HOURS BASE WARRANTY
- 3-YEAR / 3000 HOUR FULL MACHINE FACTORY WARRANTY
- 3-YEAR / 2000 HOUR PLANNED MAINTENANCE
- 3-YEAR ADVANCED SITEWATCH SUBSCRIPTION

The most comprehensive and standard-from-the-factory heavy machine support program in the industry.

*ADDITIONAL PURCHASE PROTECTION PLAN EXTENDED WARRANTIES ARE AVAILABLE FOR AN ADDITIONAL COST

**** INTEREST RATE QUOTED IS BASED ON CURRENT RATES. INTEREST RATE IS SUBJECT TO CHANGE, BASED ON THE FINANCIAL INSTITUTION ****

***Quote Expires 04/30/2024 ***Financing Available on Approved Credit (OAC) ***Unit Based on Availability

*** QUOTED PRICE IS NOT GUARANTEED, AND SUBJECT TO MANUFACTURER'S PRICE INCREASES, INCLUDING ANY ADDITIONAL SURCHARGES ***

SONSRAY SIGNATURE SERVICE – A commitment to providing excellent service and care when you purchase a new piece of equipment from Sonsray Machinery.

PPP-Premier 60/5000 without TTM	\$12,906.66
Factory Freight	\$6,000.00
INITIAL DAR/PDI/FINAL	\$3,200.00
transfer equipment	\$2,000.00

NOTICE TO PURCHASER

spaces, even if otherwise advised.
 You are entitled to an exact and completely filled
 protect your legal rights.
 Store Manager signature required for final acceptance of Sales Order.

THIS AGREEMENT IS SUBJECT TO THE ADDITIONAL TERMS AND CONDITIONS ON THE REVERSE SIDE. CUSTOMER HAS HAD THE OPPORTUNITY TO READ THE TERMS OF THIS AGREEMENT PRIOR TO SIGNING.

Purchaser's Signature _____ Sales Consultant _____ Date _____
 Print Name _____ Date _____ Accepted By _____ Date _____

	TRANSIT LOAD FEE	\$ 500.00
TRADE IN 2007 CAT 924G 4012 HRS	Serial # CAT0924GCDDA02918	\$26,000.00
	Net Trade Allowance	(\$26,000.00)
	Quoted Price	\$195,219.30
	Sales Tax 8.75%	\$14,806.69
	Processing Fee	\$ 399.00
	CA Tire Tax	\$ 7.00
	Cash Due or Finance Amount	\$184,431.99

1. This is a cash transaction. If the Purchaser so requests prior to acceptance, the Cash Due on Delivery may be financed as a time sale transaction, subject to credit approval. If this transaction becomes a time sale, Purchaser agrees (1) to make payments pursuant to the Sonsray Machinery Accounts Receivable System Agreement, which is incorporated into this Purchase Order by reference, and (2) that Seller retains a security interest in the goods described herein until all obligations of Purchaser are paid in full and discharged.
2. When trade-in equipment is not to be delivered to the Seller until delivery of the equipment purchased by this order, the trade-in equipment may be reappraised at that time and such reappraisal value shall determine the allowance made for such trade-in equipment. When the reappraised value is less than the original trade-in allowance shown on this form, the purchaser may terminate this order; however, this right of termination must be exercised prior to delivery of the equipment by Seller and surrender of the trade-in equipment to Seller.
3. The prices which Purchaser will pay for the new equipment set forth on the reverse side hereof shall be based upon the Case dealer price in effect on date of delivery of the new equipment. In the event Case dealer's price is changed prior to delivery, the purchase price shall be adjusted accordingly. If such price change results in an increase, purchaser has the option of canceling the order in writing immediately on being notified thereof.
4. The Seller shall be excused if delivery is delayed or rendered impossible by differences with workmen, strikes, work stoppages, car shortages, delays in transportation, inability to obtain labor or materials and also by any cause beyond the reasonable control of Seller, including but not restricted to acts of God, floods, fire, storms, acts of civil and military authorities, war and insurrections.
5. Purchaser shall keep the property free of all liens, taxes, encumbrances and seizure or levy, shall not use same illegally, shall not damage, abuse, misuse, abandon or lose said property, shall not part with possession thereof, whether voluntarily or involuntarily or transfer any interest therein or remove same out of the county or filing district in which Purchaser resides as indicated herein without the prior written consent of Seller, shall keep said property insured in such amounts and with such insurer as may be acceptable to Seller with any loss payable to Seller as his interest in the property may appear.
6. Time is of the essence of this contract and if purchaser fails to comply with any of the terms and conditions hereof or defaults in the payment of any installment hereunder or under any renewal or renewals hereof, or in the payment of interest or defaults in the payment of any installment due under any other indebtedness of contract held by the Seller or Assignee, or if proceedings are instituted against Purchaser under any bankruptcy or insolvency law or Purchaser makes an assignment for the benefit of creditors or if for any reason the Seller deems himself insecure and so declares all payments heretofore made by Purchaser shall be retained by the seller and all indebtedness hereunder shall become immediately due and payable, with or without notice, together with all expenses of collection by suit or otherwise, including reasonable attorney fees and Seller may, without notice or demand, take possession of the equipment set forth on the reverse hereof, or any additions to, replacements of, or any proceeds from said equipment or may render the property unusable or Seller may require Purchaser to assemble the property and make it available at a place designated by Seller. Seller may resell the retaken property at public or private Sale in accordance with the Uniform Commercial Code or applicable state or provincial law. After deducting reasonable expenses for retaking, repairing, holding, preparing for sale, other selling expenses including attorney fees and legal expenses, the remaining proceeds of Sale shall be credited upon the amount of indebtedness remaining unpaid hereunder, and Purchaser agrees to pay any deficiency upon demand by Seller, any surplus, however, shall be paid to Purchaser. Said retaking or repossession shall not be deemed rescission of the contract. Seller may exercise any other rights and remedies provided by applicable law.
7. No waivers or modifications hereof shall be valid unless written upon or attached to this contract. Waiver or conditions of any breach or default hereunder shall not constitute a waiver of any other or subsequent breach or default. Payments received by Seller are to be applied first to delinquent interest and then to principal.
8. The remedies provided for herein are not exclusive and any action to enforce payment shall not waive or affect any of the holder's rights to have recourse to the property. The transfer of this contract shall operate to pass a security interest in the property as security for the payment hereof.
9. Any provision of this contract prohibited by the laws of any state, the United States, any province of Canada, shall be ineffective to the extent of such prohibition without invalidating the remaining portions of the contract.
10. Each maker, endorser, guarantor and surety hereon severally waives presentment, demand protest, and notice of non-payment and all defenses of want of diligence in collection and bringing suit. This contract shall be binding upon and shall insure to the benefit of the parties hereto and their respective heirs, personal representative, successors, and signs.
11. Buyer authorizes Seller to insert the Serial and/or model numbers of the goods set forth on the reverse side hereof for the purposes of identifying said goods. The seller may correct patent errors herein.

011723-JDC

**Solicitation Number: RFP # 011723****CONTRACT**

This Contract is between Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 (Sourcewell) and John Deere Construction Retail Sales a division of John Deere Shared Services LLC, DBA John Deere Construction Retail Sales, 1300 River Drive, Moline, IL 61265 (Supplier).

Sourcewell is a State of Minnesota local government unit and service cooperative created under the laws of the State of Minnesota (Minnesota Statutes Section 123A.21) that offers cooperative procurement solutions to government entities. Participation is open to eligible federal, state/province, and municipal governmental entities, higher education, K-12 education, nonprofit, tribal government, and other public entities located in the United States and Canada. Sourcewell issued a public solicitation for Heavy Construction Equipment with Related Attachments and Technology from which Supplier was awarded a contract.

Supplier desires to contract with Sourcewell to provide equipment, products, or services to Sourcewell and the entities that access Sourcewell's cooperative purchasing contracts (Participating Entities).

1. TERM OF CONTRACT

- A. **EFFECTIVE DATE.** This Contract is effective upon the date of the final signature below.
- B. **EXPIRATION DATE AND EXTENSION.** This Contract expires April 14, 2027, unless it is cancelled sooner pursuant to Article 22. This Contract may be extended one additional year upon the request of Sourcewell and written agreement by Supplier.
- C. **SURVIVAL OF TERMS.** Notwithstanding any expiration or termination of this Contract, all payment obligations incurred prior to expiration or termination will survive, as will the following: Articles 11 through 14 survive the expiration or cancellation of this Contract. All other rights will cease upon expiration or termination of this Contract.

2. EQUIPMENT, PRODUCTS, OR SERVICES

- A. **EQUIPMENT, PRODUCTS, OR SERVICES.** Supplier will provide the Equipment, Products, or Services as stated in its Proposal submitted under the Solicitation Number listed above.

Supplier's Equipment, Products, or Services Proposal (Proposal) is attached and incorporated into this Contract.

All Equipment and Products provided under this Contract must be new and the current model. Supplier may offer close-out or refurbished Equipment or Products if they are clearly indicated in Supplier's product and pricing list. Unless agreed to by the Participating Entities in advance, Equipment or Products must be delivered as operational to the Participating Entity's site.

This Contract offers an indefinite quantity of sales, and while substantial volume is anticipated, sales and sales volume are not guaranteed.

B. **WARRANTY.** Supplier warrants that all Equipment, Products, and Services furnished are free from liens and encumbrances, and are free from defects in design, materials, and workmanship. In addition, Supplier warrants the Equipment, Products, and Services are suitable for and will perform in accordance with the ordinary use for which they are intended. Supplier's dealers and distributors must agree to assist the Participating Entity in reaching a resolution in any dispute over warranty terms with the manufacturer. Any manufacturer's warranty that extends beyond the expiration of the Supplier's warranty will be passed on to the Participating Entity.

C. **DEALERS, DISTRIBUTORS, AND/OR RESELLERS.** Upon Contract execution and throughout the Contract term, Supplier must provide to Sourcewell a current means to validate or authenticate Supplier's authorized dealers, distributors, or resellers relative to the Equipment, Products, and Services offered under this Contract, which will be incorporated into this Contract by reference. It is the Supplier's responsibility to ensure Sourcewell receives the most current information.

3. PRICING

All Equipment, Products, or Services under this Contract will be priced at or below the price stated in Supplier's Proposal.

When providing pricing quotes to Participating Entities, all pricing quoted must reflect a Participating Entity's total cost of acquisition. This means that the quoted cost is for delivered Equipment, Products, and Services that are operational for their intended purpose, and includes all costs to the Participating Entity's requested delivery location.

Regardless of the payment method chosen by the Participating Entity, the total cost associated with any purchase option of the Equipment, Products, or Services must always be disclosed in the pricing quote to the applicable Participating Entity at the time of purchase.

A. **SHIPPING AND SHIPPING COSTS.** All delivered Equipment and Products must be properly packaged. Damaged Equipment and Products may be rejected. The John Deere Warranty Statement describes covered items and services when returning Damaged Equipment and

Products. Participating Entities reserve the right to inspect the Equipment and Products at a reasonable time after delivery where circumstances or conditions prevent effective inspection of the Equipment and Products at the time of delivery. In the event of the delivery of nonconforming Equipment and Products, the Participating Entity will notify the Supplier as soon as possible and the Supplier will replace nonconforming Equipment and Products with conforming Equipment and Products that are acceptable to the Participating Entity.

Sourcwell may declare the Supplier in breach of this Contract if the Supplier intentionally delivers substandard or inferior Equipment or Products.

B. SALES TAX. Each Participating Entity is responsible for supplying the Supplier with valid tax-exemption certification(s). When ordering, a Participating Entity must indicate if it is a tax-exempt entity.

C. HOT LIST PRICING. At any time during this Contract, Supplier may offer a specific selection of Equipment, Products, or Services at discounts greater than those listed in the Contract. When Supplier determines it will offer Hot List Pricing, it must be submitted electronically to Sourcwell in a line-item format. Equipment, Products, or Services may be added or removed from the Hot List at any time through a Sourcwell Price and Product Change Form as defined in Article 4 below.

Hot List program and pricing may also be used to discount and liquidate close-out and discontinued Equipment and Products as long as those close-out and discontinued items are clearly identified as such. Current ordering process and administrative fees apply. Hot List Pricing must be published and made available to all Participating Entities.

4. PRODUCT AND PRICING CHANGE REQUESTS

Supplier may request Equipment, Product, or Service changes, additions, or deletions at any time. All requests must be made in writing by submitting a signed Sourcwell Price and Product Change Request Form to the assigned Sourcwell Supplier Development Administrator. This approved form is available from the assigned Sourcwell Supplier Development Administrator. At a minimum, the request must:

- Identify the applicable Sourcwell contract number;
- Clearly specify the requested change;
- Provide sufficient detail to justify the requested change;
- Individually list all Equipment, Products, or Services affected by the requested change, along with the requested change (e.g., addition, deletion, price change); and
- Include a complete restatement of pricing documentation in Microsoft Excel with the effective date of the modified pricing, or product addition or deletion. The new pricing restatement must include all Equipment, Products, and Services offered, even for those items where pricing remains unchanged.

A fully executed Sourcewell Price and Product Request Form will become an amendment to this Contract and will be incorporated by reference.

5. PARTICIPATION, CONTRACT ACCESS, AND PARTICIPATING ENTITY REQUIREMENTS

A. PARTICIPATION. Sourcewell's cooperative contracts are available and open to public and nonprofit entities across the United States and Canada; such as federal, state/province, municipal, K-12 and higher education, tribal government, and other public entities.

The benefits of this Contract should be available to all Participating Entities that can legally access the Equipment, Products, or Services under this Contract. A Participating Entity's authority to access this Contract is determined through its cooperative purchasing, interlocal, or joint powers laws. Any entity accessing benefits of this Contract will be considered a Service Member of Sourcewell during such time of access. Supplier understands that a Participating Entity's use of this Contract is at the Participating Entity's sole convenience and Participating Entities reserve the right to obtain like Equipment, Products, or Services from any other source.

Supplier is responsible for familiarizing its sales and service forces with Sourcewell contract use eligibility requirements and documentation and will encourage potential participating entities to join Sourcewell. Sourcewell reserves the right to add and remove Participating Entities to its roster during the term of this Contract.

B. PUBLIC FACILITIES. Supplier's employees may be required to perform work at government-owned facilities, including schools. Supplier's employees and agents must conduct themselves in a professional manner while on the premises, and in accordance with Participating Entity policies and procedures, and all applicable laws.

6. PARTICIPATING ENTITY USE AND PURCHASING

A. ORDERS AND PAYMENT. To access the contracted Equipment, Products, or Services under this Contract, a Participating Entity must clearly indicate to Supplier that it intends to access this Contract; however, order flow and procedure will be developed jointly between Sourcewell and Supplier. Typically, a Participating Entity will issue an order directly to Supplier or its authorized subsidiary, distributor, dealer, or reseller. If a Participating Entity issues a purchase order, it may use its own forms, but the purchase order should clearly note the applicable Sourcewell contract number. All Participating Entity orders under this Contract must be issued prior to expiration or cancellation of this Contract; however, Supplier performance, Participating Entity payment obligations, and any applicable warranty periods or other Supplier or Participating Entity obligations may extend beyond the term of this Contract.

Supplier's acceptable forms of payment are included in its attached Proposal. Participating Entities will be solely responsible for payment and Sourcewell will have no liability for any unpaid invoice of any Participating Entity.

B. **ADDITIONAL TERMS AND CONDITIONS/PARTICIPATING ADDENDUM.** Additional terms and conditions to a purchase order, or other required transaction documentation, may be negotiated between a Participating Entity and Supplier, such as job or industry-specific requirements, legal requirements (e.g., affirmative action or immigration status requirements), or specific local policy requirements. Some Participating Entities may require the use of a Participating Addendum, the terms of which will be negotiated directly between the Participating Entity and the Supplier or its authorized dealers, distributors, or resellers, as applicable. Any negotiated additional terms and conditions must never be less favorable to the Participating Entity than what is contained in this Contract.

C. **SPECIALIZED SERVICE REQUIREMENTS.** In the event that the Participating Entity requires service or specialized performance requirements not addressed in this Contract (such as e-commerce specifications, specialized delivery requirements, or other specifications and requirements), the Participating Entity and the Supplier may enter into a separate, standalone agreement, apart from this Contract. Sourcewell, including its agents and employees, will not be made a party to a claim for breach of such agreement.

D. **TERMINATION OF ORDERS.** Participating Entities may terminate an order, in whole or in part, immediately upon notice to Supplier in the event of any of the following events:

1. The Participating Entity fails to receive funding or appropriation from its governing body at levels sufficient to pay for the equipment, products, or services to be purchased; or
2. Federal, state, or provincial laws or regulations prohibit the purchase or change the Participating Entity's requirements.

E. **GOVERNING LAW AND VENUE.** The governing law and venue for any action related to a Participating Entity's order will be determined by the Participating Entity making the purchase.

7. CUSTOMER SERVICE

A. **PRIMARY ACCOUNT REPRESENTATIVE.** Supplier will assign an Account Representative to Sourcewell for this Contract and must provide prompt notice to Sourcewell if that person is changed. The Account Representative will be responsible for:

- Maintenance and management of this Contract;
- Timely response to all Sourcewell and Participating Entity inquiries; and
- Business reviews to Sourcewell and Participating Entities, if applicable.

B. BUSINESS REVIEWS. Supplier must perform a minimum of one business review with Sourcewell per contract year. The business review will cover sales to Participating Entities, pricing and contract terms, administrative fees, sales data reports, performance issues, supply issues, customer issues, and any other necessary information.

8. REPORT ON CONTRACT SALES ACTIVITY AND ADMINISTRATIVE FEE PAYMENT

A. CONTRACT SALES ACTIVITY REPORT. Each calendar quarter, Supplier must provide a contract sales activity report (Report) to the Sourcewell Supplier Development Administrator assigned to this Contract. Reports are due no later than 45 days after the end of each calendar quarter. A Report must be provided regardless of the number or amount of sales during that quarter (i.e., if there are no sales, Supplier must submit a report indicating no sales were made).

The Report must contain the following fields:

- Participating Entity Name (e.g., City of Staples Highway Department);
- Participating Entity Physical Street Address;
- Participating Entity City;
- Participating Entity State/Province;
- Participating Entity Zip/Postal Code;
- Item Purchased Description;
- Item Purchased Price;
- Sourcewell Administrative Fee Applied; and
- Date Purchase was invoiced/sale was recognized as revenue by Supplier.

B. ADMINISTRATIVE FEE. In consideration for the support and services provided by Sourcewell, the Supplier will pay an administrative fee to Sourcewell on all Equipment, Products, and Services provided to Participating Entities. The Administrative Fee must be included in, and not added to, the pricing. Supplier may not charge Participating Entities more than the contracted price to offset the Administrative Fee. Any state that requires a Sourcewell participating addendum with an additional admin fee, we reserve the right to reduce the list price discount to accommodate this additional fee.

The Supplier will submit payment to Sourcewell for the percentage of administrative fee stated in the Proposal multiplied by the total sales of all Equipment, Products, and Services purchased by Participating Entities under this Contract during each calendar quarter. Payments should note the Supplier's name and Sourcewell-assigned contract number in the memo; and must be mailed to the address above "Attn: Accounts Receivable" or remitted electronically to Sourcewell's banking institution per Sourcewell's Finance department instructions. Payments must be received no later than 45 calendar days after the end of each calendar quarter.

Supplier agrees to cooperate with Sourcewell in auditing transactions under this Contract to ensure that the administrative fee is paid on all items purchased under this Contract.

In the event the Supplier is delinquent in any undisputed administrative fees, Sourcewell reserves the right to cancel this Contract and reject any proposal submitted by the Supplier in any subsequent solicitation. In the event this Contract is cancelled by either party prior to the Contract's expiration date, the administrative fee payment will be due no more than 30 days from the cancellation date.

9. AUTHORIZED REPRESENTATIVE

Sourcewell's Authorized Representative is its Chief Procurement Officer.

Supplier's Authorized Representative is the person named in the Supplier's Proposal. If Supplier's Authorized Representative changes at any time during this Contract, Supplier must promptly notify Sourcewell in writing.

10. AUDIT, ASSIGNMENT, AMENDMENTS, WAIVER, AND CONTRACT COMPLETE

A. **AUDIT.** Pursuant to Minnesota Statutes Section 16C.05, subdivision 5, the books, records, documents, and accounting procedures and practices relevant to this Contract are subject to examination by Sourcewell or the Minnesota State Auditor for a minimum of six years from the end of this Contract. This clause extends to Participating Entities as it relates to business conducted by that Participating Entity under this Contract.

B. **ASSIGNMENT.** Neither party may assign or otherwise transfer its rights or obligations under this Contract without the prior written consent of the other party and a fully executed assignment agreement. Such consent will not be unreasonably withheld. Any prohibited assignment will be invalid.

C. **AMENDMENTS.** Any amendment to this Contract must be in writing and will not be effective until it has been duly executed by the parties.

D. **WAIVER.** Failure by either party to take action or assert any right under this Contract will not be deemed a waiver of such right in the event of the continuation or repetition of the circumstances giving rise to such right. Any such waiver must be in writing and signed by the parties.

E. **CONTRACT COMPLETE.** This Contract represents the complete agreement between the parties. No other understanding regarding this Contract, whether written or oral, may be used to bind either party. For any conflict between the attached Proposal and the terms set out in Articles 1-22 of this Contract, the terms of Articles 1-22 will govern.

F. RELATIONSHIP OF THE PARTIES. The relationship of the parties is one of independent contractors, each free to exercise judgment and discretion with regard to the conduct of their respective businesses. This Contract does not create a partnership, joint venture, or any other relationship such as master-servant, or principal-agent.

11. INDEMNITY AND HOLD HARMLESS

Supplier must indemnify, defend, save, and hold Sourcewell and its Participating Entities, including their agents and employees, harmless from any claims or causes of action, including attorneys' fees incurred by Sourcewell or its Participating Entities, arising out of any act or omission in the performance of this Contract by the Supplier or its agents or employees; this indemnification includes injury or death to person(s) or property alleged to have been caused by some defect in the Equipment, Products, or Services under this Contract to the extent the Equipment, Product, or Service has been used according to its specifications. Sourcewell's responsibility will be governed by the State of Minnesota's Tort Liability Act (Minnesota Statutes Chapter 466) and other applicable law.

12. GOVERNMENT DATA PRACTICES

Supplier and Sourcewell must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by or provided to Sourcewell under this Contract and as it applies to all data created, collected, received, maintained, or disseminated by the Supplier under this Contract.

13. INTELLECTUAL PROPERTY, PUBLICITY, MARKETING, AND ENDORSEMENT

A. INTELLECTUAL PROPERTY

1. *Grant of License.* During the term of this Contract:
 - a. Sourcewell grants to Supplier a royalty-free, worldwide, non-exclusive right and license to use the trademark(s) provided to Supplier by Sourcewell in advertising and promotional materials for the purpose of marketing Sourcewell's relationship with Supplier.
 - b. Supplier grants to Sourcewell a royalty-free, worldwide, non-exclusive right and license to use Supplier's trademarks in advertising and promotional materials for the purpose of marketing Supplier's relationship with Sourcewell.
2. *Limited Right of Sublicense.* The right and license granted herein includes a limited right of each party to grant sublicenses to their respective subsidiaries, distributors, dealers, resellers, marketing representatives, and agents (collectively "Permitted Sublicensees") in advertising and promotional materials for the purpose of marketing the Parties' relationship to Participating Entities. Any sublicense granted will be subject to the terms and conditions of this Article. Each party will be responsible for any breach of this Article by any of their respective sublicensees.
3. *Use; Quality Control.*

- a. Neither party may alter the other party's trademarks from the form provided and must comply with removal requests as to specific uses of its trademarks or logos.
- b. Each party agrees to use, and to cause its Permitted Sublicensees to use, the other party's trademarks only in good faith and in a dignified manner consistent with such party's use of the trademarks. Upon written notice to the breaching party, the breaching party has 30 days of the date of the written notice to cure the breach or the license will be terminated.

4. *Termination.* Upon the termination of this Contract for any reason, each party, including Permitted Sublicensees, will have 30 days to remove all Trademarks from signage, websites, and the like bearing the other party's name or logo (excepting Sourcewell's pre-printed catalog of suppliers which may be used until the next printing). Supplier must return all marketing and promotional materials, including signage, provided by Sourcewell, or dispose of it according to Sourcewell's written directions.

B. **PUBLICITY.** Any publicity regarding the subject matter of this Contract must not be released without prior written approval from the Authorized Representatives. Publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Supplier individually or jointly with others, with respect to the program, publications, or services provided resulting from this Contract.

C. **MARKETING.** Any direct advertising, marketing, or offers with Participating Entities must be approved by Sourcewell. Send all approval requests to the Sourcewell Supplier Development Administrator assigned to this Contract.

D. **ENDORSEMENT.** The Supplier must not claim that Sourcewell endorses its Equipment, Products, or Services.

14. GOVERNING LAW, JURISDICTION, AND VENUE

The substantive and procedural laws of the State of Minnesota will govern this Contract. Venue for all legal proceedings arising out of this Contract, or its breach, must be in the appropriate state court in Todd County, Minnesota or federal court in Fergus Falls, Minnesota.

15. FORCE MAJEURE

Neither party to this Contract will be held responsible for delay or default caused by acts of God or other conditions that are beyond that party's reasonable control. A party defaulting under this provision must provide the other party prompt written notice of the default.

16. SEVERABILITY

If any provision of this Contract is found by a court of competent jurisdiction to be illegal, unenforceable, or void then both parties will be relieved from all obligations arising from that provision. If the remainder of this Contract is capable of being performed, it will not be affected by such determination or finding and must be fully performed.

17. PERFORMANCE, DEFAULT, AND REMEDIES

A. PERFORMANCE. During the term of this Contract, the parties will monitor performance and address unresolved contract issues as follows:

1. *Notification.* The parties must promptly notify each other of any known dispute and work in good faith to resolve such dispute within a reasonable period of time. If necessary, Sourcewell and the Supplier will jointly develop a short briefing document that describes the issue(s), relevant impact, and positions of both parties.
2. *Escalation.* If parties are unable to resolve the issue in a timely manner, as specified above, either Sourcewell or Supplier may escalate the resolution of the issue to a higher level of management. The Supplier will have 30 calendar days to cure an outstanding issue.
3. *Performance while Dispute is Pending.* Notwithstanding the existence of a dispute, the Supplier must continue without delay to carry out all of its responsibilities under the Contract that are not affected by the dispute. If the Supplier fails to continue without delay to perform its responsibilities under the Contract, in the accomplishment of all undisputed work, the Supplier will bear any additional costs incurred by Sourcewell and/or its Participating Entities as a result of such failure to proceed.

B. DEFAULT AND REMEDIES. Either of the following constitutes cause to declare this Contract, or any Participating Entity order under this Contract, in default:

1. Nonperformance of contractual requirements, or
2. A material breach of any term or condition of this Contract.

The party claiming default must provide written notice of the default, with 30 calendar days to cure the default. Time allowed for cure will not diminish or eliminate any liability for liquidated or other damages. If the default remains after the opportunity for cure, the non-defaulting party may:

- Exercise any remedy provided by law or equity, or
- Terminate the Contract or any portion thereof, including any orders issued against the Contract.

18. INSURANCE

A. REQUIREMENTS. At its own expense, Supplier must maintain insurance policy(ies) in effect at all times during the performance of this Contract with insurance company(ies) licensed or authorized to do business in the State of Minnesota having an "AM BEST" rating of A- or better, with coverage and limits of insurance not less than the following:

1. *Workers' Compensation and Employer's Liability.*

Workers' Compensation: As required by any applicable law or regulation.

Employer's Liability Insurance: must be provided in amounts not less than listed below:

Minimum limits:

\$500,000 each accident for bodily injury by accident

\$500,000 policy limit for bodily injury by disease

\$500,000 each employee for bodily injury by disease

2. *Commercial General Liability Insurance.* Supplier will maintain insurance covering its operations, with coverage on an occurrence basis, and must be subject to terms no less broad than the Insurance Services Office ("ISO") Commercial General Liability Form CG0001 (2001 or newer edition), or equivalent. At a minimum, coverage must include liability arising from premises, operations, bodily injury and property damage, independent contractors, products-completed operations including construction defect, contractual liability, blanket contractual liability, and personal injury and advertising injury. All required limits, terms and conditions of coverage must be maintained during the term of this Contract.

Minimum Limits:

\$1,000,000 each occurrence Bodily Injury and Property Damage

\$1,000,000 Personal and Advertising Injury

\$2,000,000 aggregate for products liability-completed operations

\$2,000,000 general aggregate

3. *Commercial Automobile Liability Insurance.* During the term of this Contract, Supplier will maintain insurance covering all owned, hired, and non-owned automobiles in limits of liability not less than indicated below. The coverage must be subject to terms no less broad than ISO Business Auto Coverage Form CA 0001 (2010 edition or newer), or equivalent.

Minimum Limits:

\$1,000,000 each accident, combined single limit

4. *Umbrella Insurance.* During the term of this Contract, Supplier will maintain umbrella coverage over Employer's Liability, Commercial General Liability, and Commercial Automobile.

Minimum Limits:

\$2,000,000

5. *Network Security and Privacy Liability Insurance*. During the term of this Contract, Supplier will maintain coverage for network security and privacy liability. The coverage may be endorsed on another form of liability coverage or written on a standalone policy. The insurance must cover claims which may arise from failure of Supplier's security resulting in, but not limited to, computer attacks, unauthorized access, disclosure of not public data – including but not limited to, confidential or private information, transmission of a computer virus, or denial of service.

Minimum limits:

\$2,000,000 per occurrence

\$2,000,000 annual aggregate

Failure of Supplier to maintain the required insurance will constitute a material breach entitling Sourcewell to immediately terminate this Contract for default.

B. CERTIFICATES OF INSURANCE. Prior to commencing under this Contract, Supplier must furnish to Sourcewell a certificate of insurance, as evidence of the insurance required under this Contract. Prior to expiration of the policy(ies), renewal certificates must be mailed to Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 or sent to the Sourcewell Supplier Development Administrator assigned to this Contract. The certificates must be signed by a person authorized by the insurer(s) to bind coverage on their behalf.

Failure to request certificates of insurance by Sourcewell, or failure of Supplier to provide certificates of insurance, in no way limits or relieves Supplier of its duties and responsibilities in this Contract.

C. ADDITIONAL INSURED ENDORSEMENT AND PRIMARY AND NON-CONTRIBUTORY INSURANCE CLAUSE. Supplier agrees to list Sourcewell and its Participating Entities, including their officers, agents, and employees, as an additional insured under the Supplier's commercial general liability insurance policy with respect to liability arising out of activities, "operations," or "work" performed by or on behalf of Supplier, and products and completed operations of Supplier. The policy provision(s) or endorsement(s) must further provide that coverage is primary and not excess over or contributory with any other valid, applicable, and collectible insurance or self-insurance in force for the additional insureds.

D. WAIVER OF SUBROGATION. Supplier waives and must require (by endorsement or otherwise) all its insurers to waive subrogation rights against Sourcewell and other additional insureds for losses paid under the insurance policies required by this Contract or other insurance applicable to the Supplier. The waiver must apply to all deductibles and/or self-insured retentions applicable to the required or any other insurance maintained by the Supplier.

E. UMBRELLA/EXCESS LIABILITY/SELF-INSURED RETENTION. The limits required by this Contract can be met by either providing a primary policy or in combination with umbrella/excess liability policy(ies), or self-insured retention.

19. COMPLIANCE

A. LAWS AND REGULATIONS. All Equipment, Products, or Services provided under this Contract must comply fully with applicable federal laws and regulations, and with the laws in the states and provinces in which the Equipment, Products, or Services are sold.

B. LICENSES. Supplier must maintain a valid and current status on all required federal, state/provincial, and local licenses, bonds, and permits required for the operation of the business that the Supplier conducts with Sourcewell and Participating Entities.

20. BANKRUPTCY, DEBARMENT, OR SUSPENSION CERTIFICATION

Supplier certifies and warrants that it is not in bankruptcy or that it has previously disclosed in writing certain information to Sourcewell related to bankruptcy actions. If at any time during this Contract Supplier declares bankruptcy, Supplier must immediately notify Sourcewell in writing.

Supplier certifies and warrants that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from programs operated by the State of Minnesota; the United States federal government or the Canadian government, as applicable; or any Participating Entity. Supplier certifies and warrants that neither it nor its principals have been convicted of a criminal offense related to the subject matter of this Contract. Supplier further warrants that it will provide immediate written notice to Sourcewell if this certification changes at any time.

21. PROVISIONS FOR NON-UNITED STATES FEDERAL ENTITY PROCUREMENTS UNDER UNITED STATES FEDERAL AWARDS OR OTHER AWARDS

Intentionally Omitted.

22. CANCELLATION

Sourcewell or Supplier may cancel this Contract at any time, with or without cause, upon 60 days' written notice to the other party. However, Sourcewell may cancel this Contract immediately upon discovery of a material defect in any certification made in Supplier's Proposal. Cancellation of this Contract does not relieve either party of financial, product, or service obligations incurred or accrued prior to cancellation.

Sourcewell

**John Deere Construction Retail Sales a
division of John Deere Shared Services LLC,
DBA John Deere Construction Retail Sales**

DocuSigned by:
Jeremy Schwartz
C0FD2A139D06489...
By: _____
Jeremy Schwartz
Title: Chief Procurement Officer
Date: 4/4/2023 | 2:30 PM CDT

DocuSigned by:
Mark Oliver
1CAF73242BB647F...
By: _____
Mark Oliver
Title: Manager Contract Sales
Date: 4/5/2023 | 8:05 AM CDT

Approved:

DocuSigned by:
Chad Coquette
7E42B8F817A64CC...
By: _____
Chad Coquette
Title: Executive Director/CEO
Date: 4/5/2023 | 8:20 AM CDT

RFP 011723 - Heavy Construction Equipment with Related Attachments and Technology

Vendor Details

Company Name: John Deere Shared Services LLC

Does your company conduct business under any other name? If yes, please state: John Deere Construction Retail Sales a division of John Deere Shared Services LLC

Address: 1300 River Drive
Moline, IL 61265

Contact: Brooke DeVol

Email: ForsbergBrookeL@JohnDeere.com

Phone: 309-207-0431

HST#: 36-2382580

Submission Details

Created On: Monday November 28, 2022 09:24:58

Submitted On: Thursday January 12, 2023 14:48:05

Submitted By: Brooke DeVol

Email: ForsbergBrookeL@JohnDeere.com

Transaction #: 17731346-34ec-484a-83d5-3fc1c1f49270

Submitter's IP Address: 165.225.57.43

Specifications

Table 1: Proposer Identity & Authorized Representatives

General Instructions (applies to all Tables) Sourcewell prefers a brief but thorough response to each question. Do not merely attach additional documents to your response without also providing a substantive response. Do not leave answers blank; respond "N/A" if the question does not apply to you (preferably with an explanation).

Line Item	Question	Response *
1	Proposer Legal Name (one legal entity only): (In the event of award, will execute the resulting contract as "Supplier")	John Deere Construction Retail Sales a division of John Deere Shared Services LLC
2	Identify all subsidiary entities of the Proposer whose equipment, products, or services are included in the Proposal.	Not Applicable
3	Identify all applicable assumed names or DBA names of the Proposer or Proposer's subsidiaries in Line 1 or Line 2 above.	John Deere Construction Retail Sales JDCRS John Deere Construction & Forestry
4	Provide your CAGE code or Unique Entity Identifier (SAM):	Cage Code: 3PSD7 UEI: ED9BLXH3Hg21
5	Proposer Physical Address:	1300 River Drive Moline, IL 61265
6	Proposer website address (or addresses):	www.deere.com
7	Proposer's Authorized Representative (name, title, address, email address & phone) (The representative must have authority to sign the "Proposer's Assurance of Compliance" on behalf of the Proposer and, in the event of award, will be expected to execute the resulting contract):	Mark Oliver, Manager Contract Sales 1300 River Drive Moline, IL 61265 OliverMarkR@JohnDeere.com 309-748-3418
8	Proposer's primary contact for this proposal (name, title, address, email address & phone):	Brooke DeVol, Contract Administrator 1300 River Drive Moline, IL 61265 ForsbergBrookeL@JohnDeere.com 309-207-0431
9	Proposer's other contacts for this proposal, if any (name, title, address, email address & phone):	Mark Oliver, Manager Contract Sales 1300 River Drive Moline, IL 61265 OliverMarkR@JohnDeere.com 309-748-3418

Table 2: Company Information and Financial Strength

Line Item	Question	Response *
10	Provide a brief history of your company, including your company's core values, business philosophy, and industry longevity related to the requested equipment, products or services.	<p>We Run Like No Other. We conduct business essential to life. Running for the people who trust us and the planet that sustains us, we create intelligent connected machines that enable lives to leap forward.</p> <p>See our higher purpose: https://www.deere.com/en/our-company/higher-purpose/</p> <p>John Deere customers are at the center of everything we do. We rely on more than 180 years of experience and terabytes of precision data to know them and their businesses better than anyone else. Our easy-to-use technology helps deliver results they see in the field, on the job site, and on the balance sheet. We ensure seamless access to parts, services, and performance upgrades from take home to trade-in by providing world-class support throughout the lifecycle of their equipment, with productivity and sustainability always in mind.</p> <p>We never forget that we're here to help life leap forward.</p> <p>Deere & Company at a glance: https://www.deere.com/assets/pdfs/common/our-company/deere-&-company-at-a-glance.pdf</p>

11	What are your company's expectations in the event of an award?	Our expectation, if we are awarded, is to continue working with Sourcewell to provide governmental customers the best option for acquiring our Construction and Compact Construction products. The John Deere Governmental Sales Team will continue to train our dealers on how to present Sourcewell and the benefits the contract offers to continue growing our sales. Since our training plan was rolled out in late 2016, our sales on this contract have had significant growth and our expectation is to continue that trend in the market place.	*
12	Demonstrate your financial strength and stability with meaningful data. This could include such items as financial statements, SEC filings, credit and bond ratings, letters of credit, and detailed reference letters. Upload supporting documents (as applicable) in the document upload section of your response.	John Deere has a long history and attached in supplemental documents is our most recent annual report from 2021. Our 2022 fiscal year just concluded on October 31, 2022 and the annual report is not published at this time.	*
13	What is your US market share for the solutions that you are proposing?	While we do not publicly state market share position, John Deere Construction & Forestry holds a top level market share position across our entire product portfolio in the US.	*
14	What is your Canadian market share for the solutions that you are proposing?	While we do not publicly state market share position, John Deere Construction & Forestry holds a top level market share position across our entire product portfolio in Canada.	*
15	Has your business ever petitioned for bankruptcy protection? If so, explain in detail.	No bankruptcy proceedings have taken place.	*
16	How is your organization best described: is it a manufacturer, a distributor/dealer/reseller, or a service provider? Answer whichever question (either a) or b) just below) best applies to your organization. a) If your company is best described as a distributor/dealer/reseller (or similar entity), provide your written authorization to act as a distributor/dealer/reseller for the manufacturer of the products proposed in this RFP. If applicable, is your dealer network independent or company owned? b) If your company is best described as a manufacturer or service provider, describe your relationship with your sales and service force and with your dealer network in delivering the products and services proposed in this RFP. Are these individuals your employees, or the employees of a third party?	John Deere Construction Retail Sales (JDCRS) is based in Moline, IL and is responsible for growing sales in the governmental segment for the Construction & Forestry Division of John Deere. All employees of JDCRS are full time John Deere employees. This sales team is responsible for training our dealers on governmental business, contracts and sales processes. Specific to supporting the Sourcewell contract, the account managers, contract manager and sales support team are responsible for educating the dealers on the quoting, ordering and delivery process of products sold on the Sourcewell contract. All dealers are required to go through a contract training program either in person or virtually via Microsoft Teams to become an authorized seller on our contract. This process has been the main driver of our growth since it was launched in 2016. We do retain the right to sell direct if required or the dealer has not completed our training program. Upon award of this new contract, we are revamping our training process to leverage our John Deere University online training system to make it easier and more efficient for the dealer field staff to become trained and certified on the Sourcewell contract.	*
17	If applicable, provide a detailed explanation outlining the licenses and certifications that are both required to be held, and actually held, by your organization (including third parties and subcontractors that you use) in pursuit of the business contemplated by this RFP.	John Deere maintains all licenses and certifications necessary to conduct its business around the world. This is supported by our Supply Management, Engineering, Safety, Accounting, Human Resources and Tax and Legal Departments. John Deere self-audits and has regular outside audits performed by Deloitte & Touche for compliance with all required licenses, certifications and regulations.	*
18	Provide all "Suspension or Debarment" information that has applied to your organization during the past ten years.	There are no suspensions or disbarments to note.	*

Table 3: Industry Recognition & Marketplace Success

Line Item	Question	Response *
19	Describe any relevant industry awards or recognition that your company has received in the past five years	John Deere has received numerous levels of recognition and awards worldwide for quality production standards, environmental responsibility, ethics, diversity, safety and corporate citizenship. Page 12 of the 2021 Annual Report (attached in the documents section of the response) showcases some of our business highlights and the list of 2021 Awards and Recognitions. Also, attached within the documents section is our 2021 Sustainability Report for John Deere.
20	What percentage of your sales are to the governmental sector in the past three years	Customer and segment specifics for John Deere sales are not shared publicly. For the industry as a whole that we participate in, approximately 10-15% of sales for Construction and Compact Construction Equipment are sold to governmental agencies across North American each year.
21	What percentage of your sales are to the education sector in the past three years	Our education sector sales is a low percentage of our total governmental business but education entities have utilized the Sourcewell contract previously. For construction and compact construction equipment it is generally reported as a local or state level sale.
22	List any state, provincial, or cooperative purchasing contracts that you hold. What is the annual sales volume for each of these contracts over the past three years?	NASPO, as well as state participating addendums through this contract H-GAC TASB BuyBoard We also hold on average 5-10 individual state contracts outside of cooperative purchasing contracts. Sales figures are not publicly shared on any of these contracts.
23	List any GSA contracts or Standing Offers and Supply Arrangements (SOSA) that you hold. What is the annual sales volume for each of these contracts over the past three years?	GSA DLA US Fish & Wildlife, IDIQ Sales figures are not publicly shared on any of these contracts.

Table 4: References/Testimonials

Line Item 24. Supply reference information from three customers who are eligible to be Sourcewell participating entities.

Entity Name *	Contact Name *	Phone Number *
Murphy Tractor & Equipment; an authorized dealer with a vast customer base with Sourcewell purchases.	Cole Iverson VP of Sales	507-320-8826
Brandt Tractor Ltd.; an authorized dealer with a vast customer baes with Sourcewell purchases.	Lloyd Norminton Government Sales Manager	780-486-6786
RDO Construction Equipment MW; an authorized dealer with a vast customer base with Sourcewell purchases.	Jesse Miller Government Sales Manager	952-882-2752

Table 5: Top Five Government or Education Customers

Line Item 25. Provide a list of your top five government, education, or non-profit customers (entity name is optional), including entity type, the state or province the entity is located in, scope of the project(s), size of transaction(s), and dollar volumes from the past three years.

Entity Name	Entity Type *	State / Province *	Scope of Work *	Size of Transactions *	Dollar Volume Past Three Years *
New York State	Government	New York - NY	Sourcewell and Sourcewell participating addendum sales.	We averaged 172 sales per year over the last 3 years within the state of New York.	We averaged 19 million dollars per year over the last 3 years within the state of New York.
State of Ohio	Government	Ohio - OH	Sourcewell sales. Ohio STS contract was also held and is now expired. These sales are not publicly shared from our office. 2022 Q4 is our first full quarter of our Sourcewell PA contract being rolled out in Ohio.	Previous contracts in Ohio averaged 38-50 transactions per year.	Previous contracts in Ohio averaged 3-5 million dollars per year.
United States Air Force	Government	Pennsylvania - PA	DLA Military Sales	Not publicly shared from our office.	Not publicly shared from our office.
Florida Forest Service	Government	Florida - FL	Florida Forest Service contract	Not publicly shared from our office.	Not publicly shared from our office.
Louisiana DOT	Government	Louisiana - LA	State DOT contract	Not publicly shared from our office.	Not publicly shared from our office.

Table 6: Ability to Sell and Deliver Service

Describe your company's capability to meet the needs of Sourcewell participating entities across the US and Canada, as applicable. Your response should address in detail at least the following areas: locations of your network of sales and service providers, the number of workers (full-time equivalents) involved in each sector, whether these workers are your direct employees (or employees of a third party), and any overlap between the sales and service functions.

Line Item	Question	Response *
26	Sales force.	Sales is covered by our independent dealer network that has been trained and certified on the Sourcewell sales processes. We have dealer standards that require a minimum sales person to customer ratio to ensure proper sales coverage and response time.
27	Dealer network or other distribution methods.	There are nearly 400 dealer locations in the U.S., authorized to sell John Deere construction equipment products and another 60 covering Canada. There are roughly 1400 dealer locations in the U.S. authorized to sell compact construction equipment another 500 across Canada. These John Deere dealers sign contracts to sell and service John Deere products in their assigned areas. We have dealer standards that require a minimum sales person to customer ratio to ensure proper sales coverage and response time.
28	Service force.	This is covered fully by our dealers. Our dealers standard policy also has a minimum service technician to machine base ratio to ensure the best service and response time.
29	Describe the ordering process. If orders will be handled by distributors, dealers or others, explain the respective roles of the Proposer and others.	We have two processes for ordering products on our Sourcewell contract. The majority of our sales are ordered by authorized selling dealers that have been trained and certified by our John Deere Government Sales office. Upon delivery of an order we have a sales reporting automated process to capture the sales for reporting to Sourcewell. For dealers that may not be certified yet, our John Deere Government Sales office reserves the right to order direct.

30	Describe in detail the process and procedure of your customer service program, if applicable. Include your response-time capabilities and commitments, as well as any incentives that help your providers meet your stated service goals or promises.	<p>A professional, capable, well-trained, well-capitalized dealer network is one of John Deere's competitive advantages. Our dealers, backed by John Deere, provide local customer support, repairs, maintenance and parts. John Deere has authorized dealers in all 50 U.S. states and all across Canada.</p> <p>There are nearly 400 dealer locations in the U.S., authorized to sell John Deere construction equipment products and another 60 covering Canada. There are roughly 1400 dealer locations in the U.S. authorized to sell compact construction equipment and another 500 across Canada. These John Deere dealers sign contracts to sell and service John Deere products in their assigned areas.</p> <p>We also have a certified technician training program to ensure quality service for our customers. There are also multiple regional parts depots across North America for the best parts availability in the industry.</p> <p>Dealers must submit an annual business plan that contains their commitment to effectively selling and supporting all potential customer in their area, including but not limited to commercial accounts, national accounts, and state, county, and local governmental agencies.</p> <p>Customer can count on John Deere construction dealers to support our products and customers.</p>	*
31	Describe your ability and willingness to provide your products and services to Sourcewell participating entities in the United States.	All areas of the U.S. will be served.	*
32	Describe your ability and willingness to provide your products and services to Sourcewell participating entities in Canada.	All areas of Canada that Sourcewell has a defined partner (such as Canoe) will also be served.	*
33	Identify any geographic areas of the United States or Canada that you will NOT be fully serving through the proposed contract.	All areas of the U.S. will be served. All areas of Canada that Sourcewell has a defined partner (such as Canoe) will also be served.	*
34	Identify any Sourcewell participating entity sectors (i.e., government, education, not-for-profit) that you will NOT be fully serving through the proposed contract. Explain in detail. For example, does your company have only a regional presence, or do other cooperative purchasing contracts limit your ability to promote another contract?	<p>Any agency that John Deere defines as a governmental customer and is also eligible to be a Sourcewell member will qualify for the discounts on our contract. John Deere Construction & Forestry defines a governmental customer as the following:</p> <ol style="list-style-type: none"> 1. Federal, state/provincial, county, municipal and local governmental agencies 2. Hospitals and state/provincially accredited schools (both public and private) 3. Special government and/or taxing districts that have authority to levy taxes and/or issue tax free municipal bonds (ex. airports) 4. Governmental facilities run by independent management groups qualify only if a governmental agency issues the purchase order and retains ownership. Ownership by the management group voids discount eligibility. 5. Non-governmental utilities or departments or divisions of them that provide has, water, electrical, or telephone service directly to commercial or home users 6. Governmental agencies or departments or divisions of them that provide recycling or waste service directly to commercial or home users. Companies or departments or divisions of these utilities that do not provide service directly to commercial or home users do not qualify 7. North American Indian Tribal Councils 8. Non-profit agencies exempt from state/provincial and federal taxes 9. All Municipal Railroads 	*
35	Define any specific contract requirements or restrictions that would apply to our participating entities in Hawaii and Alaska and in US Territories.	The John Deere Construction & Forestry Division has assigned dealers in both Alaska and Hawaii. As is the case for the continental U.S. (CONUS), factory to dealer freight as well as local delivery by dealer to end-user will be quoted and invoiced for any applicable areas outside of the continental U.S. (CONUS). Location specific factors related to moves by ocean, barge, inland, etc. will affect final delivery date.	*

Table 7: Marketing Plan

Line Item	Question	Response *
36	Describe your marketing strategy for promoting this contract opportunity. Upload representative samples of your marketing materials (if applicable) in the document upload section of your response.	Since our "authorized selling dealer" initiative that was rolled out in late 2016, our marketing plan has focused on getting our dealer network to understand the power of cooperative purchasing, specially the Sourcewell contract. Our dealers are closer to the end use customers and understand their business and product needs better than our small team here in Moline, IL. Once we got the dealers fully bought in on the power, ease of use and importance of the contract, the sales numbers took off year over year. Our plan for the new contract is to continue this with our dealer network.
37	Describe your use of technology and digital data (e.g., social media, metadata usage) to enhance marketing effectiveness.	John Deere has a great public website with information about our entire product line. We also have a link to a variety of governmental contracts that are available. In addition to those site, we also allow the customer to build their own machine online so they can see the options that are available before they contact their local dealer. https://www.deere.com/en/ https://www.deere.com/en/construction/ https://www.deere.com/en/government-and-military-sales/ https://www.deere.com/en/government-and-military-sales/state-and-local-purchasing/ https://configure.deere.com/cbyo/#/en_us/products Our marketing communications group runs a variety of social media promotions including a YouTube channel (https://www.youtube.com/user/JohnDeere) and Facebook page (https://www.facebook.com/JohnDeereUSCA). The message on these sites changes periodically but it is primarily focused on the benefits of the John Deere relationship and how we are close to our customer.
38	In your view, what is Sourcewell's role in promoting contracts arising out of this RFP? How will you integrate a Sourcewell-awarded contract into your sales process?	From the John Deere perspective, there are three key components to promoting the Sourcewell contract: Sourcewell, John Deere Construction Retail Sales (JDCRS), and our dealer network across the US and Canada. Each has a key role to the success of the continued and incremental sales increases each year. Sourcewell's job is to continue to promote the brand to eligible members so they understand the basics of cooperative purchasing and the benefits of membership. JDCRS has the responsibility to train the dealers on sales processes (ceiling price, discount structure, ordering and delivering of products), how to determine if a customer is already a member and how to assist a customer that is not a member how to become a member. Our dealer's responsibility is to help identify the right product for the job and how to find the easiest, most cost effective way to source that product/solution. We believe that Sourcewell provides one of the best tools available to eligible customer and we will continue to promote that in our annual training. We work with our dealers and support them at any regional conference or training opportunity that helps promote the brand of all three entities. Open communication between all three parties is the key for future success and incremental sales gains on the next contract.
39	Are your products or services available through an e-procurement ordering process? If so, describe your e-procurement system and how governmental and educational customers have used it.	We are investigating e-procurement options for certain product families in the future but those are not available at this time. Due to the customizable nature of products and services, there are many possible configurations for each model. Many build-code dependencies must be taken into consideration for a properly functioning machine to be built. For that reason, we feel it is best to contact the local dealer for machine configuration guidance prior to requesting a contract quote.

Table 8: Value-Added Attributes

Line Item	Question	Response *
40	Describe any product, equipment, maintenance, or operator training programs that you offer to Sourcewell participating entities. Include details, such as whether training is standard or optional, who provides training, and any costs that apply.	Training on equipment operation and safety is provided through the local dealer. At time of delivery, the dealer provides an introductory walk-around of the unit, explaining general operation and maintenance procedures, free of charge as part of the purchase. Additional product or specific system training is optional and quoted by the local dealer.

41	Describe any technological advances that your proposed products or services offer.	<p>John Deere C&F products offer a variety of technology solutions that work to eliminate rework, improve jobsite safety, counteract labor shortages and increase efficiency. Information on those initiatives is public and can be found at the following link: https://www.deere.com/en/technology-products/precision-construction-technology/</p> <p>There was also a magazine published in the Fall of 2021 that focused on technology and its place in our industry. A link to that publication is below.</p> <p>THE DIRT publication, Fall 2021. https://www.deere.com/assets/pdfs/common/industries/construction/publications/the-dirt-fall-2021-dkmag265c-cv.pdf</p> <p>John Deere has also published what is known as our "Leap Ambitions" and that is also public. Our strategy for the Construction & Forestry Division is by 2026, we will deliver:</p> <ul style="list-style-type: none"> • 20+ electric and hybrid-electric product models. • Earthmoving: Increase SmartGrade™ grade control adoption to 50%. • Forestry: Boost Intelligent Boom Control adoption to 100%. • Roadbuilding: Increase Precision Roadbuilding Solution adoption to 85%. <p>More information on our Leap Ambitions can be found at: https://www.deere.com/en/our-company/sustainability/sustainability-report/leap-ambitions/</p> <p>Technology advances in our products is vitally important and was on display at CES 2023 where our CEO was the keynote speaker on day 1. Information can be found at CES2023.deere.com</p>	*
42	Describe any "green" initiatives that relate to your company or to your products or services, and include a list of the certifying agency for each.	<p>John Deere has been very public with these initiatives and more can be found on our website in our most recently published Sustainability Report. https://www.deere.com/en/our-company/sustainability/sustainability-report/</p> <p>"Our next leap is ELECTRIC" is another informative piece discussing the future of electrification at John Deere. https://www.deere.com/en/our-company/electrification/</p>	*
43	Identify any third-party issued eco-labels, ratings or certifications that your company has received for the equipment or products included in your Proposal related to energy efficiency or conservation, life-cycle design (cradle-to-cradle), or other green/sustainability factors.	<p>In October 2022, John Deere received an award for the SBTi Validation of Greenhouse Gas Emission Reduction. https://www.deere.com/en/news/all-news/john-deere-receives-sbti-validation-of-greenhouse-gas-emission-reduction-targets/</p> <p>In 2021 John Deere acquired majority ownership of Kreisel Electric. https://www.kreiselelectric.com/johndeere/</p>	*
44	Describe any Women or Minority Business Entity (WMBE), Small Business Entity (SBE), or veteran owned business certifications that your company or hub partners have obtained. Upload documentation of certification (as applicable) in the document upload section of your response.	<p>John Deere is committed to Supplier Diversity. Each year we submit to GSA a commercial plan that outlines our commitment to use WMBE's, SBE's, and other MBE's suppliers in support of our business.</p> <p>We also have signed on with two small business partners to learn about small business and partner with them to meet demand for products with a small business designation in the Federal market as well as help grow their businesses. Our partners are The Akana Group (Native American owned small business, small business, HUBZone certified) and Bravo (Service Disabled Veteran-Owned Business). If opportunities arise in the cooperative world for small business designation, we are prepared to grow that segment as well.</p>	*
45	What unique attributes does your company, your products, or your services offer to Sourcewell participating entities? What makes your proposed solutions unique in your industry as it applies to Sourcewell participating entities?	<p>John Deere has a very strong presence as a construction equipment and compact construction equipment provider. John Deere is also the world's leading manufacturer of agricultural equipment. Additionally, John Deere Financial is one of the largest equipment finance companies.</p> <p>Valuable Extras:</p> <ol style="list-style-type: none"> 1) Genuine John Deere Parts - highest quality parts for the highest quality equipment. <ul style="list-style-type: none"> -Regional parts depots strategically placed around North America for the best parts delivery response. 2) John Deere Connected Support – Allows customers to: <ul style="list-style-type: none"> - Monitor alerts for the machine remotely. - Monitor engine hours and utilization. - View machine location and get driving directions to the jobsite. - Monitor fuel level and idle time. 3) John Deere Connected Support – Allows dealers to: <ul style="list-style-type: none"> - Monitor alerts coming from the customers machine. - Remotely connect to a customers machine for real-time diagnostics. - Leverage Expert Alerts from John Deere to address potential future downtime. - Perform software updates from the dealership. 	*

Table 9: Warranty

Describe in detail your manufacturer warranty program, including conditions and requirements to qualify, claims procedure, and overall structure. You may upload representative samples of your warranty materials (if applicable) in the document upload section of your response in addition to responding to the questions below.

Line Item	Question	Response *
46	Do your warranties cover all products, parts, and labor?	Construction equipment has basic warranty of 12 months/unlimited hours. The standard warranty general provisions including parts and labor is attached to this RFP submission. Compact construction equipment has a basic warranty of 24 months or 2,000hrs whichever occurs first.
47	Do your warranties impose usage restrictions or other limitations that adversely affect coverage?	Extended warranty is available as a separate purchase, not on this RFP, through our local dealers. Extended warranty has a year and hour limitation with each purchase. An example is 3 year 5,000hr power train/hydraulics extended warranty option.
48	Do your warranties cover the expense of technicians' travel time and mileage to perform warranty repairs?	No, TTM is not covered within our warranty.
49	Are there any geographic regions of the United States or Canada (as applicable) for which you cannot provide a certified technician to perform warranty repairs? How will Sourcewell participating entities in these regions be provided service for warranty repair?	No, we can cover the entire U.S. and Canada with our dealer network.
50	Will you cover warranty service for items made by other manufacturers that are part of your proposal, or are these warranties issues typically passed on to the original equipment manufacturer?	Third party warranties are handled by the original OEM of that attachment.
51	What are your proposed exchange and return programs and policies?	As noted in the standard warranty document, "John Deere will repair or replace, at its option, any parts... of a new John Deere product that, as delivered to the original retail purchaser(s), are defective in material or workmanship." See attached standard warranty document for full text explanation.
52	Describe any service contract options for the items included in your proposal.	John Deere does not offer any service contracts within this RFP. Service contracts and extended warranty options are available for customers from their local dealer and can be quoted to them at time of purchase.

Table 10: Payment Terms and Financing Options

Line Item	Question	Response *	
53	Describe your payment terms and accepted payment methods.	JDCRS' only option for payment terms is Net 30 Days for direct sales. Since the majority of our deals are purchased through one of our authorized dealers, there are financing options available (JD Financial) that can be negotiated before finalizing the deal.	*
54	Describe any leasing or financing options available for use by educational or governmental entities.	<p>JDCRS (contract vendor) does not play a role in leasing, financing or payment terms other than Net 30 Days.</p> <p>John Deere Financial offers leasing/financing options. The John Deere Municipal Lease Purchase Plan is a special low-rate financing plan that is designed to provide flexibility of leasing while building equity toward ownership of the John Deere equipment. Any state or local government body, or their political subdivisions, having the power to tax may be eligible for the John Deere Municipal Lease Purchase Plan, subject to approval.</p> <p>John Deere Financial also offers other leasing and financing options for governmental, educational and non-profit entities, subject to approval.</p> <p>All leasing and financing options are handled through the local dealer and John Deere Financial.</p> <p>The lease/finance provider funds the contract sales invoice within 30 days.</p>	*
55	Describe any standard transaction documents that you propose to use in connection with an awarded contract (order forms, terms and conditions, service level agreements, etc.). Upload a sample of each (as applicable) in the document upload section of your response.	Our John Deere dealers use approved applications in their business system to provide quotes to customers stating the approved contract discount rate. The quote contains terms and conditions for the quote and terms for payment when a PO is issued. For direct sales through our office similar documentation is used and is available in the document upload section.	*
56	Do you accept the P-card procurement and payment process? If so, is there any additional cost to Sourcewell participating entities for using this process?	P-card payments are accepted with a 3% processing fee added to the contract quote. P-card usage is to be made known at time of quote request. Customer PO must cover the added fee.	*

Table 11: Pricing and Delivery

Provide detailed pricing information in the questions that follow below. Keep in mind that reasonable price and product adjustments can be made during the term of an awarded Contract as described in the RFP, the template Contract, and the Sourcewell Price and Product Change Request Form.

Line Item	Question	Response *
57	Describe your pricing model (e.g., line-item discounts or product-category discounts). Provide detailed pricing data (including standard or list pricing and the Sourcewell discounted price) on all of the items that you want Sourcewell to consider as part of your RFP response. If applicable, provide a SKU for each item in your proposal. Upload your pricing materials (if applicable) in the document upload section of your response.	Each model will have a discount associated to it which applies to all options of that model fully configured, base coded attachments will have a separate discount schedule. Third party attachments (AT and BYT kits) are not part of this RFP proposal and are available for separate purchase by our dealer. The model and discount schedule is attached. Full current price pages will be submitted upon successful award. Any price changes or model updates will be submitted through the PnP process.
58	Quantify the pricing discount represented by the pricing proposal in this response. For example, if the pricing in your response represents a percentage discount from MSRP or list, state the percentage or percentage range.	Quotes are provided to the customer with a discount off of current list price. Quotes are price protected for a period of 30 days as long as a PO is received within that 30 day period. See attached pricing & discount schedule as well as the example quote for our proposal on this RFP.
59	Describe any quantity or volume discounts or rebate programs that you offer.	We offer two different volume discounts between our construction equipment (CE) portfolio and our compact construction equipment (CCE) portfolio due to the difference in acquisition costs of the larger construction equipment verses the smaller compact construction equipment. CE: 5-7 machines = 1%, 8-14 machines = 2%, 15+ machines = 3% CCE: 8-14 machines = 1%, 15+ machines = 3%
60	Propose a method of facilitating "sourced" products or related services, which may be referred to as "open market" items or "nonstandard options". For example, you may supply such items "at cost" or "at cost plus a percentage," or you may supply a quote for each such request.	Sourced or open market items are not part of our RFP response but we do allow dealers to quote these as dealer provided items as a separate line item on the quote. Discounts will not be applied to these open market items. Quotes for these products are negotiated directly through the customer and our dealer network.
61	Identify any element of the total cost of acquisition that is NOT included in the pricing submitted with your response. This includes all additional charges associated with a purchase that are not directly identified as freight or shipping charges. For example, list costs for items like pre-delivery inspection, installation, set up, mandatory training, or initial inspection. Identify any parties that impose such costs and their relationship to the Proposer.	The following will not be included: 1. Dealer provided goods and services: Non-factory goods and services (third party items) will be quoted by dealer at the customers request. 2. Set-up and installation fees: These charges will be quoted by the dealer and are not part of this RFP. 3. Pre-Delivery Inspection (PDI): A PDI is performed on all new machine purchases to ensure proper fluid levels, check system pressures, verify accurate system operation, and cleaning of the unit prior to delivery. The cost of the PDI is quoted by the dealer and will vary by machine model and complexity. Taxes: Local taxes, if applicable, will be assessed.
62	If freight, delivery, or shipping is an additional cost to the Sourcewell participating entity, describe in detail the complete freight, shipping, and delivery program.	Freight, delivery and shipping are charged to the customer and added to the quote as separate line items.
63	Specifically describe freight, shipping, and delivery terms or programs available for Alaska, Hawaii, Canada, or any offshore delivery.	Freight, delivery and shipping are charged to the customer and added to the quote as separate line items just as they are for all participating entities. Travel that occurs by ocean, barge or inland may affect the delivery time of the machine.
64	Describe any unique distribution and/or delivery methods or options offered in your proposal.	If a customer has a unique request, we can review at that time, otherwise there are no unique methods offered in this RFP.

Table 12: Pricing Offered

Line Item	The Pricing Offered in this Proposal is: *	Comments
65	c. better than the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.	Sourcewell has become our most valued contract to our dealer network for governmental business. We will continue to use our best available discount schedule to support this contract.

Table 13: Audit and Administrative Fee

Line Item	Question	Response *
66	Specifically describe any self-audit process or program that you plan to employ to verify compliance with your proposed Contract with Sourcewell. This process includes ensuring that Sourcewell participating entities obtain the proper pricing, that the Vendor reports all sales under the Contract each quarter, and that the Vendor remits the proper administrative fee to Sourcewell. Provide sufficient detail to support your ability to report quarterly sales to Sourcewell as described in the Contract template.	Our dealers are required to participate in a contract sales training class to ensure they are promoting the contract per the Terms and Conditions of our RFP response. Dealers are made aware of how to obtain the effective price date of the contract, so the customer is being quoted accurately. Whenever there is a price change approved by Sourcewell, we communicate that information via our dealer bulletin process and post on our dealer microsite. We also use an automated settlement process where a dealer utilizes a program ID code so that we can accurately capture the sales each quarter for our internal review and submit to Sourcewell for the payment of our admin fee. We will also be launching a new quoting process to simplify the quoting process for many of our dealers to ensure accurate pricing per the terms and conditions of our contract.
67	If you are awarded a contract, provide a few examples of internal metrics that will be tracked to measure whether you are having success with the contract.	Upon award of this contract, we track the sales performance of each dealer group across the US and Canada to achieve our market share goals for construction equipment and compact construction equipment in the governmental segments. This has worked well for this contract to date, and we will continue to use this market share metric to keep our dealers accountable for performance.
68	Identify a proposed administrative fee that you will pay to Sourcewell for facilitating, managing, and promoting the Sourcewell Contract in the event that you are awarded a Contract. This fee is typically calculated as a percentage of Vendor's sales under the Contract or as a per-unit fee; it is not a line-item addition to the Member's cost of goods. (See the RFP and template Contract for additional details.)	We have had great success growing and expanding the utilization of this contract for all our dealers in the US and Canada and will continue this growth by providing a 0.5% admin fee to Sourcewell on all contract items. Third party attachments or non-contract items (dealer provided items) are not subject to the admin fee. The total calculated admin fee is payable each calendar quarter to Sourcewell.

Table 14A: Depth and Breadth of Offered Equipment Products and Services

Line Item	Question	Response *
69	Provide a detailed description of the equipment, products, and services that you are offering in your proposal.	We will be offering our complete line of construction equipment and compact construction equipment, as well as base coded attachments. Product families include Articulated Dump Trucks, Backhoes, Compact Track Loaders, Crawler Dozers, Crawler Loaders, Excavators, Compact Excavators, Tractor Loaders, Motor Graders, Skid Steer Loaders, Wheel Loaders and Compact Wheel Loaders. All services including product support, part support, and warranty work will be provided by our authorized dealers and not part of this contract.
70	Within this RFP category there may be subcategories of solutions. List subcategory titles that best describe your products and services.	N/A

Table 148: Depth and Breadth of Offered Equipment Products and Services

Indicate below if the listed types or classes of equipment, products, and services are offered within your proposal. Provide additional comments in the text box provided, as necessary.

Line Item	Category or Type	Offered	Comments
71	Wheeled, tracked, and backhoe loaders	<input checked="" type="radio"/> Yes <input type="radio"/> No	
72	Motor Graders	<input checked="" type="radio"/> Yes <input type="radio"/> No	
73	Wheeled and tracked excavators	<input checked="" type="radio"/> Yes <input type="radio"/> No	
74	Bulldozers, compactors, scrapers, articulated and rigid haulers	<input checked="" type="radio"/> Yes <input type="radio"/> No	We do not offer rigid haulers. Compactors are offered on the separate Wirtgen contract.
75	Cranes	<input type="radio"/> Yes <input checked="" type="radio"/> No	
76	Accessories or attachments for the offering in #71-75 above	<input checked="" type="radio"/> Yes <input type="radio"/> No	We will be offering base coded attachments at time of whole goods purchase or separately if needed. AT kits and BYT kits (third party attachments) are not part of this contract.
77	Technology or services for the offering in #71-75 above	<input checked="" type="radio"/> Yes <input type="radio"/> No	Link Telematics, Grade Control, and Slope Control are examples of these technology services that are available as options on certain products.

Table 14C: Required Offering of Equipment

Indicate below if the proposer's proposal includes at least one (1) of the following listed types or classes of equipment. Provide additional comments in the text box provided, as necessary.

Line Item	Category or Type	Offered	Comments
78	Wheel loader with published net horsepower (HP) of at least 300 HP	<input checked="" type="radio"/> Yes <input type="radio"/> No	We offer 4 wheel loaders that meet this spec requirement.
79	Wheeled or tracked excavator with a published net horsepower (HP) of at least 150 HP	<input checked="" type="radio"/> Yes <input type="radio"/> No	We offer 10 excavators that meet this spec requirement.
80	Motor Grader with a published maximum operating weight of at least 30,000 lbs.	<input checked="" type="radio"/> Yes <input type="radio"/> No	We offer 8 motor graders that meet this spec requirement.
81	Rough terrain, all terrain, crawler, floating, lattice, or telescopic crane with a published maximum lifting capacity of at least 300 tons and a published maximum boom length of at least 150 feet	<input type="radio"/> Yes <input checked="" type="radio"/> No	

Exceptions to Terms, Conditions, or Specifications Form

Only those Proposer Exceptions to Terms, Conditions, or Specifications that have been accepted by Sourcewell have been incorporated into the contract text.

Documents

Ensure your submission document(s) conforms to the following:

1. Documents in PDF format are preferred. Documents in Word, Excel, or compatible formats may also be provided.
2. Documents should NOT have a security password, as Sourcewell may not be able to open the file. It is your sole responsibility to ensure that the uploaded document(s) are not either defective, corrupted or blank and that the documents can be opened and viewed by Sourcewell.
3. Sourcewell may reject any response where any document(s) cannot be opened and viewed by Sourcewell.
4. If you need to upload more than one (1) document for a single item, you should combine the documents into one zipped file. If the zipped file contains more than one (1) document, ensure each document is named, in relation to the submission format item responding to. For example, if responding to the Marketing Plan category save the document as "Marketing Plan."
 - [Pricing](#) - RFP 011723 Model & Discount Schedule.pdf - Monday January 09, 2023 11:48:21
 - [Financial Strength and Stability](#) - Deere-Co_Annual-Report-2021.pdf - Tuesday November 29, 2022 12:34:40
 - Marketing Plan/Samples (optional)
 - WMBE/MBE/SBE or Related Certificates (optional)
 - [Warranty Information](#) - US CAN deere wty stmt.pdf - Tuesday December 06, 2022 10:27:02
 - [Standard Transaction Document Samples](#) - Sample Sourcewell Quote.pdf - Monday January 09, 2023 11:22:37
 - [Upload Additional Document](#) - Sustainability Report 2021.pdf - Tuesday November 29, 2022 13:01:16

Addenda, Terms and Conditions

PROPOSER AFFIDAVIT AND ASSURANCE OF COMPLIANCE

I certify that I am the authorized representative of the Proposer submitting the foregoing Proposal with the legal authority to bind the Proposer to this Affidavit and Assurance of Compliance:

1. The Proposer is submitting this Proposal under its full and complete legal name, and the Proposer legally exists in good standing in the jurisdiction of its residence.
2. The Proposer warrants that the information provided in this Proposal is true, correct, and reliable for purposes of evaluation for contract award.
3. The Proposer, including any person assisting with the creation of this Proposal, has arrived at this Proposal independently and the Proposal has been created without colluding with any other person, company, or parties that have or will submit a proposal under this solicitation; and the Proposal has in all respects been created fairly without any fraud or dishonesty. The Proposer has not directly or indirectly entered into any agreement or arrangement with any person or business in an effort to influence any part of this solicitation or operations of a resulting contract; and the Proposer has not taken any action in restraint of free trade or competitiveness in connection with this solicitation. Additionally, if Proposer has worked with a consultant on the Proposal, the consultant (an individual or a company) has not assisted any other entity that has submitted or will submit a proposal for this solicitation.
4. To the best of its knowledge and belief, and except as otherwise disclosed in the Proposal, there are no relevant facts or circumstances which could give rise to an organizational conflict of interest. An organizational conflict of interest exists when a vendor has an unfair competitive advantage or the vendor's objectivity in performing the contract is, or might be, impaired.
5. The contents of the Proposal have not been communicated by the Proposer or its employees or agents to any person not an employee or legally authorized agent of the Proposer and will not be communicated to any such persons prior to Due Date of this solicitation.
6. If awarded a contract, the Proposer will provide to Sourcewell Participating Entities the equipment, products, and services in accordance with the terms, conditions, and scope of a resulting contract.
7. The Proposer possesses, or will possess before delivering any equipment, products, or services, all applicable licenses or certifications necessary to deliver such equipment, products, or services under any resulting contract.
8. The Proposer agrees to deliver equipment, products, and services through valid contracts, purchase orders, or means that are acceptable to Sourcewell Members. Unless otherwise agreed to, the Proposer must provide only new and first-quality products and related services to Sourcewell Members under an awarded Contract.
9. The Proposer will comply with all applicable provisions of federal, state, and local laws, regulations, rules, and orders.
10. The Proposer understands that Sourcewell will reject RFP proposals that are marked "confidential" (or "nonpublic," etc.), either substantially or in their entirety. Under Minnesota Statutes Section 13.591, subdivision 4, all proposals are considered nonpublic data until the evaluation is complete and a Contract is awarded. At that point, proposals become public data. Minnesota Statutes Section 13.37 permits only certain narrowly defined data to be considered a "trade secret," and thus nonpublic data under Minnesota's Data Practices Act.
11. Proposer its employees, agents, and subcontractors are not:
 1. Included on the "Specially Designated Nationals and Blocked Persons" list maintained by the Office of Foreign Assets Control of the United States Department of the Treasury found at: <https://www.treasury.gov/ofac/downloads/sdnlist.pdf>;
 2. Included on the government-wide exclusions lists in the United States System for Award Management found at: <https://sam.gov/SAM/>; or
 3. Presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from programs operated

by the State of Minnesota; the United States federal government or the Canadian government, as applicable; or any Participating Entity. Vendor certifies and warrants that neither it nor its principals have been convicted of a criminal offense related to the subject matter of this solicitation.

By checking this box I acknowledge that I am bound by the terms of the Proposer's Affidavit, have the legal authority to submit this Proposal on behalf of the Proposer, and that this electronic acknowledgment has the same legal effect, validity, and enforceability as if I had hand signed the Proposal. This signature will not be denied such legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation. - Mark Oliver, Manager, Contract Sales, John Deere Construction Retail Sales

The Proposer declares that there is an actual or potential Conflict of Interest relating to the preparation of its submission, and/or the Proposer foresees an actual or potential Conflict of Interest in performing the contractual obligations contemplated in the bid.

Yes No

The Bidder acknowledges and agrees that the addendum/addenda below form part of the Bid Document.

Check the box in the column "I have reviewed this addendum" below to acknowledge each of the addenda.

File Name	I have reviewed the below addendum and attachments (if applicable)	Pages
Addendum_5_Heavy_Construction_Equipment_RFP_011723 Tue January 10 2023 08:47 AM	<input checked="" type="checkbox"/>	1
Addendum_4_Heavy_Construction_Equipment_RFP_011723 Fri January 6 2023 09:51 AM	<input checked="" type="checkbox"/>	2
Addendum_3_Heavy_Construction_Equipment_RFP_011723 Thu December 29 2022 12:33 PM	<input checked="" type="checkbox"/>	2
Addendum_2_Heavy_Construction_Equipment_RFP_011723 Wed December 21 2022 01:49 PM	<input checked="" type="checkbox"/>	1
Addendum_1_Heavy_Construction_Equipment_RFP_011723 Thu December 15 2022 09:27 AM	<input checked="" type="checkbox"/>	1

RESOLUTION NO. 2024 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, WAIVING THE FORMAL BID PROCESS PURSUANT TO NATIONAL CITY MUNICIPAL CODE SECTION 2.60.260 REGARDING COOPERATIVE PURCHASING AND AUTHORIZING THE CITY TO PIGGYBACK ONTO SOURCEWELL CONTRACT #011723 WITH SONSRAY MACHINERY FOR THE PURCHASE OF A CASE 521G2 ZBAR STAGE 5 LARGE FRONT LOADER IN A NOT-TO-EXCEED AMOUNT OF \$171,000 FOR THE PUBLIC WORKS STREETS AND WASTEWATER DIVISION: AUTHORIZING A TRANSFER FROM THE SEWER FUND TO THE VEHICLE ACQUISITION FUND OF UP TO \$47,025; AND AUTHORIZING THE CITY MANAGER TO APPROVE ADJUSTMENTS OF UP TO \$17,100 TO THE NOT-TO-EXCEED AMOUNT FOR THE PURCHASE AS A 10% CONTINGENCY FOR UNFORESEEN FLUCTUATIONS IN PRICING.

WHEREAS, the Public Works Streets and Wastewater Division utilizes a front loader to assist with maintenance and repairs in asphalt work, alley clean-up and grading, drainage channels, and post storm event clean-ups citywide; and

WHEREAS, City staff desires to purchase a new large front loader as the current front loader has exceeded its useful life of fifteen years and is scheduled to be replaced; and

WHEREAS, through adoption of the Fiscal Year 2024 annual budget, City Council approved \$250,000 for the purchase of a new front loader and the City of National City has an opportunity to piggyback onto the Sourcewell Contract # 011723 with Sonsray Machinery to allow for the purchase of a CASE 521G2 ZBAR STAGE 5 large front loader; and

WHEREAS, Section 2.60.260 of the National City Municipal Code provides that the City may buy directly from a vendor at a price established through competitive bidding by another public agency whose procedures have been determined to be in substantial compliance with the City's procurement procedures, and such a determination has been made in this case, therefore, it is recommended that the purchase be made without complying with the competitive bidding procedure set forth in the Municipal Code; and

WHEREAS, National City's Purchasing staff has confirmed that the Sourcewell Contract # 011723 with Sonsray Machinery was competitively bid through a Request for Proposals (RFP) process, and that Sourcewell procurement procedures are in substantial compliance with those of National City; and

WHEREAS, City staff recommends that 25% of the cost be charged to the Sewer Fund, which entails making an adjustment to the Sewer Fund's budget for Fiscal Year 2024 by transferring up to \$47,025 to the vehicle acquisition fund; and

WHEREAS, City staff recommends adoption of the Resolution as stated.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: That the City Council hereby authorizes waiving the formal bid process pursuant to National City Municipal Code Section 2.60.260 regarding cooperative purchasing and authorizing the City to piggyback onto Sourcewell Contract # 011723 with Sonsray Machinery to

allow for the purchase of a CASE 521G2 ZBAR STAGE 5 large front loader for the Public Works Streets and Wastewater Division in a not-to-exceed amount of \$171,000.

Section 2: That the City Council hereby authorizes the City Manager to approve adjustments of up to \$17,100 to the not-to-exceed amount for the purchase as a 10% contingency for unforeseen fluctuations in pricing.

Section 3: That the City Council hereby authorizes a Fiscal Year 2024 budget adjustment by transferring up to \$47,025 from the Sewer Fund to the Vehicle Acq. Automotive Equipment – Streets fund to pay for 25% of the cost of the front loader.

Section 4: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 21st day of May, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: City Clerk's Office
Prepared by: Shelley Chapel, MMC, City Clerk
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Discussion Regarding Policy and Possible Removal of Parks, Recreation & Senior Citizens Advisory Committee Member Due to Unexcused Absences per City Council Policy No. 107

RECOMMENDATION:

Provide direction to staff.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Parks, Recreation & Senior Citizens Advisory Committee (“Committee”) Member Ignacio Navarro, Jr. was appointed to the Committee on February 16, 2021 and reappointed on March 7, 2023. Since reappointment, the City Clerk’s Office has been unsuccessful in reaching Member Navarro to complete the required Oath of Office, Anti-Sexual Harassment, and Ethics trainings, which are required every two years. Member Navarro has been out of compliance since June 2023.

In addition, Member Navarro has been absent without notice to the Staff Lead or the City Clerk’s Office for Committee meetings that occurred during calendar year 2023 and for meetings thus far in 2024.

Member:	Number of Meetings Held	Meetings Present	Status of Mandatory Training
Ignacio Navarro, Jr.			
Meetings Held in 2023	7	0	Two Overdue
Meetings Held in 2024	4	0	Two Overdue

The City Clerk’s Office has made numerous attempts to contact Member Navarro via email, telephone, and certified mail with no success. Correspondence sent via certified mail was returned by the U.S. Postal Service as ‘Unclaimed – Return to Sender’ (see Exhibit A).

City Council Policy 107, Section (D)(3) Removals provides that:

Excused Absences:

An “excused absence” is only granted when absolutely necessary and pre-approved if at all possible. The City Council encourages Boards, Commissions, and Committees to refrain from scheduling meetings on cultural and religious holidays in order to encourage full participation by all Commissioners, Board Members, and the public.

The pre-approval of excused absences will be by the body as a whole and documented in the meeting minutes.

Excused absences are listed as follows:

1. Illness of the Commissioner or Member of the Board, Committee, or Commission, their family member, or their personal friend;
2. Business commitment of the Commissioner or Member of the Board, Committee, or Commission that interferes with the attendance at a meeting;
3. Attendance of the Commissioner or Member of the Board, Committee, or Commission at a funeral, religious service or ceremony, wedding, or other similarly-significant event; or
4. Other reason for which the Commissioner or Member of the Board, Committee, or Commission has given notice to the Chairperson or Secretary of their unavailability fifteen (15) days in advance, as long as the unavailability is not expected to last longer than 30 days.

The Secretary or Lead of each Board, Commission, or Committee will report the attendance to the Office of the City Clerk on a monthly basis. If the attendance or absences fall within these guidelines, the Office of the City Clerk will prepare a report to City Council for review and possible removal of the Commissioner, Member, or Alternate sitting on the Board, Committee, or Commission. Any Commissioner, Member, or Alternate sitting on a Board, Committee, or Commission may be removed from office at any time by a simple majority vote of the City Council at a regularly scheduled Council meeting with or without cause.

Mandatory Training and Filing Requirements:

Commissioners and Members of Board, Committee, or Commission, as appointed by the legislative body, are entrusted with certain responsibilities and concomitant training and reporting. The following are requirements of Commissioners and Members of Boards, Commissions, and Committees. This training is required to be completed within 30 days of appointment or notification.

1. Oath of Office (Article XX of the California Constitution, and California Government Code Section 36507)
2. Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 Filing (California Government Code Section 87100 et seq)
3. AB1234 Ethics Training (California Government Code Section 53235.1(b))
4. Sexual Harassment Training
5. Brown Act Training
6. Social Media Training
7. Any training required by State Law, Federal Law, or City Policies.

All training is offered in a variety of formats including in person, via Zoom, training website/software, and pre-recorded video. Currently, these are all requirements of the Mayor and City Council, and City staff.

Removal:

Failure to complete any of these requirements within 30 days of the appointment date or date of notification is cause for automatic removal.

FINANCIAL STATEMENT:

Not Applicable.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;
PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Correspondence sent to Ignacio Navarro, Jr.

Exhibit B – City Council Policy 107

City of National City
Office of the City Clerk
National City Blvd.
National City, CA 91950



First-Class Mail
03/25/2024
US POSTAGE \$009.92^g



ZIP 92123
041L12200059

Ignacio Navarro, Jr.

-R-T-S- 919505206-1N 04/26/24
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
RETURN TO SENDER



LN 5-28



March 26, 2024

Ignacio Navarro, Jr.

[REDACTED]
National City, CA 91950

Sent via email and certified mail

RE: LACK OF ATTENDANCE

Dear Ignacio Navarro, Jr.,

You were reappointed as a member of the **Park, Recreation and Senior Citizens Advisory Committee** (PRSCAC) on March 7, 2023 with a term that expires March 31, 2026. You are a valued member of PRSCAC and your attendance at meetings is critical to the effective operation of the Committee.

Per City Council Policy 107, a member of a National City Board, Commission, or Committee shall be considered removed if a member misses more than 25% of the advisory body's meetings in a calendar year.

Attendance records indicate that you were absent for all meetings that occurred in 2023 and have been absent at the meetings thus far in 2024.

If you wish to resign your position, please complete the attached form and return to the City Clerk's Office in the self-addressed stamped envelope or send via email to clerk@nationalcityca.gov. If a response is not **received by April 5, 2024**, an agenda item will be brought forward to the City Council regarding your removal from the Committee.

Should you have any questions, please contact me via email at clerk@nationalcityca.gov or via phone at (619) 336-4228.

[REDACTED]
Shelley Chapel
City Clerk
Office of the City Clerk

Enclosures
Previous Email Correspondence
Resignation Letter

cc: Tonya Hussain, Deputy City Clerk
Joanne McGhee, Community Services Manager

Office of the City Clerk
1243 National City Boulevard, National City, CA 91950-4397
619-336-4228 www.nationalcityca.gov

RESIGNATION LETTER

I, _____, resign my position as a Committee Member on
(print your name)
the Park, Recreation & Senior Citizens' Advisory Committee effective March 26, 2024.

Signature

Tonya Hussain

From: Tonya Hussain
Sent: Monday, January 8, 2024 6:02 PM
To: [REDACTED]
Cc: Shelley Chapel; Joanne McGhee
Subject: BCC Member - Overdue Mandatory Training & Oath of Office

Good evening Committee member Navarro,

Per the email below, your mandatory training **and** Oath of Office as a member of a City Board, Commission, or Committee remains overdue. Your outstanding training and Oath of Office **must be completed no later than Monday, January 15th**. If not completed by that time, a report to the City Council will be brought forward at their February meeting.

Thanks and please let me know if you have any questions.



Tonya Hussain
Executive Secretary
Office of the City Clerk
City of National City
1243 National City Blvd., National City, CA 91950
T: 619.336.4415 | thussain@nationalcityca.gov
[Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

From: Tonya Hussain
Sent: Tuesday, October 31, 2023 1:01 PM
To: [REDACTED]
Subject: BCC Member - Overdue Mandatory Training & Oath of Office

Hello Committee Member Navarro,

Per City Council Policy 107 (attached and referenced below), your position on a City of National City Board, Commission or Committee requires that Anti-Sexual Harassment and Ethics training occur every two years. Re-administering of the Oath of Office is also required upon reappointment. After multiple, unsuccessful attempts to reach you via email and telephone your training and Oath of Office remain overdue. **Training must be completed no later than November 15, 2023 to avoid referral to the City Council.** Please contact the City Clerk's Office at the number indicated at the bottom of this email to schedule a time to take your Oath of Office.

Mandatory Training and Filing Requirements:

Commissioners and Members of Board, Committee, or Commission, as appointed by the legislative body, are entrusted with certain responsibilities and concomitant training and reporting.

The following are requirements of Commissioners and Members of Boards, Commissions, and Committees. This training is required to be completed **within 30 days of appointment or notification.**

Removal:

Failure to complete any of these requirements within 30 days of the appointment date or date of notification is cause for automatic removal.

Please follow the steps below to access the training sessions. If you experience difficulties or have any questions please let me know as soon as possible. Some of the trainings will require you to disable your pop-up blocker.

- Go to: <http://app.targetolutions.com/nationalcity>
- Your login is your email address.
- If you have not already set up a password, your temporary password is nationalcity or NatCity@1243
- When you log in, you will be prompted to change your password
- Once you are on the Target Solutions website, the required training sessions will appear in the middle of the screen.
- Click on it and you are ready to begin.

Thanks and please let me know if you have any questions.

**Tonya Hussain****Executive Secretary**

Office of the City Clerk

City of National City

1243 National City Blvd., National City, CA 91950

T: 619.336.4415 | thussain@nationalcityca.gov

[Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

From: Shelley Chapel

Sent: Monday, June 19, 2023 10:59 AM

Cc: Christina Curiel <ccuriel@nationalcityca.gov>; Elyana Delgado <edelgado@nationalcityca.gov>; Joanne McGhee <jmcghee@nationalcityca.gov>; Joyce Ryan <jryan@nationalcityca.gov>; Juanita Castañeda <jcastaneda@nationalcityca.gov>; Lizza Galindo-Rojas <LRojas@nationalcityca.gov>; Lourdes Silva <lourdess@nationalcityca.gov>; Martin Reeder <mreeder@nationalcityca.gov>; Sarah Esendencia <sesendencia@nationalcityca.gov>; Tirza Gonzales <tgonzales@nationalcityca.gov>; Tonya Hussain <thussain@nationalcityca.gov>; Walter Amedee <WAmedee@nationalcityca.gov>

Subject: BCC Member Required Training - Past Due

Training Requirement is OVERDUE – Please complete at once.

Good morning BCC Member,

If you are receiving this email, it is because you have one or more required trainings that are past due. Please log in to the [Targetsolutions](#) website and complete any trainings that appear on your dashboard as soon as possible. Follow the directions as listed below. Any questions please let me know.

As a requirement of your position you are required to fulfill certain web-based training sessions. Please follow the instructions below to fulfill each of the training requirements. Please complete this training within the first 30 days following your appointment.

Checklist:

- CA Local Agency Ethics (AB1234) Ethics Training (Every Two Years) – TargetSolutions
- Anti-Harassment Training– TargetSolutions

To access the training sessions, please follow the instructions below. Some of the trainings will require you to disable your pop-up blocker. If this is necessary and you need assistance please let me know.

- Go to: <http://app.targetolutions.com/nationalcity>
- Your login is your email address
- Your temporary password is nationalcity
- When you log in, you will be prompted to change your password
- Once you are on the Target Solutions website, the required training sessions will appear in the middle of the screen.
Click on it and you are ready to begin.

Thank you again for your service.



Shelley Chapel, MMC

City Clerk

City Manager's Office

City of National City

1243 National City Blvd., National City, CA 91950

T: 619.336.4225 | schapel@nationalcityca.gov

[Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

From: Shelley Chapel

Sent: Thursday, July 6, 2023 7:35 AM

To: PRSCAC Ignacio Navarro Jr. <[REDACTED]>

Cc: Joyce Ryan <jryan@nationalcityca.gov>; Victor Acosta <vacosta@nationalcityca.gov>; Tonya Hussain <thussain@nationalcityca.gov>

Subject: Member Required Training - Past Due

Training Requirement is OVERDUE – Please complete at once.

Good morning BCC Member,

If you are receiving this email, it is because you have one or more required trainings that are past due. Please log in to the [Targetsolutions](#) website and complete any trainings that appear on your dashboard as soon as possible. Follow the directions as listed below. Any questions please let me know.

As a requirement of your position you are required to fulfill certain web-based training sessions. Please follow the instructions below to fulfill each of the training requirements. **Please complete this training immediately.** You may require one or both of the classes below. When you log into Targetsolutions the required classes will be listed on your dashboard.

Checklist:

- CA Local Agency Ethics (AB1234) Ethics Training (Every Two Years) – TargetSolutions
- Anti-Harassment Training– TargetSolutions

To access the training sessions, please follow the instructions below. Some of the trainings will require you to disable your pop-up blocker. If this is necessary and you need assistance please let me know.

Go to: <http://app.targetsolutions.com/nationalcity>

- Your login is your email address
- Your temporary password is nationalcity
- When you log in, you will be prompted to change your password
- Once you are on the Target Solutions website, the required training sessions will appear in the middle of the screen.
Click on it and you are ready to begin.

Again as a reminder this is a requirement of your position and it is the responsibility of the City Clerk to report semi-annually all absences and training delinquencies to the City Council. This may cause removal from your appointed position, so please complete as soon as possible. Thank you again for your service.

Forward a copy of your training certificate to me please once completed.



Shelley Chapel, MMC

City Clerk

City Manager's Office

City of National City

1243 National City Blvd., National City, CA 91950

T: 619.336.4225 | schapel@nationalcityca.gov

[Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

From: Shelley Chapel

Sent: Monday, July 17, 2023 9:02 AM

To: PRSCAC Florfina Arce [REDACTED]; CSC Leslie Coyote [REDACTED];

[REDACTED]; [REDACTED]

[REDACTED] PRSCAC Ignacio Navarro Jr. [REDACTED]; CSC Paul

Wapnowski [REDACTED]; [REDACTED]; Zachary Gomez

[REDACTED]

Cc: Molly Brennan <mbrennan@nationalcityca.gov>; Joyce Ryan <jryan@nationalcityca.gov>; Joanne McGhee <jmcghee@nationalcityca.gov>; Sarah Esendencia <sesendencia@nationalcityca.gov>

Subject: BCC - Training Requirements - Delinquent

Good morning BCC members,

This email is to notify you of a training requirement as a Board/Commission/Committee (BCC) Member for the City of National City. Each BCC member is required to take the following trainings either on an annual or bi-annual basis depending on the training. You will be notified by the training system (Targetsolutions/Vectorsolutions) via email.

1. CA Local Agency Ethics (AB1234)
2. Anti-Harassment Training

Once you are notified, you have 30 days to complete the required training. If you are receiving this email, you have exceeded that 30 days and are now delinquent and must complete your training immediately.

Please log into your account by following the instruction below.

To access the training sessions, please follow the instructions below. Some of the trainings will require you to disable your pop-up blocker. If this is necessary and you need assistance please let me know.

Go to: <http://app.targetolutions.com/nationalcity>

- Your login is your email address
- Your temporary password is nationalcity
- When you log in, you will be prompted to change your password
- Once you are on the Target Solutions website, the required training sessions will appear in the middle of the screen.
Click on it and you are ready to begin.

Once training is complete, please email a copy of your certificate of completion to the City Clerk.
(Instructions are attached on how to send a PDF of a document)

The City Council is notified of any delinquent trainings in a quarterly report, the next report will be presented to the City Council in August and I would rather not have to include any of your names on the report. 😊 Please complete these trainings asap and let us know if we can assist in any way. Your BCC Lead is also available to assist with this process.



Shelley Chapel, MMC

City Clerk

City Manager's Office

City of National City

1243 National City Blvd., National City, CA 91950

T: 619.336.4225 | schapel@nationalcityca.gov

[Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

Tonya Hussain

From: Tonya Hussain
Sent: Wednesday, August 9, 2023 9:47 AM
Subject: Required Training Overdue - National City Board, Commission, or Committee Member - Follow Up

Importance: High

Good morning BCC member,

Follow up reminder that your position on a City of National City Board, Commission or Committee (BCC) requires that Anti-Sexual Harassment and Ethics training occur every two years. Emails have been sent to you by the City Clerk's Office and/or via Vector Solutions to inform you that your current training is overdue and needs immediate attention. Please follow the login instructions below to complete both training sessions online. Please complete the training as soon as possible.

- Go to: <http://app.targetolutions.com/nationalcity>
- Your login is your email address
- If you have logged in previously, enter your current password. If this is your first time logging in your password is nationalcity
- When you log in, you will be prompted to change your password
- Once you are on the Target Solutions website, the required training sessions will appear in the middle of the screen.
Click on it and you are ready to begin.

Thank you for serving on a National City BCC. Please let me know if you have any questions or need assistance.



Tonya Hussain
Executive Secretary
Office of the City Clerk
City of National City
1243 National City Blvd., National City, CA 91950
T: 619.336.4415 | thussain@nationalcityca.gov
[Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

Tonya Hussain

From: Tonya Hussain
Sent: Thursday, July 27, 2023 2:48 PM
To: [REDACTED]
Cc: Shelley Chapel
Subject: Park, Rec. & Senior Citizens Adv. Committee - National City Mandatory Training Due - TIME SENSITIVE

Hi Committee Member Navarro,

Your position on a City of National City Board, Commission or Committee requires that Anti-Sexual Harassment and Ethics training occur every two years. Your current training is overdue and needs immediate attention. Please follow the login instructions below to complete both training sessions online. Please complete the training by **end of day tomorrow, Friday, July 28th**.

- Go to: <http://app.targetolutions.com/nationalcity>
- Your login is your email address
- Your current password. If you have forgotten your password, click the 'Forgot Password' option
- Once you are on the Target Solutions website, the required training sessions will appear in the middle of the screen.
Click on it and you are ready to begin.

Thanks and please let me know if you have any questions or need assistance.



Tonya Hussain

Executive Secretary

Office of the City Clerk

City of National City

1243 National City Blvd., National City, CA 91950

T: 619.336.4415 | thussain@nationalcityca.gov

[Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

Tonya Hussain

From: Tonya Hussain
Sent: Tuesday, May 2, 2023 10:37 AM
To: [REDACTED]
Cc: Shelley Chapel; Joanne McGhee
Subject: Oath of Office & Training Pending - Park, Recreation and Senior Citizens Advisory Committee

Hi Committee Member Navarro,

Friendly reminder that your Oath of Office is still needed. Please let me know what day and time works for you to stop into the Clerk's Office so I can administer your oath. It will only take a few moments. Please note that you will be unable to participate and vote on any agenda items if you have not taken your Oath of Office.

In addition, your training must be completed within 30 days of your reappointment and is now overdue. Please see the details below on how to access the training.

- Go to: <http://app.targetolutions.com/nationalcity>
 - Your login is your email address
 - Your temporary password is nationalcity
 - When you log in, you will be prompted to change your password
 - Once you are on the Target Solutions website, the required training sessions will appear in the middle of the screen.
- Click on it and you are ready to begin.

Thanks!



Tonya Hussain
Executive Secretary
Office of the City Clerk
City of National City
1243 National City Blvd., National City, CA 91950
T: 619.336.4415 | thussain@nationalcityca.gov
[Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

From: Tonya Hussain
Sent: Monday, March 13, 2023 9:36 PM
To: [REDACTED]
Cc: Shelley Chapel <schapel@nationalcityca.gov>; Joanne McGhee <jmcghee@nationalcityca.gov>
Subject: Reappointment to the Park, Recreation and Senior Citizens Advisory Committee

Hi Committee Member Navarro Jr.,

Congratulations on your reappointment to the Park, Recreation and Senior Citizens Advisory Committee. Please see the correspondence attached detailing the next steps.

Thanks and please let me know if you have any questions.



Tonya Hussain

Executive Secretary

Office of the City Clerk

City of National City

1243 National City Blvd., National City, CA 91950

T: 619.336.4415 | thussain@nationalcityca.gov

[Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

From: [Tonya Hussain](#)
Cc: [Shelley Chapel](#)
Bcc: [REDACTED]
Subject: Oath of Office Due
Date: Tuesday, March 28, 2023 5:21:00 PM
Importance: High

Good afternoon,

As of today, your Oath of Office as an appointed member of a National City Board, Commission, or Committee is still due. You cannot participate as a voting member of your Committee/Commission without taking your Oath of Office.

Please contact me as soon as possible to schedule a time to visit City Hall to be sworn in.

Thanks and please let me know if you have any questions.



Tonya Hussain
Executive Secretary
Office of the City Clerk
City of National City
1243 National City Blvd., National City, CA 91950
T: 619.336.4415 | thussain@nationalcityca.gov
[Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

Tonya Hussain

From: Tonya Hussain
Sent: Monday, February 27, 2023 2:16 PM
To: [REDACTED]
Cc: Shelley Chapel; Joanne McGhee
Subject: Park, Recreation & Senior Citizens Advisory Committee Appointments - March 7th City Council Meeting
Attachments: Ignacio Navarro Jr. - Reappoint Option.pdf

Good afternoon Committee member Navarro,

Your term on the Park, Recreation & Senior Citizens Advisory Committee will expire on March 31st and your preference to be considered for reappointment is needed. Multiple attempts to reach you have been unsuccessful (voicemail left for you today and on Feb. 23rd and emails sent to you on Dec. 13th and Jan. 5th). Please let me know as soon as possible if you wish to seek reappointment by completing the form attached and returning to me via email.

Appointments and Reappointments on the Park, Recreation & Senior Citizens Advisory Committee **will be considered at the City Council meeting occurring next Tuesday, March 7th at 6:00 p.m. in City Hall Council Chambers (2nd Floor). If you wish to seek reappointment your attendance at the meeting is requested.**

Appointment on the Park, Recreation & Senior Citizens Advisory Committee is an appointment selected by the Mayor with confirmation by the City Council. The Mayor's office will contact you to conduct an interview prior to the March 7th City Council meeting. During the City Council meeting the City Council will vote on the appointment. Your presence is requested in case there are questions posed by the City Council.

Please confirm receipt and let me know how you wish to proceed.

Thank you and please let me know if you have any questions.



Tonya Hussain
Executive Secretary
Office of the City Clerk
City of National City
1243 National City Blvd., National City, CA 91950
T: 619.336.4415 | thussain@nationalcityca.gov
[Website](#) | [Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees

POLICY # 107

ADOPTED: June 17, 1986

AMENDED: November 16, 2021

PURPOSE

To establish a procedure to serve as a guide in making appointments to various City Boards, Commissions, and Committees. The City currently has the following Boards, Commissions, and Committees to which this Policy applies:

Mayor's Appointments:

1. Board of Library Trustees
2. Community and Police Relations Commission
3. Park, Recreation, and Senior Citizens Advisory Committee
4. Public Art Committee
5. Sweetwater Authority
6. Traffic Safety Committee
7. Veterans and Military Families Advisory Committee

City Council Appointments:

1. Civil Service Commission
2. Planning Commission
3. Housing Advisory Committee including Ex-Officio Members
4. Port Commission

POLICY

Appointment Process

- A. Opportunity to apply. All interested individuals shall be given an opportunity to submit applications for vacancies on City Boards, Commissions, and Committees. Incumbent Appointees are not automatically re-appointed but are required to fill out an abbreviated application provided by the City Clerk, indicating their interest in continuing to serve.
- B. Unexpired terms. If an incumbent Appointee was appointed to fill an unexpired term and the Appointee serves for less than one year in that position, the Council may re-appoint the incumbent without considering other applicants.
- C. Vacancies. When vacancies occur, the following procedure shall be followed:
 1. Schedule vacancy. When a term is expiring or expires, public notice of the vacancy shall be made, inviting interested individuals to submit applications for the vacancy on a form provided by the City Clerk on the City website.

Unscheduled vacancy. An unscheduled vacancy shall be filled according to

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Appointments to Boards, Commission and Committees	POLICY # 107
ADOPTED: June 17, 1986	AMENDED: November 16, 2021

Government Code Section 54974, which generally provides as follows: Whenever an unscheduled vacancy occurs, whether due to resignation, death, termination, or other causes, a special vacancy notice shall be posted in the Office of the City Clerk, the City website, outside City Hall on the Bulletin Board, and on City social media platforms not earlier than twenty (20) days before or not later than twenty (20) days after the vacancy occurs. The City Council shall not make a final appointment for at least ten (10) working days after posting the notice in designated locations. The notice's posting and application period shall be thirty (30) calendar days. However, if it finds that an emergency exists, the City Council may, fill the unscheduled vacancy immediately. According to this section, a person appointed to fill the vacancy shall serve only on an interim basis until the final appointment.

The end of term for the members of Boards, Commissions, and Committees generally occurs in an annual rotation during the months of March and September. Appointments will be considered at those times unless a vacancy resulting from a resignation results in the lack of a Quorum on the Board, Commission, or Committee, in which case the appointment could occur at the time of the unscheduled vacancy in accordance with the procedure set out above.

3. Government Code Section 40605, and National City Municipal Code Title 16, grants the Mayor, with the City Council's approvals, the authority to make all appointments unless otherwise explicitly provided by statute. The exceptions are:
 1. Civil Service Commission
 2. Planning Commission
 3. Housing Advisory Committee including Ex-Officio Members
 4. Planning Commission

The City Council fills vacancies on these bodies.

- D. Implementation. Implementation of Council policy for appointment to Boards, Commissions, and Committees requires the following:
 1. Per Government Code Section 54972, on or before December 31 of each year, the City Council shall prepare a list of appointments of all regular and ongoing Boards, Commissions, and Committees appointed by the City Council. The City Clerk will prepare the list of all regular and ongoing Boards, Commissions, and Committees appointed by the Mayor or the City Council. The list shall contain a list of all terms that will expire during the next calendar year, the incumbent appointee's name, the appointment date, the term's expiration date, and the position's necessary qualifications. It shall also include a list of all

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Boards, Commissions, and Committees whose members serve at the City Council's pleasure and the qualifications required for each position. This Local Appointments List shall be made available to the public on the City website.

2. Notice. A public notice for vacancies must be placed in the newspaper of general circulation within the City, on the City's website, City Hall Bulletin Boards, and City social media platforms.
3. Expiration of term. All appointees will receive a letter as their terms expire asking if they would like to re-apply for the position.
4. Applications. Applications shall be available on the City website and in the City Clerk's Office. Submissions must be received before the advertised deadline for consideration for the appointment. All applications will be retained in the City Clerk's Office for one year from the date the application was submitted. During the one-year retention period of the application, an applicant shall be considered for other vacancies on Boards, Commissions, and Committees. The City Clerk's Office will notify the applicant being considered for an appointment to confirm that they are still interested in volunteering.
5. A member may only serve on one (1) Board, Commission, or Committee at a time. If an applicant applies for another position on a different Board, Commission, or Committee, that applicant will forfeit the prior seat and a vacancy will occur per policy.
6. Interviews:
 - a. Mayor Appointments: Interviews for Mayoral appointments will be conducted by the Mayor outside of the public meeting and scheduled by the Mayor's Office.
 - b. City Council Appointments: Interviews for the four (4) Civil Service Commission, Planning Commission, Housing Advisory Committee, and Port Commission who serve at the City Council's pleasure and are appointed by the City Council as a body will be interviewed in the public forum at a City Council Meeting as described below.
7. Mayoral Appointments:

The Mayor will make the motion to appoint (naming the appointee) and Councilmembers may second the motion. The City Clerk will then take a roll call

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vote of the City Council. A majority vote of the City Council will be required for the appointment. If the majority of the City Council choose to deny the proposed appointment, the Mayor shall either propose an alternative candidate from the current application pool or choose to reopen the application period and return to the City Council at a future City Council Meeting with a different applicant for consideration. If a Mayoral Appointment is not approved by the majority of the City Council by confirmation, that applicant is removed from the pool for that seat. The Mayor will return to a future meeting with a substitute Mayoral appointment.

8. For City Council Appointments, the Interview Process is as follows:
 - a. The City Clerk will provide an overview of the Board, Commission, or Committee(s) with current vacancy (ies). The Mayor will introduce the applicant and two (2) questions will be asked of each applicant on behalf of the City Council.
 - b. Each applicant is given two (2) minutes to make a brief introduction of themselves and their qualifications to the City Council.
 - c. Mayor and City Councilmembers will ask questions of each applicant. All applicants must be asked the same questions.
 - d. Total time per applicant is five (5) timed minutes with time allowed for clarification at the discretion of the City Council, not to exceed ten (10) minutes total per applicant.
 - e. All appointments and interviews before the City Council will be scheduled as needed to fill unexpected vacancies, with every effort to be made before an individual's term expires. Interviews may take place at one meeting, with appointments made at a subsequent meeting.
9. Vacancies for City Council Appointed Positions. If the vacancy is for a City Council appointed position, and there is more than one (1) applicant for a given position, the voting process will proceed as follows: Once the interviews are complete, each Councilmember votes for their choice via a written ballot provided by the City Clerk. Each Councilmember shall print and sign their name on the ballot. All ballots shall be considered a public record and be open to inspection by the public. The ballots are passed to the City Clerk who announces the number of votes for each candidate.

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If the appointment process is conducted via a virtual meeting the process is the same except the ballot/vote process. The City Clerk's Office will provide a Vote Sheet (a piece of paper electronically) with the name of each applicant to be considered. The Mayor will count to three (3) and the Council will hold their vote sheet up in front of their face to make sure it is captured on the camera during the live virtual meeting. The City Clerk will tally the votes and will then confirm the votes with a verbal roll call. The applicant with the most votes is appointed.

In the event of a tie, each Councilmember votes again until one (1) candidate has the majority vote and is declared to be the newly-appointed member of the Board, Commission, or Committee.

10. Re-appointment beyond two terms. Anyone wishing to be re-appointed to any Board, Commission, or Committee and has served two or more full terms already must be approved by a four-fifths vote of the City Council. If all five members of the City Council are not present, or if one member abstains or recuses their vote, the four-fifths requirement shall be changed to require only a simple majority.

11. Report to Council:

All applications received for vacancies, whether Mayoral Appointment or City Council Appointment, will be attached to the staff report to Council. All applications will have private personal information redacted (name, street numbers and name of street address, and phone number). This redacted information is in alignment with Government Code Section 6255(a) because the public interest served by not disclosing the applicant's personal, private information and protection of the applicant's right to privacy outweighs the public interest served by disclosing that information.

12. An automatic vacancy upon becoming a Non-Resident. An unscheduled vacancy automatically occurs when a resident holding an appointment position on a City Board, Committee, or Commission becomes a non-resident by moving out of National City limits. When an unscheduled vacancy occurs due to a resident becoming a non-resident, the unscheduled vacancy may be filled as follows:

- a. A special vacancy notice shall be posted in the Office of the City Clerk, and in other places as directed by the City Council, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final Appointment at a City Council Meeting shall not be made by the Appointing Authority for at least 10 working days after the posting of the notice in the City Clerk's Office.

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- b. The Appointing Authority may appoint the former resident to a Non-Residential position if a Non-Residential position is vacant.

However, the Appointing Authority may, if it finds that an emergency exists, fill the unscheduled vacancy immediately. A person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this section.

- 13. Only City Residents may be elected to Chair and Vice-Chair positions. To be eligible to be elected as the Chairperson of a City Board, Committee, or Commission, the member must be a resident of the City.
- 14. Resignations, Attendance, Training, and Removals

Resignation:

If a Commissioner or Member of a Board, Committee, or Commission is unable to continue serving because of health, business requirements, or personal reasons, a letter of resignation shall be submitted to the City Clerk, who will present to the City Council.

Attendance:

Regular attendance at meetings is critical to be effective operation of City Boards, Commissions, and Committees. The City Council relies on the advice of the City's Boards, Commissions, and Committees, which is the result of discussions among appointed members. The City Council anticipates that members of Boards, Committees, and Commissions shall make every reasonable effort to attend all regular and special meetings of their respective Boards, Commissions, and Committees, and to be prepared to discuss matters on their respective agendas.

A Commissioner or Member of a Board, Committee, or Commission shall be considered removed from any advisory board under the following conditions:

- 1. A Commissioner or Member of a Board, Committee, or Commission with unexcused absences from three consecutive regularly scheduled meetings.
- 2. A Commissioner or Member of a Board, Committee, or Commission misses more than 25% of the advisory body's meetings in a calendar year.

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3. A Commissioner or Member of a Board, Committee, or Commission must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for purposes of attendance.

Excused Absences:

An “excused absence” is only granted when absolutely necessary and pre-approved if at all possible. The City Council encourages Boards, Commissions, and Committees to refrain from scheduling meetings on cultural and religious holidays in order to encourage full participation by all Commissioners, Board Members, and the public. The pre-approval of excused absences will be by the body as a whole and documented in the meeting minutes.

Excused absences are listed as follows:

1. Illness of the Commissioner or Member of the Board, Committee, or Commission, their family member, or their personal friend;
2. Business commitment of the Commissioner or Member of the Board, Committee, or Commission that interferes with the attendance at a meeting;
3. Attendance of the Commissioner or Member of the Board, Committee, or Commission at a funeral, religious service or ceremony, wedding, or other similarly-significant event; or
4. Other reason for which the Commissioner or Member of the Board, Committee, or Commission has given notice to the Chairperson or Secretary of their unavailability fifteen (15) days in advance, as long as the unavailability is not expected to last longer than 30 days.

Removal:

The Secretary or Lead of each Board, Commission, or Committee will report the attendance to the Office of the City Clerk on a monthly basis. If the attendance or absences fall within these guidelines, the Office of the City Clerk will prepare a report to City Council for review and possible removal of the Commissioner, Member, or Alternate sitting on the Board, Committee, or Commission. Any Commissioner, Member, or Alternate sitting on a Board, Committee, or Commission may be removed from office at any time by a simple majority vote of the City Council at a regularly scheduled Council meeting with or without cause.

Mandatory Training and Filing Requirements:

Commissioners and Members of Board, Committee, or Commission, as appointed by the legislative body, are entrusted with certain responsibilities and

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concomitant training and reporting. The following are requirements of Commissioners and Members of Boards, Commissions, and Committees. This training is required to be completed within 30 days of appointment or notification.

1. Oath of Office (Article XX of the California Constitution, and California Government Code Section 36507)
2. Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 Filing (California Government Code Section 87100 et seq)
3. AB1234 Ethics Training (California Government Code Section 53235.1(b))
4. Sexual Harassment Training
5. Brown Act Training
6. Social Media Training
7. Any training required by State Law, Federal Law, or City Policies.

All training is offered in a variety of formats including in person, via Zoom, training website/software, and pre-recorded video. Currently, these are all requirements of the Mayor and City Council, and City staff.

Removal:

Failure to complete any of these requirements within 30 days of the appointment date or date of notification is cause for automatic removal.

Related Policy References

Government Code Section 40605

Government Code Section 54970, et seq.

Article XX of the California Constitution, and California Government Code Section 36507

California Government Code Section 53235(b)

California Government Code Section 87100 et seq

National City Municipal Code Title 16 (pending)

Prior Policy Amendments:

February 2, 2021 (Resolution No. 2021-08)

May 19, 2020 (Resolution No. 2020-95)

November 9, 1993 (Resolution No. 93-173)

June 11, 2013 (Revised – No Resolution – Refer to Meeting Minutes)

October 8, 2013 (Resolution No. 2013-147)

May 19, 2020 (Resolution No. 2020-20)



AGENDA REPORT

Department: Planning
Prepared by: Martin Reeder, AICP – Asst. Director of Community Development
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Notice of Decision – Planning Commission Approval of a Conditional Use Permit (CUP) for Beer and Wine Sales at Villa Manila Restaurant Located at 600 East 8th Street.

RECOMMENDATION:

Approval of the Sale of On-Site Beer and Wine 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 Beer and Wine and Live Entertainment is a Conditionally-Allowed Use in the Major Mixed-Use Corridor Zone and Would be Accessory to Food Sales at the Restaurant.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

The Planning Commission held a public hearing on Monday, May 20, 2024. The staff recommendation was that the CUP be approved.

EXPLANATION:

Executive Summary

The operators of Villa Manila restaurant has applied for a California Department of Alcoholic Beverage Control (ABC) Type 41 license to offer beer and wine sales. The restaurant would also offer indoor live entertainment for weddings, graduations, baptisms, and other celebrations hosted at the restaurant. The hours of operation as proposed by the applicant are Tuesday to Friday from 3:30 p.m. to 9:00 p.m. and Saturdays and Sundays from 11:00 a.m. to 9:00 p.m.

Site Characteristics

Villa Manila is an existing restaurant located in the Old Schoolhouse Square shopping center. The restaurant is 3,493 square feet in size, with 1,404 square feet (41%) dedicated to dining area. There is a small stage in the northeast corner of the restaurant. The dining room has 63 seats.

The property is located in census tract 118.01, which covers the area between E. 8th Street and Division Street, as well as National City Boulevard and Highland Avenue. The area includes a range of commercial uses that offer live entertainment and alcoholic beverages at various times. Market on 8th, McDini's, Grill House at Big Ben Market, and Public Square Coffee House are the most recent establishments to have CUPs approved for alcohol and live entertainment. The restaurant is located in the northwest corner of the property on the corner of East 8th Street and

'E' Avenue. The building is separate from the rest of the shopping center. No residential uses are adjacent to the restaurant.

Proposed Use

The business is proposing to sell beer and wine on site (ABC Type 41) in conjunction with food sales in the restaurant. Live entertainment will be limited to a DJ or Master of Ceremonies in conjunction with privately-catered events, as described above. All live entertainment would occur within the building and would end no later than 9 p.m. on days the restaurant is open (the restaurant is closed on Mondays).

Analysis

Section 18.30.050 of the Land Use Code allows for on-site alcohol sales and live entertainment with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements. City Council Policy 707 also regulates alcohol sales in the city.

Hours of Operation for Alcohol Sales

Most recent CUP's for on-site alcohol consumption have varying hours of operation. The Planning Commission recommended that Market on 8th be approved for the sale of alcoholic beverages for on-site consumption from 6:00 a.m. to 12:00 a.m. daily. McDini's, located west on East 8th Street, sells beer, wine, and distilled spirits (Type 47) until 2:00 a.m. daily. Grill House at Big Ben, located on the corner of E. 8th Street and 'A' Avenue, sells alcohol until 10:00 p.m. every day. The proposed hours are significantly less intensive.

Conditions of approval for alcohol sales reflect what the applicant has requested (Tuesday to Friday from 3:30 p.m. to 9:00 p.m. and Saturdays and Sundays from 11:00 a.m. to 9:00 p.m.).

Live Entertainment

The applicant is also proposing live entertainment indoors during the same time as the restaurant is open (Tuesday to Friday from 3:30 p.m. to 9:00 p.m. and Saturdays and Sundays from 11:00 a.m. to 9:00 p.m.). Public Square Coffee Market on 8th is the most recent CUP to include live entertainment, with hours of operation ending as late as 11:30 p.m. on weekends. The proposed hours are significantly less extensive.

Conditions of approval for alcohol sales reflect what the applicant has requested (Tuesday to Friday from 3:30 p.m. to 9:00 p.m. and Saturdays and Sundays from 11:00 a.m. to 9:00 p.m.).

Mailing

All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications. Notice of this public hearing was sent to 595 occupants and owners.

Comments

The Planning Division received one public comment for this item in opposition to live entertainment outdoors. The applicant has only requested indoor live entertainment.

Community Meeting

Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held on Friday, March 1, 2024 at 5:00 p.m. at the restaurant. The meeting advertisement is attached (Attachment 3). Based on the attached sign-in sheet, eight community members attended the meeting.

Alcohol Sales Concentration/Location

According to the California Department of Alcoholic Beverage Control (ABC), there are currently 16 on-site licenses in census tract 117, where a maximum of ten are recommended. However, of those 16, two are catering licenses and one is a VFW hall. The census tract is considered over concentrated with on-site alcohol sales outlets by ABC.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 13 points, which places it in the Medium Risk category (Medium Risk is considered 13 to 18 points). The risk assessment is included as Attachment 6.

Institute for Public Strategies (IPS)

Comments were received from IPS with the following considerations:

1. Recommend in-person Responsible Beverage Sales and Service (RBSS) training for all staff.

These are standard conditions of approval and are included in the report in compliance with City Council Policy 707. IPS comments are included as Attachment 7.

Conditions of Approval

Standard Conditions of Approval have been included with this permit as well as conditions specific to on-site alcohol sales and live entertainment per Council Policy 707 (hours of operation, employee training, and accessory sales, etc.).

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in the Major Mixed-Use Corridor zone. The proposed use in a commercial area would be incidental to the restaurant use. The restaurant will also include live entertainment as an accessory use. The census tract where the restaurant is located has an over concentration of on-site alcohol licenses. However, beer and wine will only be offered inside the building with the purchase of food and the Police Department has classified the establishment as Medium Risk.

Options

1. File the Notice of Decision; or,
2. Hold the item for a public hearing.

FINANCIAL STATEMENT:

An application fee of \$3,700 was paid with the submittal of the subject CUP. Fees are anticipated to cover the cost of staff review time and processing of the permit.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Balanced Budget and Economic Development

ENVIRONMENTAL REVIEW:

This is a project under CEQA subject to a Categorical Exemption (Existing Facilities) CCR 15301. This project qualifies for a Notice of Exemption.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Planning Commission Staff Report with attachments
Exhibit B – Planning Commission PowerPoint slides May 20, 2024



COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND CONDITIONAL USE PERMIT FOR BEER AND WINE SALES (ABC TYPE-41) AND LIVE ENTERTAINMENT AT AN EXISTING RESTAURANT (VILLA MANILA) LOCATED AT 500 EAST 8TH STREET.

Case File No.: 2024-02 CUP

Location: 500 East 8th Street

Assessor’s Parcel Nos.: 556-492-23

Staff report by: Martin Reeder, Asst. Director of Community Development

Applicant: James Camanyag

Zoning designation: Major Mixed-Use District (MXC-2)

Adjacent use and zoning:

- North: Commercial & Church across East 8th Street / MXC-2
- East: Commercial center with residential beyond / MXC-2
- South: Central Elementary School / Institutional (I)
- West: Commercial center across ‘E’ Avenue / MXC-2

Environmental review: Categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities)

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the sale of on-site beer and wine 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 beer and wine and live entertainment is a conditionally-allowed use in the Major Mixed-Use Corridor zone and would be accessory to food sales at the restaurant.

Executive Summary

The operators of Villa Manila restaurant has applied for a California Department of Alcoholic Beverage Control (ABC) Type 41 license to offer beer and wine sales. The restaurant would also offer indoor live entertainment for weddings, graduations, baptisms, and other celebrations hosted at the restaurant. The hours of operation as proposed by the applicant are Tuesday to Friday from 3:30 p.m. to 9 p.m. and Saturdays and Sundays from 11 a.m. to 9 p.m.

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The property is located in census tract 118.01, which covers the area between E. 8th Street and Division Street, as well as National City Boulevard and Highland Avenue. The area includes a range of commercial uses that offer live entertainment and alcoholic beverages at various times. Market on 8th, McDini's, Grill House at Big Ben Market, and Public Square Coffee House are the most recent establishments to have CUPs approved for alcohol and live entertainment. The restaurant is located in the northwest corner of the property on the corner of East 8th Street and 'E' Avenue. The building is separate from the rest of the shopping center. No residential uses are adjacent to the restaurant.

Proposed Use

The business is proposing to sell beer and wine on site (ABC Type 41) in conjunction with food sales in the restaurant. Live entertainment will be limited to a DJ or Master of Ceremonies in conjunction with privately-catered events, as described above. All live entertainment would occur within the building and would end no later than 9 p.m. on days the restaurant is open (the restaurant is closed on Mondays).

Analysis

Section 18.30.050 of the Land Use Code allows for on-site alcohol sales and live entertainment with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements. City Council Policy 707 also regulates alcohol sales in the city.

Hours of Operation for Alcohol Sales

Most recent CUP's for on-site alcohol consumption have varying hours of operation. The Planning Commission recommended that Market on 8th be approved for the sale of alcoholic beverages for on site consumption from 6:00 a.m. to 12:00 a.m. daily. McDini's, located west on East 8th Street, sells beer, wine, and distilled spirits (Type 47) until 2:00 a.m. daily. Grill House at Big Ben, located on the corner of E. 8th Street and 'A' Avenue, sells alcohol until 10 p.m. every day. The proposed hours are significantly less intensive.

Conditions of approval for alcohol sales reflect what the applicant has requested (Tuesday to Friday from 3:30 p.m. to 9 p.m. and Saturdays and Sundays from 11 a.m. to 9 p.m.).

Live Entertainment

The applicant is also proposing live entertainment indoors during the same time as the restaurant is open (Tuesday to Friday from 3:30 p.m. to 9 p.m. and Saturdays and Sundays from 11 a.m. to 9 p.m.). Public Square Coffee Market on 8th is the most recent CUP to include live entertainment, with hours of operation ending as late as 11:30 p.m. on weekends. The proposed hours are significantly less extensive.

Conditions of approval for alcohol sales reflect what the applicant has requested (Tuesday to Friday from 3:30 p.m. to 9 p.m. and Saturdays and Sundays from 11 a.m. to 9 p.m.).

Mailing

All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications. Notice of this public hearing was sent to 595 occupants and owners.

Comments

The Planning Division received one public comment for this item in opposition to live entertainment outdoors. The applicant has only requested indoor live entertainment.

Community Meeting

Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held on Friday, March 1, 2024 at 5 p.m. at the restaurant. The meeting advertisement is attached (Attachment 3). Based on the attached sign-in sheet, eight community members attended the meeting.

Alcohol Sales Concentration/Location

According to the California Department of Alcoholic Beverage Control (ABC), there are currently 16 on-site licenses in census tract 117, where a maximum of ten are recommended. However, of those 16, two are catering licenses and one is a VFW hall. The census tract is considered over concentrated with on-site alcohol sales outlets by ABC.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 13 points, which places it in the Medium Risk category (Medium Risk is considered 13 to 18 points). The risk assessment is included as Attachment 6.

Institute for Public Strategies (IPS)

Comments were received from IPS with the following considerations:

1. Recommend in-person Responsible Beverage Sales and Service (RBSS) training for all staff.

These are standard conditions of approval and are included in the report in compliance with City Council Policy 707. IPS comments are included as Attachment 7.

Findings for Approval

The following are the required findings in the attached draft resolution:

1. Allowable Use: Alcohol sales and live entertainment are allowable within the Major Mixed-Use Corridor zone, pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales,

as discussed in the staff report. It is incidental to the existing restaurant use in a commercial area.

2. General Plan Consistency: Alcohol sales and live entertainment are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant with alcohol sales is consistent with the Major Mixed-Use Corridor zone land use designation contained in the Land Use Code and Community Character element of the General Plan.
3. Compatibility, LUC, and Traffic: No expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints. The proposed uses would be incidental to the primary use of food service.
4. No Nuisance: The proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available. Beer and wine will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training. Live entertainment will be limited to acceptable hours and to levels of noise that will not disturb surrounding residential uses.
5. California Environmental Quality Act (CEQA): The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing commercial building, and the use is similar to other commercial uses in the area, which are permitted in the Major Mixed-Use Corridor zone.
6. Public Convenience and Necessity: The restaurant, a permitted use in the Major Mixed-Use Corridor zone, will benefit from the sale of alcohol. By providing for a wider diversity of businesses that add charm to the downtown core. Live entertainment will also improve the experience for restaurant patrons.

Findings for Denial

The following are findings for denial due to nearby businesses that sell beer and wine together with live entertainment:

1. The proposed use is not deemed essential to the public necessity, as there are already thirteen restaurants in the same census tract that serve alcohol, including nearby on East 8th Street (Market on 8th, Grill House at Big Ben, Public Square Coffee House) that offer live entertainment.
2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for on-site sales of alcoholic beverages pursuant to law.

Conditions of Approval

Standard Conditions of Approval have been included with this permit as well as conditions specific to on-site alcohol sales and live entertainment per Council Policy 707 (hours of operation, employee training, and accessory sales, etc.).

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in the Major Mixed-Use Corridor zone. The proposed use in a commercial area would be incidental to the restaurant use. The restaurant will also include live entertainment as an accessory use. The census tract where the restaurant is located has an over concentration of on site alcohol licenses. However, beer and wine will only be offered inside the building with the purchase of food and the Police Department has classified the establishment as Medium Risk.

Options

1. Find the project exempt from CEQA under Class 1 of the CEQA Guidelines Section 15301 or other exemption and approve 2024.02 CUP subject to the conditions included in the Resolution, or other conditions, and based on the findings included in the Resolution, or other findings to be determined by the Planning Commission; or,
2. Find the project not exempt from CEQA and/or deny 2024.02 CUP based on the attached findings, or findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Draft Resolutions
2. Overhead
3. Applicant's Plans (Exhibit A, Case File No. 2024.02 CUP, dated 3/20/2024)
4. Public Hearing Notice (Sent to 595 property owners & occupants)
5. Census Tract & Police Beat Maps
6. Police Department Comments
7. IPS Comments
8. Community Meeting Information
9. Public Comment

RESOLUTION NO. 2024-06

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA DETERMINING THAT THE
PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA
GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND
APPROVING A CONDITIONAL USE PERMIT
FOR BEER AND WINE SALES (ABC TYPE-41) AND LIVE ENTERTAINMENT AT AN
EXISTING RESTAURANT (VILLA MANILA)
LOCATED AT 500 EAST 8TH STREET
CASE FILE NO. 2024-02 CUP
APN: 556-492-23

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for on-site beer and wine sales and live entertainment at an existing restaurant (Villa Manila) located at 500 East 8th Street. At a duly advertised public hearing held on May 20, 2024, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2024-02 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on May 20, 2024, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code. Because Alcohol sales and live entertainment are allowable within the Major Mixed-Use Corridor zone, pursuant to a CUP, and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report. It is incidental to the existing restaurant use in a commercial area.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because the Land Use Code permits alcohol sales and live

entertainment, subject to a CUP, which is consistent with the General Plan. In addition, a restaurant with alcohol sales is consistent with the Major Mixed-Use Corridor zone land use designation contained in the Land Use Code and Community Character element of the General Plan.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because no expansion of the building is proposed. The proposed uses would be incidental to the primary use of food service.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available. Beer and wine will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training. Live performances will be limited to acceptable hours and to levels of noise that will not disturb surrounding residential uses.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing commercial building and the use is similar to other commercial uses in the area, which are permitted in the Major Mixed-Use Corridor zone.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because the restaurant, a permitted use in the Major Mixed-Use Corridor zone, will benefit from the sale of alcohol. By providing for a wider diversity of businesses that add charm to the downtown core. Live entertainment will also improve the experience for restaurant patrons.

8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages in accordance with applicable law and the recommended conditions. The use, as proposed and conditioned, will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community looking for a quality restaurant experience.

BE IT FURTHER RESOLVED that the application for a Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption and live entertainment at an existing restaurant (Villa Manila) located at 500 East 8th Street. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2024.02 CUP, dated 3/20/2024.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant or owner shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant or owner shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.
3. This permit shall become null and void at such time as there is no longer a Type 41 California Department of Alcoholic Beverage Control license associated with the property.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
5. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
6. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

Planning

7. No alcohol sales and consumption practices shall be permitted until the applicant has been issued a Type 41 license from the California Department of Alcoholic Beverage Control.
8. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
9. The sale of alcoholic beverages and live entertainment shall only be permitted between the hours of 3:30 p.m. and 9:00 p.m. Tuesday through Friday and 11:00 a.m. and 9:00 p.m. Saturdays and Sundays.
10. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by the Planning Manager or designee or other employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
11. Alcohol shall be available only in conjunction with the purchase of food.
12. The sale of alcoholic beverages for off-site consumption is not permitted at this location.
13. Permittee shall post signs at all exits to outdoor areas, indicating that alcoholic beverages must be consumed inside the restaurant and may not be taken off-premises.
14. Live entertainment shall be conducted as an accessory use to the restaurant for the enjoyment of its customers. No advertisement promoting a particular performer or event shall be distributed outside the café.
15. All entry and exit doors, including windows, shall remain closed during inside live entertainment activities.
16. All activities shall comply with the noise limits contained in Table III of Title 12 of the National City Municipal Code.
17. The occupancy of the building, inclusive of patrons, staff, and entertainers, shall not exceed the occupancy load determined by the Building Division.

18. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

19. The permittee shall comply with all applicable law, including, but not limited to the regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of May 20, 2024, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2024-06

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
DENYING A CONDITIONAL USE PERMIT
FOR BEER AND WINE SALES AND LIVE ENTERTAINMENT AT AN EXISTING
RESTAURANT (VILLA MANILA)
LOCATED AT 500 EAST 8TH STREET
CASE FILE NO. 2024-02 CUP
APN: 556-492-23

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for on-site beer and wine sales and live entertainment at an existing restaurant (Villa Manila) located at 500 East 8th Street. At a duly advertised public hearing held on May 6, 2024, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2024-02 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on May 6, 2024, support the following findings:

1. The proposed use is not deemed essential to the public necessity, as there are already thirteen restaurants in the same census tract that serve alcohol, including nearby on East 8th Street (Market on 8th, Grill House at Big Ben, Public Square Coffee House) that offer live entertainment.
2. Based on the above finding, public convenience and necessity will not be served by a proposed use of the property for on-site sales of alcoholic beverages pursuant to law.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of May 6, 2024, by the following vote:

AYES:

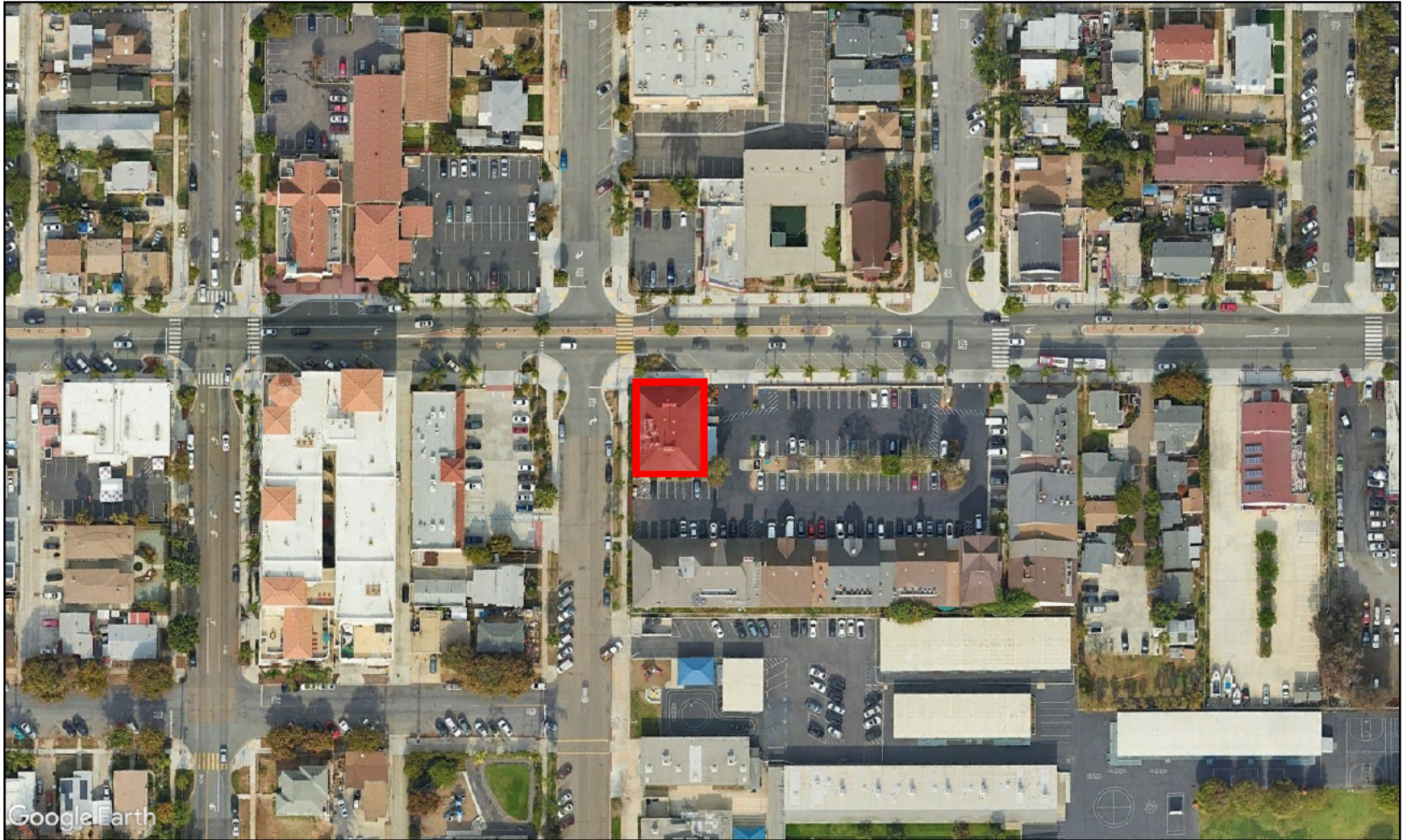
NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

2024-02 CUP – 500 E. 8th Street – Overhead



ATTACHMENT 2



SCOPE OF WORK

Conditional Use Permit - Beer/Wine

STREET ADDRESS

500 E 8th St
National City, CA 91950

APN/LEGAL DESCRIPTION

556-492-23-00
BLK 3 *PAR PER ROS 11709 IN ST&ALLEY
CLSD ADJ&IN BLK 28\

BASE ZONE

MXC-2 Major Mixed-Use Corridor

YEAR BUILT

1988

BUILDING AREA/LOT AREA

3,493 SF/ 81,661 SF

DINING AREA

1,404 SF (41% of building area)

BUSINESS OWNERS

Nancy Mendoza
Josef Mendoza
Mar a Camanyag

PROPERTY OWNER

Tamar Finberg c/o Bernard Finberg

VICINITY MAP



PROJECT DESCRIPTION

Villa Manila Restaurant, known for its exquisite cuisine, Kamayan experience and vibrant ambiance, is poised to elevate its dining experience by introducing a curated selection of beer and wine. This project entails the installation of a three-tap kegerator and the establishment of designated serving hours to cater to patrons seeking to complement their meals with quality beverages.

With a focus on enhancing customer satisfaction and broadening the restaurant's offerings, this initiative aims to create a more comprehensive dining experience at Villa Manila.

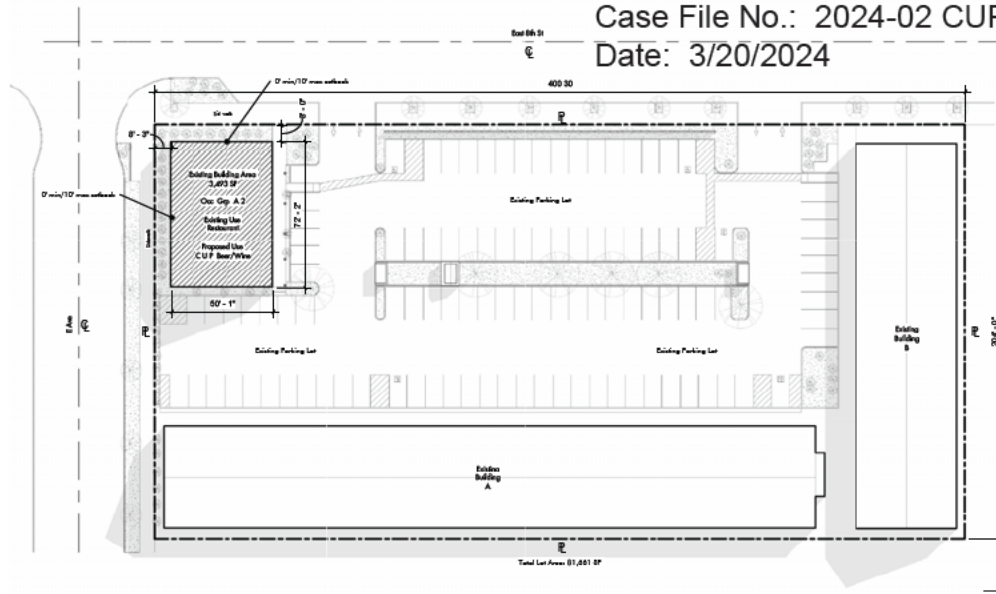
OBJECTIVES

- Introduce beer and wine service to enhance the overall dining experience
- Expand the range of options available to patrons, catering to diverse preferences
- Establish Villa Manila as a destination for both exceptional cuisine and beverage offerings
- Maintain compliance with all relevant regulations and licensing requirements

ZONING MAP: MXC-2 Major Mixed Use Corridor



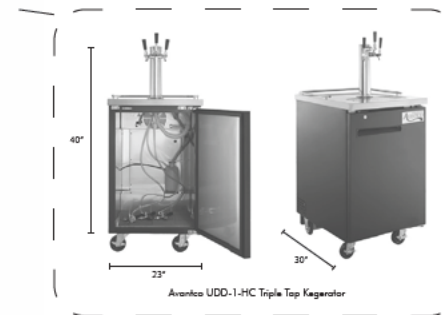
MXC-2 Major Mixed Use Corridor
MUC-1 Major Mixed Use Corridor
MUC-2 Major Mixed Use Corridor
MUC-3 Major Mixed Use Corridor
MUC-4 Major Mixed Use Corridor



SITE PLAN



ATTACHMENT 3
Page 179 of 239
FLOOR PLAN



VILLA MANILA
500 EAST 8TH ST
NATIONAL CITY, CA 91950

CLIENT NAME
VILLA MANILA
PROJECT NAME
CONDITIONAL USE PERMIT

ISSUE DATE
01/27/24

SHEET INDEX
COVER PAGE/
SITE PLAN/
FLOOR PLAN

A001



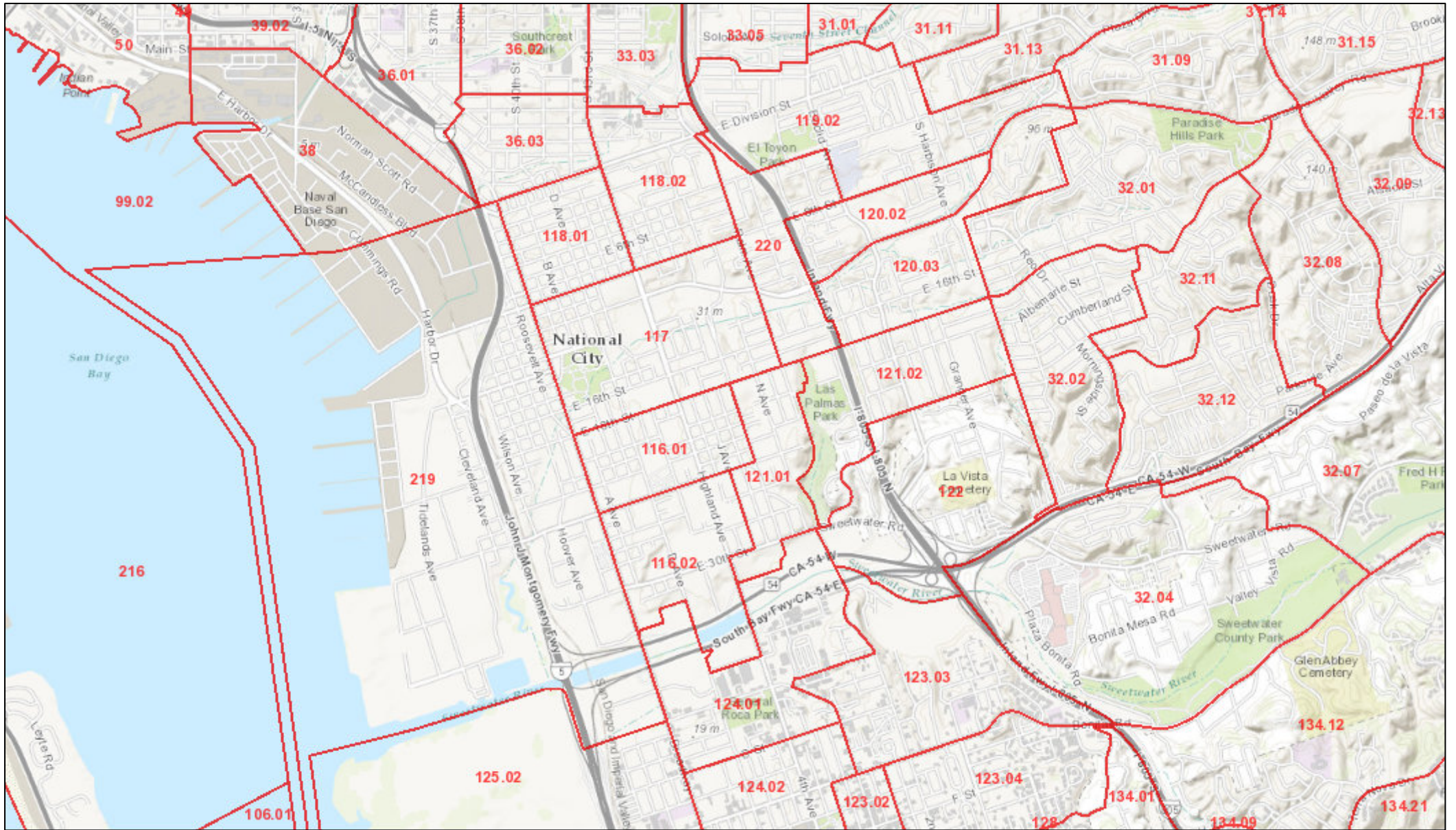
NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT FOR ON-SALE BEER AND WINE (TYPE-41)
WITH LIVE ENTERTAINMENT AT AN EXISTING RESTAURANT
(VILLA MANILA), LOCATED AT 500 EAST 8TH STREET.
CASE FILE NO.: 2024-02 CUP
APN: 556-492-23

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, May 20, 2024**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: James Camanyag)

The business is proposing to sell beer and wine on site (ABC Type 41) in conjunction with food sales in the restaurant. Live entertainment will be limited to a DJ or Master of Ceremonies in conjunction with privately-catered events. The Planning Commission will also consider the staff determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1, Section 15301 (Existing Facilities).

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 2:00 p.m., **May 20, 2024** by submitting it to PlcPubComment@nationalcityca.gov. Planning staff can be contacted at 619-336-4310 or planning@nationalcityca.gov.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

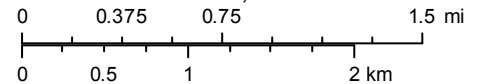


August 25, 2014

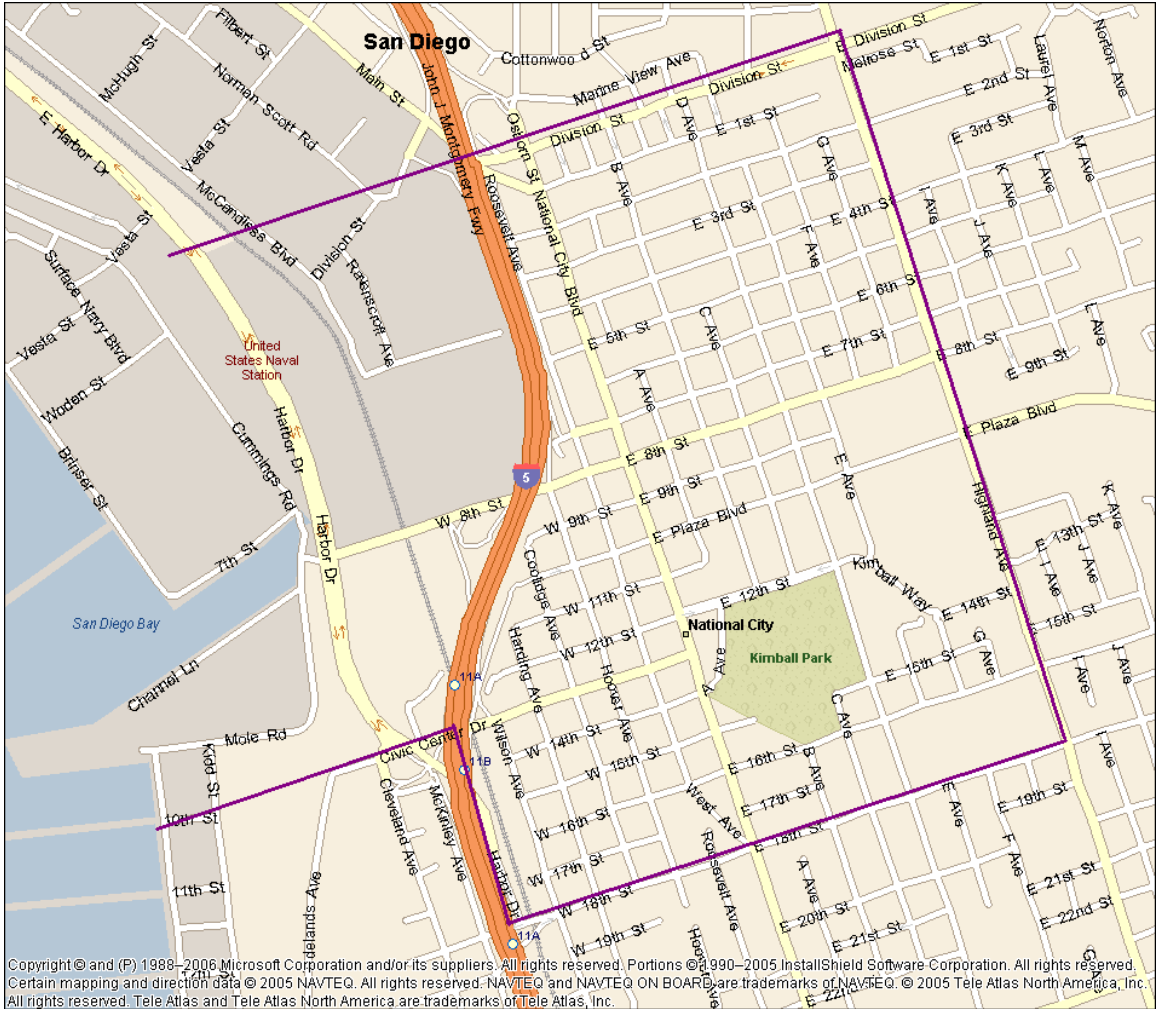
CensusTracts 2010

ATTACHMENT 5

1:45,467



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



City of National City Beat 20

Source: Microsoft Mappoint
NCPD CAU, 4/18/07



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 03-28-24

BUSINESS NAME: Villa Manila

ADDRESS: 500 E. 8th Street, National City, CA 91950

OWNER NAME: Nancy Mendoza DOB: 11-02-1949

OWNER ADDRESS: [REDACTED]

I. Type of Business

- Restaurant (1 pt)
- Market (2 pts)
- Bar/Night Club (3 pts)
- Tasting Room (1pt)

II. Hours of Operation

- Daytime hours (1 pt)
- Close by 11pm (2 pts)
- Close after 11pm (3 pts)

III. Entertainment

- Music (1 pt)
- Live Music (2 pts)
- Dancing/Live Music (3 pts)
- No Entertainment (0 pts)

IV. Crime Rate

- Low (1 pt)
- Medium (2 pts)
- High (3 pts)

V. Alcohol Businesses per Census Tract

- Below (1 pt)
- Average (2 pts)
- Above (3 pts)

Notes:

- Currently, there are (10) on sale licenses authorized in tract 117

- Currently, there are (10) active on sale licenses in tract 117

- Currently, there are (4) off sale licenses authorized in tract 117

- Currently, there are (11) active off sale licenses in tract 117

VI. Calls for Service at Location (for previous 6 months)

- ✓ Below (1 pt)
- Average (2 pts)
- Above (3 pts)

VII. Proximity Assessment (1/4 mile radius of location)

- ✓ Mostly commercial businesses (1 pt)
- Some businesses, some residential (2 pts)
- Mostly residential (3 pts)

Low Risk (12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts) Total Points <u>13</u>
--

VIII. Owner(s) records check

- ✓ No criminal incidents (0 pts)
- Minor criminal incidents (2 pts)
- Multiple/Major criminal incidents (3 pts)

OWNER NAME: Xavier Josef Mendoza DOB: 01/18/1981

OWNER ADDRESS: [REDACTED]

OWNER NAME: Maria Camanyag DOB: 04/04/1983

OWNER ADDRESS: [REDACTED]

Recommendation: [REDACTED]

 This business assessed at a medium risk but I believe the business should assess at a low risk based on
 the crime rate and calls for service at the location and the surrounding area are mostly transient
 related in nature.

Completed by: J. Camacho Badge ID: 449

Environmental Scan for Proposed Type 41 Alcohol CUP

500 E 8th Street, National City, CA 91950

Conducted: March 28, 2024



Photo of the proposed location.

An environmental scan was conducted on Thursday, March 28, 2024 for a proposed Type 41 on-sale alcohol license at 500 E 8th Street. The proposed location is within the Old Schoolhouse Square shopping center.

ATTACHMENT 7

Funded by the San Diego County Health and Human Services Agency
8885 Rio San Diego Drive #117 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104

During a scan of the business and premises, the following was noted:

- The business is located in a Major Mixed-Use Corridor.
- The location has multiple transportation options including traditional car infrastructure, parking lot, bus stops and sidewalks where pedestrians were observed.
- There are several restaurants in close proximity to the proposed location, including a Vietnamese and Chinese Noodle House, Zarlito’s Filipino Restaurant and a Filipino Bakery and Café.

Youth Sensitive Areas

Central Elementary School (approximately 450 feet away)

Universal Preschool (approximately 400 feet away)

Churches

St. Matthew’s Episcopal (250 feet away)

Iglesia La Luz (350 feet away)

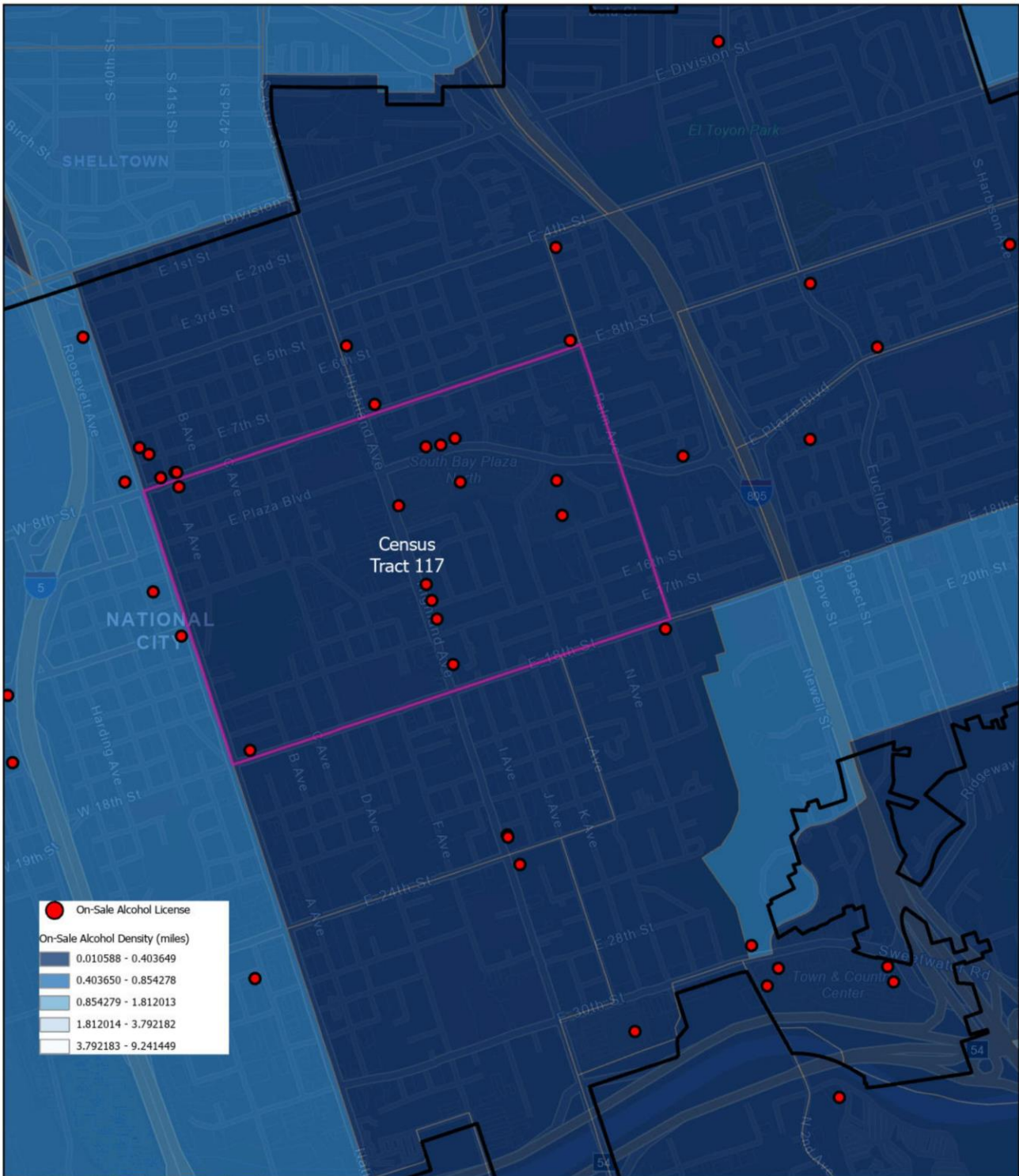
International Bible Baptist (600 feet away)

Outlet Density

According to the ABC, ten (10) on-sale licenses are authorized for Census Tract #117, which is the census tract where 500 East 8th St., National City, is located. **There are already 16 on-sale licenses for this census tract according to ABC records – exceeding ABC recommendations by 60%. Map is included below.**

Census Tracts

	On-Sale
Census Tract 117 <i>Establishment is within this tract</i>	Allowed: 10 Currently there are: 16 This census tract is 60% overconcentrated per ABC guidelines

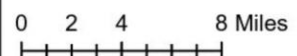


On-Sale Alcohol Density in Census Tract 117, National City, CA

Alcohol density is defined as the average distance between a person and their closest alcohol retailer.

Alcohol license data accessed from the CA Dept. of Alcoholic Beverage Control on 12/21/2023.

2024



Crime Rate

A request for this information from personnel within the City of National City Police Department, may result in obtaining the crime rate for this location.

Considerations

The following are considerations if a CUP is issued:

1. Require that staff, management, and owner attend an **in-person** Responsible Beverage Sales and Service training. Below is the Alcohol Beverage Control website for future trainings.
<https://www.abc.ca.gov/education/rbs/>
2. This training will be especially important due to the graduations, baptisms and other youth-friendly family celebrations expected to take place at this location.

James Camanyag
500 E 8th St
National City CA 91950
02/20/2024

Dear Fellow Resident/Business Owner,

May this letter find you in good health and high spirit. In our continuous commitment to enhancing the dining experience at Villa Manila, a cherished eatery serving family-style Filipino cuisine to the community for over 20 years, we are actively pursuing a Conditional Use Permit for a beer and wine license.

This permit will pave the way for the introduction of beer and wine service, adding another layer of richness to our renowned communal Kamayan dining experience and our Filipino Cuisine. This development is designed not only to fulfill our valued patrons' clamor for these items but also provide our guests with an even more diverse and enjoyable culinary journey. We believe that the inclusion of beer and wine will elevate the overall dining experience at Villa Manila, fostering a warm and inviting ambiance for our cherished patrons.

Understanding the significance of being considerate and respectful to the local community, we want to emphasize our unwavering commitment to operating in strict compliance with all alcohol regulations, protocols, including those related to noise, security measures, and adherence to state and local guidelines. The community's well-being remains our top priority.

We are reaching out to invite you to join us at our Community Hearing at Villa Manila Restaurant on **Friday March 1, 2024 at 5:00pm**. This will provide an opportunity to discuss our plans thoroughly, address any concerns, and ensure that the community's voice is heard.

Thank you for your time, and we are genuinely excited about the possibility of enhancing the dining experience for our community. Your support is invaluable, and we are committed to maintaining open communication throughout this process.

Warm regards,

James Camanyag
Marketing/Consulting Director
Villa Manila Restaurant

From: Dennis Hunt <[REDACTED]>
Sent: Friday, April 26, 2024 2:13 PM
To: Planning Commission <PLCPUBcomment@nationalcityca.gov>
Subject: CASE FILE No 2024-02 CUP RE: 500 East 8th Street Permit for Alcohol and for Live Entertainment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

We live a few blocks from this establishment at parcel 5563510400.

I am fine with Beer and Wine, but I AM AGAINST ANY KIND OF OUTDOOR LIVE ENTERTAINMENT OR DJ INCLUDING MUSIC PLAYING THROUGH OUTDOOR SPEAKERS. This business can cater at the park or rent a hall somewhere that won't disturb residents.

We request that no amplified outdoor entertainment of any kind be allowed anywhere within earshot. We are an older family, living among many other older families, and peace and quiet is essential to comfortable living.

Respectfully,

Dennis Hunt and family



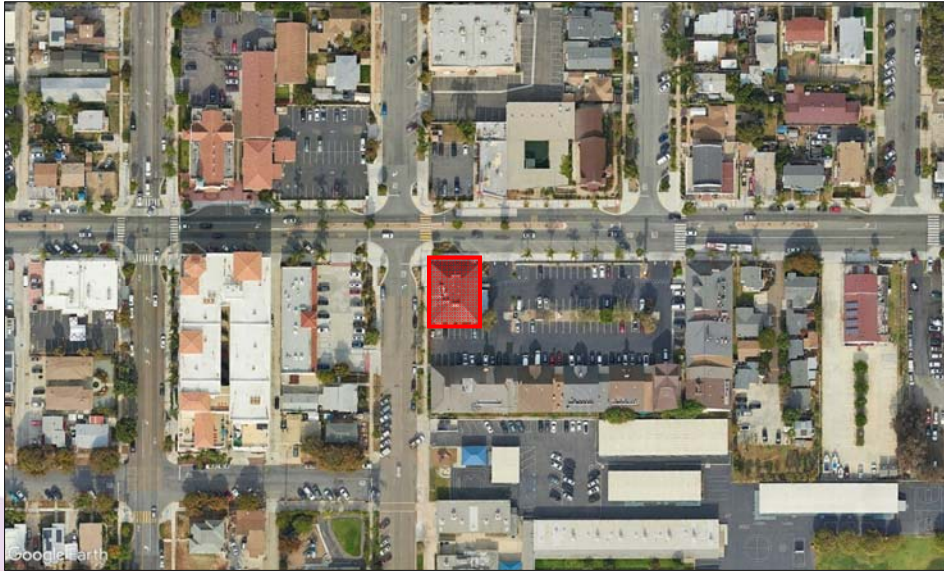
Public Hearing

CONDITIONAL USE PERMIT FOR
ALCOHOL SALES AND LIVE
ENTERTAINMENT AT AN EXISTING
RESTAURANT (VILLA MANILA) LOCATED
AT 500 EAST 8TH STREET

2024-02 CUP



Overhead



Site Characteristics

- Westfield Plaza Bonita
 - Southeast corner of National City
 - MXD-2 zone
 - 71-acre property
 - 24 acres of building area
 - 4,400 parking spaces
 - Currently seven restaurants with CUPs for on-site alcohol sales
 - Previous Planning Commission denial of a CUP for on-site alcohol sales (Manna Heaven BBQ) currently in the appeal process
- New entertainment center to be located in a 58,213 ft² suite in Westfield Plaza Bonita
 - Suite occupies former John's Incredible Pizza and adjacent interior space (+/- 14,000 ft²)
 - John's approved for CUP for alcohol sales previously – discontinued in 2021

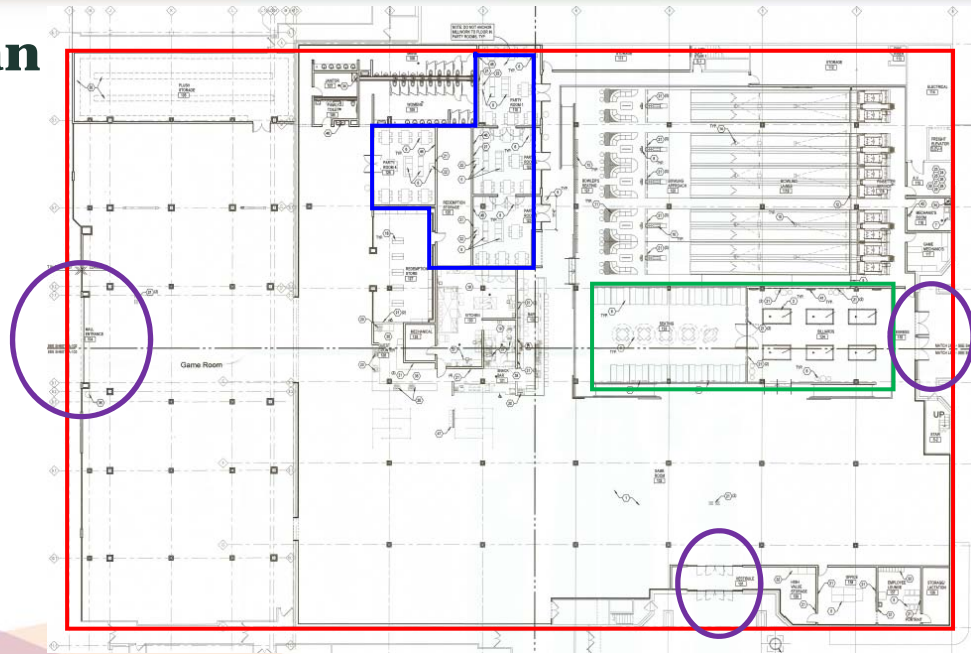


Proposal

- The business proposes to sell beer, wine, and distilled spirits (ABC Type 47) in conjunction with food sales
- Proposed hours of operation are from 10:00 a.m. to 2:00 a.m. daily.
 - Staff suggesting until midnight
- Live entertainment in the form of karaoke within private party rooms is also proposed
- 4 party rooms (25-30 seats)
- 133-seat dining room
- 5-lane bowling alley
- Open game area



Floor Plan



Analysis

- NCMC 18.30.050 allows for on-site alcohol sales and live entertainment with approved CUP
- Additional requirements for alcohol CUPs:
 - Mailing – owners/occupants within 660 ft. (223)
 - Community meeting – Held May 31, 2023 – no attendees
 - Census Tract 32.04 – 10 on-sale licenses in this tract where four are recommended
 - Distance requirements – No Institutional-zoned school within 660 ft.
- City council policy 707
 - Standard conditions



Comments:

Police Department (PD)

- Risk Assessment – 19points
 - High risk – 19 to 24 points
 - Assigns points based on type of business, license concentration, calls for service, etc.
 - Applicant proposes measures to reduce concerns:
 - RBSS training
 - Dedicated manager & security personnel
 - Age verification system / wristbands
 - Age restriction after 10 p.m.

Institute for Public Strategies (IPS)

- Age verification, sales hours, testing, occupancy analysis



Conditions

- Standard Conditions of Approval
- Conditions specific to on-site alcohol sales per Council Policy 707
 - Hours of operation
 - Employee training
 - Accessory sales
- Application-specific conditions
 - Karaoke in party rooms only
 - Security system
 - Operations plan



Summary

- Proposed use is consistent with the General Plan
 - Alcohol sales for on-site consumption are a conditionally-allowed use in MXD-2 zone
 - Alcohol sales use would be accessory to the business in an established commercial area
 - Inclusion of conditions consistent with policy 707 intended to alleviate concerns related to area impacts

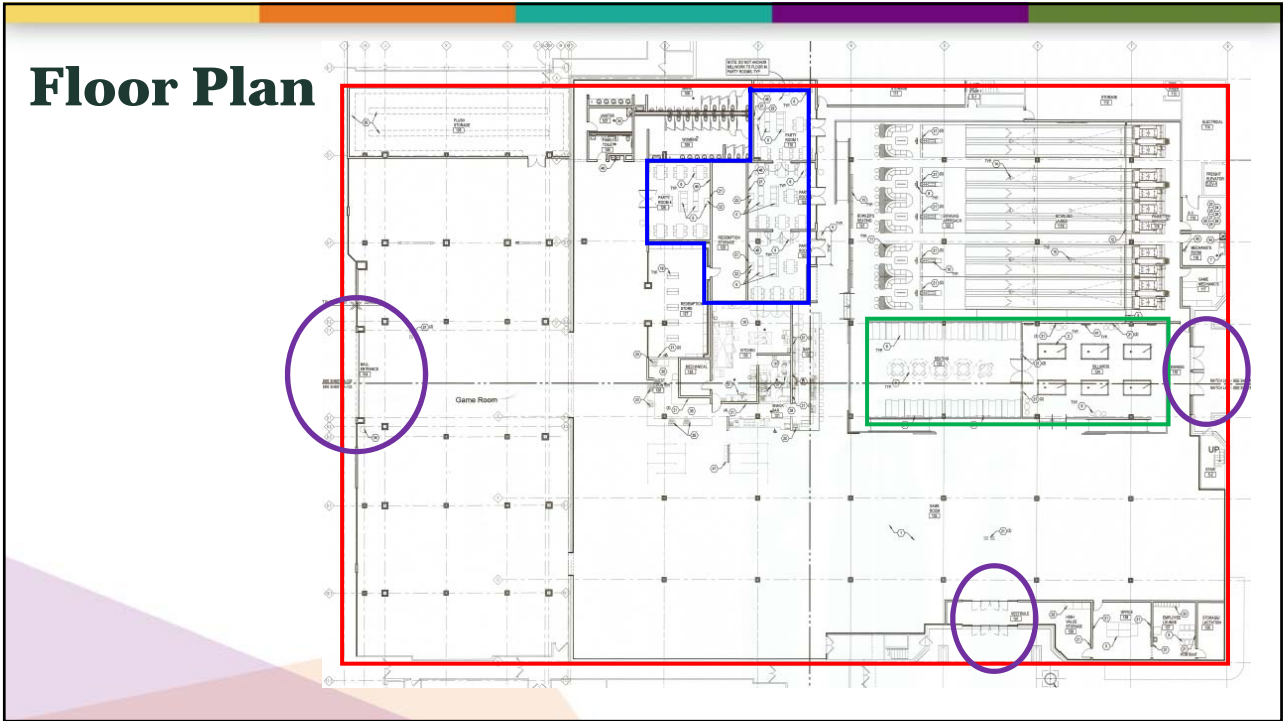


Options

- Find project exempt from CEQA & approve 2023-11 CUP based on findings listed in the draft resolution / findings determined by the Commission; or
- Find project not exempt from CEQA and/or deny 2023-11 CUP based on findings listed in the draft resolution / findings determined by the Commission; or
- Continue the item for additional information
- Staff recommending approval
- Notice of Decision to City Council



Floor Plan





AGENDA REPORT

Department: Engineering and Public Works
Prepared by: Luca Zappiello, Associate Engineer - Civil
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Project Close-Out and Notice of Completion for the Paradise Creek Mitigation Project at Kimball Way, CIP No. 19-35.

RECOMMENDATION:

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, 1) Accepting the Work Performed by Wright Construction Engineering Corp., for the Paradise Creek Mitigation Project at Kimball Way, CIP No. 19-35; 2) Ratifying Change Order Work in the Amount of \$64,218.07; 3) Approving the Final Contract Amount of \$1,005,761.71; 4) Ratifying the Release of Retention in the Amount of \$23,980.24; and 5) Authorizing the Mayor to Sign the Notice of Completion."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The Paradise Creek Mitigation Project at Kimball Way repaired sections of Paradise Creek at Kimball Way, including removing existing concrete lining on the south creek bank, earthwork and regrading, and installing Articulated Concrete Blocks (ACB) and cutoff wall on the south creek bank. In addition, the project enhanced the drainage, including adding new bar screen gates at the outlet and inlet of existing reinforced concrete box storm drains, and rip rap. Other site improvements include installing a new retaining wall, concrete driveways, perimeter wrought iron fencing, and access gates to secure the area.

On July 27, 2021, the bid solicitation was posted on PlanetBids, a free public electronic bidding system for contractors. On July 26, 2021, and July 28, 2021, the bid solicitation was advertised in local newspapers.

On August 17, 2021, seven (7) bids were received by the 11:00 a.m. deadline. Wright Construction Engineering Corp. (Wright) was the apparent lowest bidder with a total bid amount of \$818,733.60. Upon review of all documents submitted, Wright's bid was deemed responsive, and they were the lowest responsible bidder qualified to perform the work as described in the project specifications.

On September 7, 2021, City Council awarded the contract to Wright Construction Engineering Corp. in the amount not to exceed \$818,733.60 and authorized a 15% contingency in the amount of \$122,810.04 to address any unforeseen conditions that may arise.

The Notice to Proceed with construction was issued on February 9, 2022. Construction started on February 14, 2022 and was completed on October 24, 2022.

After project completion and within the project's 1-year contractual maintenance period, a failure of the ACB block developed on the south channel slope. After investigating the site with the project team, the City Engineer directed the contractor to repair the slope on a time and materials (T&M) basis in the interest in public safety. During repairs, the contractor discovered that the failure was attributable to an unknown pipe just below the slope excavation that ultimately created soil intrusion, resulting in the slope failure and causing the ACB block to settle. Total T&M costs for this work were \$68,952.17.

The change orders issued for this project are detailed in the Final Contract Balance Report (see attached). The change orders and line item adjustments increased the contract by \$187,028.11, which exceeds the original authorized contingency amount by \$64,218.07. This results in an 18.6% contract increase for a final contract balance of \$1,005,761.71. Since time was of the essence in completing the repairs due to pending storms, the City Engineer authorized the work and is seeking ratification from City Council. Funding is available through the City's Drainage Improvements CIP expenditure account.

As a result of satisfactory completion of the project, staff recommends that City Council, 1) accept the work performed by Wright Construction Engineering Corp. for the Paradise Creek Mitigation project at Kimball Way, CIP No. 19-35; 2) ratify change order work in the amount of \$64,218.07; 3) approve the final contract balance of \$1,005,761.71; 4) ratify the release of retention in the amount of \$23,980.24; and 5) authorize the Mayor to sign the notice of completion, which will be filed with the San Diego County Recorder's Office."

FINANCIAL STATEMENT:

Of the final \$1,005,761.71 cost of this project, \$650,551.50 came from federal grant funds and \$355,210.21 from monies in the General Fund capital improvement program designated for drainage improvements.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Health, Environment, and Sustainability

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

- Exhibit A – Photos
- Exhibit B – Final Contract Balance
- Exhibit C – Notice of Completion
- Exhibit D – Resolution







FINAL CONTRACT BALANCE

DATE: March 26, 2024

PROJECT: Paradise Creek Mitigation
FY 22-23
CIP No. 19-35

TO: Wright Construction Engineering Corp.
2625 South Santa Fe Avenue
San Marcos, CA 92069

ORIGINAL CONTRACT AMOUNT:	\$ 818,733.60
START DATE:	February 14, 2022
COMPLETION DATE:	October 24, 2022
ORIGINAL CONTRACT LENGTH:	90 Working Days
EXTENTION OF WORK DAYS:	14 Working Days
WORKING DAYS SUSPENDED:	71 Working Days
TOTAL CONTRACT TIME:	175 Working Days
FINAL CONTRACT AMOUNT:	\$ 1,005,761.71.

DESCRIPTION:

The Final Contract Balance reports final line-item amounts and summarizes all change orders to produce a final contract amount.

CHANGE ORDERS AND LINE-ITEM ADJUSTMENTS:

Change Order #1 directed the contractor to change the bar screen connection plates from 1/4" to 1/2" plates with countersunk holes. An additional 1' in height was also be added to the triple box culvert (2x2x.250, 1-1/2x1-1/2x.250, W4x13). This Change Order total amount was **\$ 3,988.20**

Change Order #2 directed the contractor to construct and install approximately 15' additional LF of 18" RCP and a 36"x36" concrete box. The concrete box included a MH device with locking lid to the finish elevation provided on the revised plans. This Change Order total amount was **\$ 16,800.00**

Change Order #3 modified the original driveway design and directed the contractor to construct per revised plans. The modified design included additional grading and excavation, added a retaining wall/curb and additional approach modifications. This Change Order total amount was **\$ 16,360.00**

FINAL CONTRACT BALANCE

Paradise Creek Mitigation Project, CIP 19-35

Change Order #4 directed the contractor to make minor field modifications to the concrete closure pours at the ACB, add a concrete depression at the back of the retaining wall and a 6" core to direct water flow. This Change Order total amount was **\$ 2,962.30**

Change Order #5 directed the contractor to place additional shotcrete along the north slope of Paradise Creek. The additional shotcrete helped facilitate repairs to existing shotcrete and repair an area of shotcrete eroded from previous storms. This Change Order total amount was **\$ 40,068.00.00.**

Change Order #6 directed the contractor to place an additional 480 plants per the biologists recommendations. Due to the substantial increase in quantities the City negotiated a revised contract unit price. This Change Order total amount was **\$ 9,600.00.**

Change Order #7 directed the contractor to remove the ACB block from approx. Sta. 3+30 to Sta. 2+20, slurry fill an existing unknown pipe resulting in the slope failure, reconstruct the slope as needed and then reconstruct and replace the ACB in 4 block wide intervals with vertical concrete bands. This Change Order total amount was **\$ 68,952.17.**

All Change Orders listed above increased the total contract amount by **\$158,730.67.**

Line item adjustments per the attached FINAL BILLING STATEMENT resulted in an increase of **\$28,297.44.**

CONTRACT ADJUSTMENT:

As a result of the above change orders and line-item adjustments, the contract price is adjusted as follows:

1. The contract price with change order and line items is adjusted to **\$1,005,761.71.**
2. A retention in the amount of **\$ 23,980.24** was held until satisfactory completion of said project.

This document and its purpose to balance payment shall be considered full compensation for furnishing and installing the materials, labor, tools and equipment, profit, overhead, and all incidentals for performing the work described above. Wright Construction Engineering Corp. will not be entitled to damages or additional payment for delays as described in the 2021 edition of the Standard Specifications for Public Works Construction, Section 6-6.3, for performing the work as described above.

RECORDING REQUESTED BY
WHEN RECORDED MAIL TO:
NAME: CITY OF NATIONAL CITY
ADDRESS: 1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CA 91950

NOTICE OF COMPLETION

CALIFORNIA CIVIL CODE SECTION 3093

NOTICE IS HEREBY GIVEN of the completion on October 24, 2022 of the:
Paradise Creek Mitigation, CIP No.19-35

Work of improvement or portion of work of improvement under construction or alteration.

<u>Paradise Creek Mitigation Improvements north of Kimball Way</u>	<u>National City</u>	<u>CA</u>	<u>91950</u>
Street Address	City	State	Zip Code

The undersigned owns the following interest or estate in said property:

Owner in fee

Nature of the interest or estate of owner (mortgagor, lessee, etc.)

Said work of improvement was performed on the property pursuant to a contract with

Wright Construction Engineering Corp.

Name of Original Contractor

The following work and material were supplied:

Labor provided: General Laborer, Equipment and Materials for storm channel improvements including grading, retaining wall installation, ACB, fencing, shotcrete, storm channel barriers, driveway access and landscape in the channel just north of Kimball Way approximately 400'..

General statement of kind of labor, services, equipment or materials

The names and addresses of co-owners are: N/A

Joint tenants, tenants in common, or other owners

Dated: May 21, 2024;

Signature of Owner

City of National City, 1243 National City Blvd., National City, CA 91950

I, the undersigned, say: I have read the foregoing Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 21, 2024 at, National City, California.

Signature: RON MORRISON, MAYOR

RESOLUTION NO. 2024 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, 1) ACCEPTING THE WORK PERFORMED BY WRIGHT CONSTRUCTION ENGINEERING CORP. FOR THE PARADISE CREEK MITIGATION PROJECT AT KIMBALL WAY, CIP NO. 19-35; 2) RATIFYING CHANGE ORDER WORK IN THE AMOUNT OF \$64,218.07; 3) APPROVING THE FINAL CONTRACT AMOUNT OF \$1,005,761.71; 4) RATIFYING THE RELEASE OF RETENTION IN THE AMOUNT OF \$23,980.24; AND 5) AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF COMPLETION.

WHEREAS, the Paradise Creek Mitigation Project at Kimball Way repaired sections of Paradise Creek at Kimball Way, including removing existing concrete lining on the south creek bank, earthwork and regrading, and installing articulated concrete blocks and cutoff wall on the south creek bank (the "Project"); and

WHEREAS, in addition, the Project enhanced the drainage, including adding new bar screen gates at the outlet and inlet of existing reinforced concrete box storm drains, and rip rap, as well as other site improvements that included installing a new retaining wall, concrete driveways, perimeter wrought iron fencing, and access gates to secure the area; and

WHEREAS, on September 7, 2021, City Council awarded the contract for the Project to Wright Construction Engineering Corp. ("Wright") in the amount not to exceed \$818,733.60 and authorized a 15% contingency in the amount of \$122,810.04 to address any unforeseen conditions that may arise; and

WHEREAS, on February 9, 2022, the Notice to Proceed with construction was issued to Wright; and

WHEREAS, construction on the Project started on February 14, 2022 and was completed on October 24, 2022; and

WHEREAS, after Project completion and within the Project's 1-year contractual maintenance period, a failure of the adductor canal block ("ACB") developed on the south channel slope; and

WHEREAS, after investigating the site with the Project team, the City Engineer directed Wright to repair the slope on a time and materials ("T&M") basis in the interest of public safety; and

WHEREAS, during repairs, Wright discovered that the failure was attributable to an unknown pipe just below the slope excavation that ultimately created soil intrusion, resulting in the slope failure and causing the ACB to settle; and

WHEREAS, total T&M costs for this work was \$68,952.17; and

WHEREAS, the total amount of change order work completed for the Project exceeds the original authorized 15% contingency amount by \$64,218.07; and

WHEREAS, Project change orders and line-item adjustments increased the contract by \$187,028.11, which results in an 18.6% increase to the original contract award, for a final contract balance of \$1,005,761.71; and

WHEREAS, the Notice of Completion will be filed with the San Diego County Recorder's Office.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: That the City Council hereby accepts the work performed by Wright Construction Engineering Corp. for the Paradise Creek Mitigation Project at Kimball Way, CIP No. 19-35.

Section 2: That the City Council hereby ratifies change order work in the amount of \$64,218.07.

Section 3: That the City Council hereby approves the final contract amount of \$1,005,761.71.

Section 4: That the City Council hereby ratifies the release of retention in the amount of \$23,980.24.

Section 5: That the City Council hereby authorizes the Mayor to sign the Notice of Completion.

Section 6: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 21st day of May, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Warrant Register #39 for the period of 3/21/24 through 3/28/24 in the amount of \$341,752.24.

RECOMMENDATION:

Ratify Warrants Totaling \$341,752.24

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for the period of 3/21/24 – 3/28/24. Consistent with the Department of Finance’s practice, listed below are all payments above \$50,000. Only one payment was issued during this period due to the necessity to suspend accounts payable activity for the transition to the City’s new financial system.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
PUBLIC EMP RET SYST	240328	\$341,752.24	SERVICE PERIOD 3/5/24 - 3/18/24

FINANCIAL STATEMENT:

Warrant total \$341,752.24

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Warrant Register No. 39



**WARRANT REGISTER # 39
3/28/2024**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
NO WARRANTS FOR THIS PERIOD				
			A/P Total	0.00
WIRED PAYMENTS				
PUBLIC EMP RET SYSTEM	SERVICE PERIOD 3/5/24 - 3/18/24	240328	3/28/2024	\$341,752.24
SECTION 8 HAPS	Srart Date 3/22/2024	End Date 3/28/2024		0.00
		GRAND TOTAL		<u><u>341,752.24</u></u>



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Warrant Register #40 for the period of 3/29/24 through 4/4/24 in the amount of \$2,789,960.62

RECOMMENDATION:

Ratify Warrants Totaling \$2,789,960.62

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 3/29/24 – 4/4/24. Consistent with Department of Finance’s practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
			NO WARRANTS OVER \$50,000 FOR THIS PERIOD

The only payments issued for this period were for payroll and Section 8 due to the necessity to suspend accounts payable activity for the transition to the City’s new financial system.

FINANCIAL STATEMENT:

Warrant total \$2,789,960.62

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Warrant Register No. 40



WARRANT REGISTER # 40
4/4/2024

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
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NO WARRANTS FOR THIS PERIOD

				A/P Total	0.00
PAYROLL					
Pay period	Start Date	End Date	Check Date		
7	3/5/2024	3/18/2024	3/27/2024		1,381,133.37
SECTION 8 HAPS		Start Date	End Date		
		3/29/2024	4/4/2024		1,408,827.25
GRAND TOTAL					<u>2,789,960.62</u>



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Warrant Register #41 for the period of 4/5/24 through 4/11/24 in the amount of \$501,804.34

RECOMMENDATION:

Ratify Warrants Totaling \$501,804.34

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for the period of 4/5/24 – 4/11/24. Consistent with the Department of Finance’s practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
SDG&E	368183	186,421.54	GAS AND ELECTRIC / FACILITIES
KAISER HEALTH PLAN	368136	242,351.69	MAY 2024 - GROUP #104220
ADMINSURE INC	1924	121,624.68	WC REPLENISHMENT – MAR 2024
PUBLIC EMP RET SYSTEM	240411	347,061.28	SERVICE PERIOD 03/19/2024 - 04/01/2024

FINANCIAL STATEMENT:

Warrant total \$501,804.34

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Warrant Register No. 41



**WARRANT REGISTER # 41
4/11/2024**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Engineering / PW's</u>				
HOME DEPOT CREDIT SERVICES	BUILDING SUPPLIES FY24-PW/FACILITIES	368182	4/11/24	2,397.44
SDG&E	GAS AND ELECTRIC UTILITIES FOR STREETS	368184	4/11/24	274.74
SWEETWATER AUTHORITY	WATER BILL FOR PARKS DIVISION FY24	368186	4/11/24	22,408.08
SDG&E	GAS AND ELECTRIC / FACILITIES	368183	4/11/24	186,421.54
Total for Departm				211,501.80
<u>Finance</u>				
BAVENCOFF JR	RETIREE HEALTH BENEFITS - APR 2024	368091	4/11/24	500.00
BEARD	RETIREE HEALTH BENEFITS - APR 2024	368092	4/11/24	70.00
BEVERIDGE	RETIREE HEALTH BENEFITS - APR 2024	368093	4/11/24	640.00
BISHOP	RETIREE HEALTH BENEFITS - APR 2024	368094	4/11/24	110.00
BOEGLER	RETIREE HEALTH BENEFITS - APR 2024	368095	4/11/24	260.00
BULL	RETIREE HEALTH BENEFITS - APR 2024	368096	4/11/24	580.00
CAMEON	RETIREE HEALTH BENEFITS - APR 2024	368099	4/11/24	400.00
CANEDO	RETIREE HEALTH BENEFITS - APR 2024	368100	4/11/24	620.00
CASTELLANOS	RETIREE HEALTH BENEFITS - APR 2024	368101	4/11/24	500.00
CESNAUSKAS	ADVANCE DISABILITY PENSION / APRIL 2024	368102	4/11/24	4,472.29
CHELIUS	RETIREE HEALTH BENEFITS - APR 2024	368103	4/11/24	460.00
COLE	RETIREE HEALTH BENEFITS - APR 2024	368104	4/11/24	165.00
COLLINSON	RETIREE HEALTH BENEFITS - APR 2024	368105	4/11/24	420.00
CONDON	RETIREE HEALTH BENEFITS - APR 2024	368106	4/11/24	280.00
CORDERO	RETIREE HEALTH BENEFITS - APR 2024	368107	4/11/24	520.00
DALLA	RETIREE HEALTH BENEFITS - APR 2024	368108	4/11/24	900.00
DANESHFAR	RETIREE HEALTH BENEFITS - APR 2024	368109	4/11/24	250.00
DEESE	RETIREE HEALTH BENEFITS - APR 2024	368110	4/11/24	660.00
DESROCHERS	RETIREE HEALTH BENEFITS - APR 2024	368111	4/11/24	110.00
DIAZ	RETIREE HEALTH BENEFITS - APR 2024	368112	4/11/24	680.00
DREDGE	RETIREE HEALTH BENEFITS - APR 2024	368113	4/11/24	250.00
DUONG	RETIREE HEALTH BENEFITS - APR 2024	368114	4/11/24	280.00
EISER III	RETIREE HEALTH BENEFITS - APR 2024	368115	4/11/24	250.00
ESPIRITU	RETIREE HEALTH BENEFITS - APR 2024	368116	4/11/24	620.00
ETZLER	RETIREE HEALTH BENEFITS - APR 2024	368117	4/11/24	460.00
FABINSKI	RETIREE HEALTH BENEFITS - APR 2024	368118	4/11/24	220.00
FELIX	RETIREE HEALTH BENEFITS - APR 2024	368119	4/11/24	400.00
FIFIELD	RETIREE HEALTH BENEFITS - APR 2024	368120	4/11/24	540.00
GAUT	RETIREE HEALTH BENEFITS - APR 2024	368121	4/11/24	700.00
GELSKEY	RETIREE HEALTH BENEFITS - APR 2024	368122	4/11/24	115.00
GIBBS JR	RETIREE HEALTH BENEFITS - APR 2024	368123	4/11/24	120.00
GONZALES	RETIREE HEALTH BENEFITS - APR 2024	368124	4/11/24	480.00
HARLAN	RETIREE HEALTH BENEFITS - APR 2024	368125	4/11/24	500.00
HERNANDEZ	RETIREE HEALTH BENEFITS - APR 2024	368127	4/11/24	500.00
HERNANDEZ	RETIREE HEALTH BENEFITS - APR 2024	368128	4/11/24	680.00
HERNANDEZ	RETIREE HEALTH BENEFITS - APR 2024	368129	4/11/24	400.00
HODGES	RETIREE HEALTH BENEFITS - APR 2024	368130	4/11/24	200.00
IBARRA	RETIREE HEALTH BENEFITS - APR 2024	368131	4/11/24	780.00



**WARRANT REGISTER # 41
4/11/2024**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
JASMUND	RETIREE HEALTH BENEFITS - APR 2024	368132	4/11/24	680.00
JONES	RETIREE HEALTH BENEFITS - APR 2024	368133	4/11/24	60.00
JONES	RETIREE HEALTH BENEFITS - APR 2024	368134	4/11/24	480.00
JUNIEL	RETIREE HEALTH BENEFITS - APR 2024	368135	4/11/24	50.00
KIMBLE	RETIREE HEALTH BENEFITS - APR 2024	368137	4/11/24	300.00
KLOS	RETIREE HEALTH BENEFITS - APR 2024	368138	4/11/24	480.00
LAFRENIERE	RETIREE HEALTH BENEFITS - APR 2024	368139	4/11/24	660.00
LIMFUECO	RETIREE HEALTH BENEFITS - APR 2024	368140	4/11/24	160.00
MATIENZO	RETIREE HEALTH BENEFITS - APR 2024	368141	4/11/24	100.00
MCCABE	RETIREE HEALTH BENEFITS - APR 2024	368142	4/11/24	280.00
MCDANIEL	RETIREE HEALTH BENEFITS - APR 2024	368143	4/11/24	290.00
MEEKS	RETIREE HEALTH BENEFITS - APR 2024	368144	4/11/24	460.00
MINER	RETIREE HEALTH BENEFITS - APR 2024	368145	4/11/24	580.00
MUNOZ	RETIREE HEALTH BENEFITS - APR 2024	368146	4/11/24	640.00
NAGLE	RETIREE HEALTH BENEFITS - APR 2024	368147	4/11/24	460.00
NOTEWARE	RETIREE HEALTH BENEFITS - APR 2024	368148	4/11/24	120.00
OLIVERIA	RETIREE HEALTH BENEFITS - APR 2024	368149	4/11/24	360.00
PARRA	RETIREE HEALTH BENEFITS - APR 2024	368150	4/11/24	400.00
PAUU JR	RETIREE HEALTH BENEFITS - APR 2024	368151	4/11/24	340.00
PE	RETIREE HEALTH BENEFITS - APR 2024	368152	4/11/24	300.00
PEASE JR	RETIREE HEALTH BENEFITS - APR 2024	368153	4/11/24	140.00
POST	RETIREE HEALTH BENEFITS - APR 2024	368154	4/11/24	280.00
RAY	RETIREE HEALTH BENEFITS - APR 2024	368155	4/11/24	190.00
REDIKOP	RETIREE HEALTH BENEFITS - APR 2024	368156	4/11/24	400.00
RIOS	RETIREE HEALTH BENEFITS - APR 2024	368157	4/11/24	240.00
ROARK	RETIREE HEALTH BENEFITS - APR 2024	368158	4/11/24	135.00
RODRIGUEZ	RETIREE HEALTH BENEFITS - APR 2024	368159	4/11/24	260.00
ROUSTON	RETIREE HEALTH BENEFITS - APR 2024	368160	4/11/24	660.00
RUIZ	RETIREE HEALTH BENEFITS - APR 2024	368161	4/11/24	310.00
SAINZ	RETIREE HEALTH BENEFITS - APR 2024	368162	4/11/24	300.00
SANCHEZ	RETIREE HEALTH BENEFITS - APR 2024	368163	4/11/24	330.00
SERVATIUS	RETIREE HEALTH BENEFITS - APR 2024	368165	4/11/24	340.00
SHEPHARD	RETIREE HEALTH BENEFITS - APR 2024	368166	4/11/24	440.00
SHOEMAKER	RETIREE HEALTH BENEFITS - APR 2024	368167	4/11/24	480.00
SILVA	RETIREE HEALTH BENEFITS - APR 2024	368168	4/11/24	580.00
SMITH	RETIREE HEALTH BENEFITS - APR 2024	368169	4/11/24	320.00
SMITH	RETIREE HEALTH BENEFITS - APR 2024	368170	4/11/24	560.00
STANICH	RETIREE HEALTH BENEFITS - APR 2024	368171	4/11/24	400.00
TELLEZ	RETIREE HEALTH BENEFITS - APR 2024	368172	4/11/24	700.00
TIPTON	RETIREE HEALTH BENEFITS - APR 2024	368173	4/11/24	250.00
UNGAB	RETIREE HEALTH BENEFITS - APR 2024	368174	4/11/24	600.00
VILLAGOMEZ	RETIREE HEALTH BENEFITS - APR 2024	368175	4/11/24	480.00
VILLARIASA	RETIREE HEALTH BENEFITS - APR 2024	368176	4/11/24	480.00
WHITE	RETIREE HEALTH BENEFITS - APR 2024	368178	4/11/24	230.00
WILKINS	RETIREE HEALTH BENEFITS - APR 2024	368179	4/11/24	520.00
YBARRA	RETIREE HEALTH BENEFITS - APR 2024	368180	4/11/24	220.00
YOUNG	RETIREE HEALTH BENEFITS - APR 2024	368181	4/11/24	560.00



**WARRANT REGISTER # 41
4/11/2024**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
C A P F	APRIL 2024 - FIRE LTD	368097	4/11/24	1,298.00
CALIFORNIA LAW ENFORCEMENT	APRIL 2024 - PD LTD	368098	4/11/24	2,624.00
CESNAUSKAS	ADVANCE DISABILITY PENSION / APRIL 2024	368102	4/11/24	4,472.29
HEALTH NET INC	GRP #ZI454A - APRIL 2024	368126	4/11/24	11.21
KAISER FOUNDATION HEALTH PLAN	MAY 2024 - GROUP #104220	368136	4/11/24	242,351.69
SASI	DEBIT CARD CHARGES/TRUST ACCOUNTING / FIN	368164	4/11/24	91.00
VISION SERVICE PLAN	APRIL 2024 - VISION SERVICE PLAN (CA)	368177	4/11/24	1,757.06
			Total for Departm	290,302.54
			A/P Total	501,804.34

WIRED PAYMENTS

ARCO BUSINESS SOLUTIONS	FUEL FOR CITY FLEET FY24 MARCH- PW/FLEET	266298976	4/5/2024	\$ 46,829.44
ADMINSURE INC	WORKER'S COMPENSATION REPLENISHMENT - MAR	1924	4/8/2024	\$ 121,624.68
U S BANK	CREDIT CARD STATEMENT - MARCH 2024	731117	4/9/2024	\$ 21,683.61
SUPERIOR PRESS	DEPOSIT SLIPS AND BAGS	604483	4/10/2024	\$ 361.34
PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 03/19/2024 - 04/01/2024	240411	4/11/2024	\$ 347,061.28

GRAND TOTAL

501,804.34



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Warrant Register #42 for the period of 4/12/24 through 4/18/24 in the amount of \$1,588,660.69

RECOMMENDATION:

Ratify Warrants Totaling \$1,588,660.69

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for the period of 4/12/24 – 4/18/24. Consistent with the Department of Finance’s practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
			NO WARRANTS OVER \$50,000 FOR THIS PERIOD

FINANCIAL STATEMENT:

Warrant total \$1,588,660.69

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Warrant Register No. 42



**WARRANT REGISTER # 42
4/18/2024**

CHECK NO	ACCOUNT	VENDOR NAME	DESCRIPTION	AMOUNT
MAYOR AND COUNCIL				
369055	100-10-10-10400-7212-	T'S & SIGNS INC	JACKET FOR DITAS YAMANE	\$113.10
TOTAL:				\$113.10
CITY MANAGER'S OFFICE				
369048	100-10-13-13100-7399-	SMART & FINAL	CITY MANAGER MATERIAL AND SUPPLIES	\$63.22
369050	100-10-13-13100-7399-	STAPLES BUSINESS ADV	CMO - MATERIAL & SUPPLIES	\$90.50
TOTAL:				\$153.72
HUMAN RESOURCES				
369032	100-10-17-17100-7205-	MANGANIELLO, STEPHEN	RENEWAL OF CA TRAFFIC ENG. LICENSE	\$180.00
369027	100-10-17-17100-7217-	G2SOLUTIONS, INC	EMPLOYEE FINGERPRINT TEST SUBMISSION MAR	\$3.00
TOTAL:				\$183.00
POLICE				
369035	100-70-21-21100-7205-	PALOMAR HEALTH	SEXUAL ASSAULT EXAMS FOR FY24	\$2,550.00
369026	100-70-21-21100-7259-	FON JON PET CARE CENTER	BOARD AND CARE FOR FY24~	\$155.00
369059	100-70-21-21100-7261-	VCA EMERGENCY ANIMAL	STRAY ANIMAL EMERGENCY VET CARE FOR FY24	\$250.00
369059	100-70-21-21100-7261-	VCA EMERGENCY ANIMAL	STRAY ANIMAL EMERGENCY VET CARE FOR FY24	\$250.00
369059	100-70-21-21100-7261-	VCA EMERGENCY ANIMAL	STRAY ANIMAL EMERGENCY VET CARE FOR FY24	\$250.00
369057	100-70-21-21100-7299-	THOMSON REUTERS	INVESTIGATIVE SERVICE FOR DETECTIVES	\$691.95
369056	100-70-21-21100-7299-	THE COUNSELING TEAM	POA MEA PEER SUPPORT FOR FY24	\$800.00
369013	100-70-21-21100-7299-	CYRACOM INTERNATIONAL	LANGUAGE LINE FOR DISPATCH FOR FY24	\$126.75
369031	100-70-21-21100-7307-	LASER SAVER INC	MOP 45725/TONER/PD	\$97.82
369031	100-70-21-21100-7399-	LASER SAVER INC	MOP 45725/TONER/PD	\$48.88
369049	100-70-21-21100-7399-	STAPLES BUSINESS ADV	MOP 45704/SUPPLIES/PD	\$46.11
369051	100-70-21-21100-7399-	STAPLES BUSINESS ADV	MOP 45704/SUPPLIES/PD	\$64.15
TOTAL:				\$5,330.66
FIRE				
369023	100-70-22-22100-7213-	ESGIL LLC	PLAN CHECKS FOR FIRE DEPT	\$2,997.60
369023	100-70-22-22100-7213-	ESGIL LLC	PLAN CHECKS FOR FIRE, FY23-24~	\$3,144.30
369003	100-70-22-22100-7226-	AMEDEE, WALTER	SDCFCA EMERGENCY MGT SECTION MEETING	\$16.75
369006	100-70-22-22100-7226-	CAL FIRE	COMMON PASS VEHICLE RESCUE TECH, PRC #T3097	\$450.00
369030	100-70-22-22100-7226-	JESSE JEROME FOURNIE	FIRE GROUND SURVIVAL TRAINING, PRC #T3106	\$2,780.00
369029	100-70-22-22100-7299-	HAMLIN WILLIAMS INC	NARDYEZDA ACOSTA-W/E 10 MAR 2024 (32522)	\$1,600.00
369029	100-70-22-22100-7299-	HAMLIN WILLIAMS INC	NARDYEZDA ACOSTA-W/E 17-MAR-2024	\$400.00
369025	100-70-22-22100-7299-	FIRSTWATCH	STANDARD FIRSTWATCH TRIGGERS	\$12,780.00
369049	100-70-22-22100-7301-	STAPLES BUSINESS ADV	MOP #45704 FIRE ADMIN OFFICE SUPPLIES	\$119.63
369049	100-70-22-22100-7301-	STAPLES BUSINESS ADV	MOP#45704/FIRE STATION OFFICE SUPPLIES	\$60.74
369049	100-70-22-22100-7301-	STAPLES BUSINESS ADV	MOP#45704/FIRE STATION OFFICE SUPPLIES	\$468.59
369049	100-70-22-22100-7301-	STAPLES BUSINESS ADV	MOP #45704 / REFUND ITEM ALLI RUBBER BAND	-\$24.71
369042	100-70-22-22100-7303-	PRUDENTIAL OVERALL	MOP#45742 18X18 PURPLE SHOP TOWEL/FIRE	\$25.00



369042	100-70-22-22100-7303-	PRUDENTIAL OVERALL	MOP#45742/JANITORIAL SUPPLIES	\$25.00
369004	100-70-22-22100-7399-	BETTER CHOICE COSTUM	NATURAL FIBER CHILDREN'S FIRE HAT FD	\$688.52
TOTAL:				\$25,531.42
PW - ENGINEERING				
369009	100-80-31-31100-7299-	CLEAN HARBORS ENVIRONM	FOR HAZARDOUS WASTE FOR MARCH 2024	\$1,015.36
369052	100-80-31-31100-7299-	STATE WATER RESOURCE	PERMIT FEE FOR NC BILLING PERIOD: 7/23-6/24	\$2,509.00
369045	100-80-31-31300-7235-	SDG&E	GAS AND ELECTRIC UTILITIES FOR STREETS	\$10,524.51
369045	100-80-31-31300-7235-	SDG&E	GAS AND ELECTRIC UTILITIES FOR STREETS	\$651.63
369045	100-80-31-31300-7235-	SDG&E	GAS AND ELECTRIC UTILITIES FOR STREETS	\$92.28
369045	100-80-31-31300-7235-	SDG&E	GAS AND ELECTRIC UTILITIES FOR STREETS	\$11.45
TOTAL:				\$14,804.23
CSD				
369047	100-86-42-42100-7311-	SMART & FINAL	MOP 45756 SR PRGM MORNING SOCIAL SUPPLIES	\$63.43
369047	100-86-42-42100-7311-	SMART & FINAL	MOP 45756 SUPPLIES / CSD	\$25.98
369047	100-86-42-42100-7311-	SMART & FINAL	MOP 45756 CASA YOUTH SNACKS/CSD	\$233.12
TOTAL:				\$322.53
NSD				
369005	100-86-61-61100-7318-	BOOT WORLD	MOP 64096 BOOT WORLD	\$381.66
369061	100-86-61-61100-7329-	VISTA PAINT	MOP 68834 PAINT SUPPLIES	\$42.09
369049	420-86-61-61200-7301-	STAPLES BUSINESS ADV	MOP 45704 OFFICE SUPPLIES	\$39.28
369051	420-86-61-61200-7301-	STAPLES BUSINESS ADV	MOP 45704 OFFICE SUPPLIES	\$71.30
369051	420-86-61-61200-7301-	STAPLES BUSINESS ADV	MOP 45704 OFFICE SUPPLIES	\$50.61
TOTAL:				\$584.94
PW - PARKS				
369005	105-86-31-31400-7318-	BOOT WORLD	MOP 64096 SAFETY BOOTS FY24-PW	\$391.46
369041	105-86-31-31400-7399-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/PARKS	\$6.14
369041	105-86-31-31400-7399-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/PARKS	\$29.35
369041	105-86-31-31400-7399-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/PARKS	\$41.96
TOTAL:				\$468.91
PW - STREETS				
369042	109-80-31-31300-7318-	PRUDENTIAL OVERALL	WEARING APPAREL FY24-PW/STREETS	\$58.13
369042	109-80-31-31300-7318-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES FY24-PW/STREETS	\$103.23
369042	109-80-31-31300-7318-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES FY24-PW/STREETS	\$58.13
369042	109-80-31-31300-7318-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES FY24-PW/STREETS	\$103.23
369042	109-80-31-31300-7318-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES FY24-PW/STREETS	\$58.13
369042	109-80-31-31300-7318-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES FY24-PW/STREETS	\$120.44
369005	109-80-31-31300-7318-	BOOT WORLD	MOP 64096 SAFETY BOOTS FY24-PW	\$518.68
369028	109-80-31-31300-7337-	GRAINGER	MOP 65179 SEWER MAINTENANCE SUPPLIES FY24	\$219.60
369028	109-80-31-31300-7337-	GRAINGER	MOP 65179 SEWER MAINTENANCE SUPPLIES FY24	\$92.68
369046	109-80-31-31300-7337-	SITEONE LANDSCAPE SUPPLY	MOP 69277 STREET SUPPLIES FY24-PW/STREETS	\$336.31
369002	109-80-31-31300-7340-	AIRGAS USA LLC	MOP 45714 STREET SUPPLIES FY24-PW/STREETS	\$343.06
369054	109-80-31-31300-7346-	T MAN TRAFFIC SUPPLY	MOP 76666 STREET SIGN SUPPLIES FY24-PW/STREETS	\$478.50
TOTAL:				\$2,490.12
PW - SEWER				



369053	125-85-31-31400-7236-	SWEETWATER AUTHORITY	WATER BILL FOR WASTEWATER FY24	\$26.09
369053	125-85-31-31400-7236-	SWEETWATER AUTHORITY	WATER BILL FOR WASTEWATER FY24	\$127.91
369042	125-85-31-31400-7318-	PRUDENTIAL OVERALL	LAUNDRY SERVICES- SEWER DIV FY24	\$63.22
369042	125-85-31-31400-7318-	PRUDENTIAL OVERALL	LAUNDRY SERVICES- SEWER DIV FY24	\$103.23
369042	125-85-31-31400-7318-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES - WASTEWATER FY24	\$58.13
369042	125-85-31-31400-7318-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES - STREETS&WW FY24	\$111.73
369041	125-85-31-31400-7337-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/SEWER	\$80.55
369024	125-85-31-31400-7399-	FERGUSON ENTERPRISES	MOP 45723 GENERAL SUPPLIES- STREETS FY24	\$219.25
369041	125-85-31-31400-7399-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/SEWER	\$162.12
369041	125-85-31-31400-7399-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/SEWER	\$371.31
TOTAL:				\$1,323.54

NUTRITION

369001	166-86-42-42300-7299-	AIR EXHAUST CORP CO	KITCHEN EXHAUST CLEANING SERVICE	\$72.00
TOTAL:				\$72.00

PW - FACILITIES

369045	626-10-31-31500-7234-	SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FACILITIES	\$179.34
369045	626-10-31-31500-7234-	SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FACILITIES	\$4,555.87
369045	626-10-31-31500-7234-	SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FACILITIES	\$3,323.46
369028	626-10-31-31500-7236-	GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACILITIES	\$41.58
369028	626-10-31-31500-7236-	GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACILITIES	\$174.61
369028	626-10-31-31500-7236-	GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACILITIES	\$118.20
369028	626-10-31-31500-7236-	GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACILITIES	\$76.29
369007	626-10-31-31500-7236-	CALIFORNIA ELECTRIC	MOP 45698 ELECTRIC SUPPLIES FY24-PW/FACILITIES	\$110.47
369041	626-10-31-31500-7236-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/FACILITIES	\$47.52
369063	626-10-31-31500-7288-	WILLY'S ELECTRONIC	MOP 45763 ELECTRIC SUPPLIES FY24-PW/FACILITIES	\$10.76
369063	626-10-31-31500-7288-	WILLY'S ELECTRONIC	MOP 45763 ELECTRIC SUPPLIES FY24-PW/FACILITIES	\$124.19
369063	626-10-31-31500-7288-	WILLY'S ELECTRONIC	MOP 45763 ELECTRIC SUPPLIES FY24-PW/FACILITIES	\$19.64
369024	626-10-31-31500-7288-	FERGUSON ENTERPRISES	MOP 45723 BUILDING SUPPLIES FY24-PW/FACILITIES	\$321.72
369024	626-10-31-31500-7288-	FERGUSON ENTERPRISES	MOP 45723 BUILDING SUPPLIES FY24-PW/FACILITIES	\$409.45
369028	626-10-31-31500-7288-	GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACILITIES	\$51.78
369028	626-10-31-31500-7288-	GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACILITIES	\$8.35
369028	626-10-31-31500-7288-	GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACILITIES	\$152.87
369028	626-10-31-31500-7288-	GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACILITIES	\$76.29
369028	626-10-31-31500-7288-	GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACILITIES	\$49.40
369028	626-10-31-31500-7288-	GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACILITIES	\$365.06
369028	626-10-31-31500-7288-	GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACILITIES	\$998.93
369028	626-10-31-31500-7288-	GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACILITIES	\$55.84
369041	626-10-31-31500-7288-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/FACILITIES	\$260.80
369041	626-10-31-31500-7288-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/FACILITIES	\$393.84
369041	626-10-31-31500-7288-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/FACILITIES	\$51.60
369041	626-10-31-31500-7288-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/FACILITIES	\$14.67
369041	626-10-31-31500-7288-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/FACILITIES	\$436.07
369041	626-10-31-31500-7288-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/FACILITIES	\$165.26
369041	626-10-31-31500-7288-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/FACILITIES	\$77.85



369041	626-10-31-31500-7288-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/FACILITIES	\$96.83
369041	626-10-31-31500-7288-	PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/FACILITIES	\$32.53
TOTAL:				\$12,801.07
RISK				
369008	627-10-15-15600-7213-	CLAIMS MANAGEMENT	AGREEMENT TO PROVIDE MONTHLY RISK~	\$4,000.00
369049	627-10-15-15600-7399-	STAPLES BUSINESS ADV	MOP #45704/OFFICE SUPPLIES/RISK MANAGEMENT	\$85.02
369049	627-10-15-15600-7399-	STAPLES BUSINESS ADV	MOP #45704/OFFICE SUPPLIES/RISK MANAGEMENT	\$17.16
369014	627-10-15-15600-7432-	DEAN GAZZO ROISTACHE	LIABILITY CLAIM COST/UMANA	\$4,706.00
369015	627-10-15-15600-7432-	DEAN GAZZO ROISTACHE	LIABILITY CLAIM COST/VARGAS	\$2,604.00
369016	627-10-15-15600-7432-	DEAN GAZZO ROISTACHE	LIABILITY CLAIM COST/REYNOSO	\$722.95
369017	627-10-15-15600-7432-	DEAN GAZZO ROISTACHE	LIABILITY CLAIM COST/APAN	\$1,739.82
369018	627-10-15-15600-7432-	DEAN GAZZO ROISTACHE	LIABILITY CLAIM COST/THOMAS	\$5,378.75
369019	627-10-15-15600-7432-	DEAN GAZZO ROISTACHE	LIABILITY CLAIM COST/VARGAS	\$3,113.82
369020	627-10-15-15600-7432-	DEAN GAZZO ROISTACHE	LIABILITY CLAIM COST/APAN	\$807.03
369021	627-10-15-15600-7432-	DEAN GAZZO ROISTACHE	LIABILITY CLAIM COST	\$309.00
369022	627-10-15-15600-7432-	DEAN GAZZO ROISTACHE	LIABILITY CLAIM COST/UMANA	\$8,097.50
369043	627-10-15-15600-7432-	RIOS & NICHOLAS INC	LIABILITY CLAIM COST/UMANA	\$740.82
TOTAL:				\$32,321.87
MIS				
369060	629-10-13-13600-7248-	VERIZON WIRELESS	VERIZON CELLULAR SERVICES FOR FY24	\$7,920.21
369060	629-10-13-13600-7248-	VERIZON WIRELESS	VERIZON CELLULAR SERVICES FOR FY24	\$73.57
369060	629-10-13-13600-7248-	VERIZON WIRELESS	VERIZON CELLULAR SERVICES FOR FY24	\$4,440.99
369012	629-10-13-13600-7248-	COX COMMUNICATIONS	COX DATA, VIDEO SERVICES FY24	\$174.00
369012	629-10-13-13600-7248-	COX COMMUNICATIONS	COX DATA, VIDEO SERVICES FY24	\$88.25
369011	629-10-13-13600-7281-	COUNTY OF SAN DIEGO	NEXTGEN REGIONAL COMMUNICATIONS SYSTEM	\$8,151.00
369010	629-10-13-13600-7281-	CORELOGIC SOLUTIONS	REALQUEST PROPERTY RESEARCH APP	\$177.44
369058	629-10-13-13600-7299-	TYLER TECHNOLOGIES	TYLER MUNIS / CAD~	\$7,400.00
369058	629-10-13-13600-7299-	TYLER TECHNOLOGIES	TYLER MUNIS / CAD~	\$1,480.00
369058	629-10-13-13600-7299-	TYLER TECHNOLOGIES	TYLER MUNIS / CAD~	\$10,264.98
369063	629-10-13-13600-7306-	WILLY'S ELECTRONIC	WILLY'S ELECTRONICS MOP FY24	\$41.73
369063	629-10-13-13600-7306-	WILLY'S ELECTRONIC	MOP FY24 COMPUTER ACCESSORIES	\$56.59
369063	629-10-13-13600-7306-	WILLY'S ELECTRONIC	MOP FY24 COMPUTER ACCESSORIES	\$173.90
369063	629-10-13-13600-7306-	WILLY'S ELECTRONIC	MOP FY24 COMPUTER ACCESSORIES	\$69.38
TOTAL:				\$40,512.04
PW - EQUIPMENT				
369033	643-10-31-31700-7282-	NATIONAL CITY CAR WASH	MOP 72454 CAR WASH - FLEET DIV FY24	\$509.42
369044	643-10-31-31700-7282-	SAN DIEGO HYDRAULICS	MOP 85005 AUTO SUPPLIES- FLEET DIVION FY24	\$214.36
369044	643-10-31-31700-7282-	SAN DIEGO HYDRAULICS	MOP 85005 AUTO SUPPLIES- FLEET DIV FY24	\$306.53
369042	643-10-31-31700-7318-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES - FLEET DIV FY24	\$68.49
369042	643-10-31-31700-7318-	PRUDENTIAL OVERALL	MOP 45742- LAUNDRY SERVICES FLEET DIV FY24	\$60.87
369042	643-10-31-31700-7318-	PRUDENTIAL OVERALL	MOP 45742 - LAUNDRY SERVICES FLEET DIVISION FY24	\$60.87
369042	643-10-31-31700-7318-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES- FLEET DIVISION FY24	\$60.87
369062	643-10-31-31700-7334-	WETMORES	MOP 80333 AUTO SUPPLIES- FLEET DIVISION FY24	\$24.46
369062	643-10-31-31700-7334-	WETMORES	MOP 80333 AUTO SUPPLIES- FLEET DIVISION FY24	\$53.62



369062	643-10-31-31700-7334-	WETMORES	MOP 80333 AUTO SUPPLIES- FLEET DIVISION FY24	\$431.95
369063	643-10-31-31700-7334-	WILLY'S ELECTRONIC	MOP 45763 ELECTRIC SUPPLIES- FLEET DIVISION FY24	\$79.78
369040	643-10-31-31700-7334-	POWERSTRIDE BATTERY	MOP 67839 GENERAL SUPPLIES - FLEET DIV FY24	\$113.12
369037	643-10-31-31700-7334-	PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/FLEET	\$30.44
369037	643-10-31-31700-7334-	PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/FLEET	\$28.79
369036	643-10-31-31700-7334-	PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/FLEET	\$30.47
369036	643-10-31-31700-7334-	PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/FLEET	\$15.51
369036	643-10-31-31700-7334-	PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/FLEET	\$24.01
369036	643-10-31-31700-7334-	PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/FLEET	\$162.47
369036	643-10-31-31700-7334-	PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/FLEET	\$13.55
369036	643-10-31-31700-7334-	PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/FLEET	\$235.10
369039	643-10-31-31700-7334-	PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/FLEET	\$15.24
369038	643-10-31-31700-7334-	PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/FLEET	\$20.29
369034	643-10-31-31700-7334-	O'REILLY AUTO PARTS	MOP 75877 AUTO SUPPLIES FY24-PW/EQM	\$58.71
369034	643-10-31-31700-7334-	O'REILLY AUTO PARTS	MOP 75877 AUTO SUPPLIES FY24-PW/EQM	\$203.55
369034	643-10-31-31700-7334-	O'REILLY AUTO PARTS	MOP 75877 AUTO SUPPLIES FY24-PW/EQM	\$52.68
TOTAL:				\$2,875.15

A/P Total 139,888.30

PAYROLL

Start Date	End Date	Check Date	Pay period	
3/19/2024	4/1/2024	4/10/2024	8	1,412,842.80

WIRED PAYMENT

4/12/2024	Week 42	PAYCHEX BENEFIT TECH INC	BENETRAC ESR SERVICES BASE FEE-APRIL	\$ 2,209.55
4/12/2024	Week 42	PUBLIC EMP RETIREMENT SYS	2024 REPLACEMENT CHARGES FOR NC	\$ 5,823.09

SECTION 8 HAPS

Start Date	End Date	
4/12/2024	4/18/2024	\$35,929.59

GRAND TOTAL \$ 1,588,660.69



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Warrant Register #43 for the period of 4/19/24 through 4/25/24 in the amount of \$1,539,153.39

RECOMMENDATION:

Ratify Warrants Totaling \$1,539,153.39

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for the period of 4/19/24 – 4/25/24. Consistent with the Department of Finance’s practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
HEALTH NET INC	369090	\$65,543.10	GRP #R1192A - MAY 2024
WRIGHT CONSTRUCTION	369126	\$58,774.17	CIP 19-11 PARADISE CREEK WATER QUALITY
THE BANK OF NY MELLON		\$1,069,758.47	TAXABLE PENSION OBLIGATIONS BONDS

FINANCIAL STATEMENT:

Warrant total \$1,539,153.39

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Warrant Register No. 43



WARRANT REGISTER # 43
4/25/2024

CHECK NO	ACCOUNT	VENDOR NAME	FULL DESC	AMOUNT
FINANCE				
369088	100-00-00-00000-2113-	HEALTH NET INC	GRP GX011A - MAY 2024	\$29,352.77
369089	100-00-00-00000-2113-	HEALTH NET INC	GRP #ZI454A - MAY 2024	\$1,287.19
369090	100-00-00-00000-2113-	HEALTH NET INC	GRP #R1192A - MAY 2024	\$65,543.10
369092	100-00-00-00000-2113-	HEALTH NET INC	GRP #LB439A - MAY 2024	\$23,241.08
369105	100-00-00-00000-2115-	RELIANCE STANDARD	MAY 2024 GRP VAI826233 - VCI801146 & VG180848	\$4,360.68
369107	100-00-00-00000-2143-	SASI	PROCESSING CHARGES/FLEX SPENDING	\$742.70
369087	724-00-00-00000-2113-	HEALTH NET INC	GRP ZI454F - MAY 2024	\$12.08
369091	724-00-00-00000-2113-	HEALTH NET INC	GRP #LB439F - MAY 2024	\$777.39
			TOTAL:	\$125,316.99
CAO				
369118	100-10-15-15100-7222-	THOMSON REUTERS	SUBSCRIPTION / WEST LAW / CAO	\$637.84
			TOTAL:	\$637.84
POLICE				
369082	100-70-21-21100-7259-	FON JON PET CARE CEN	BOARD AND CARE FOR FY24~	\$1,845.00
369080	100-70-21-21100-7287-	DAY WIRELESS SYSTEMS	RADIO REPAIRS FOR FY24	\$85.00
369067	100-70-21-21100-7318-	ACE UNIFORMS & ACCES	LEATHER GEAR, KEEPERS FLASHLIGHTS	\$212.06
369066	100-70-21-21100-7226-	RAMIREZ, OMAR G	TRAINING REIMBURSEMENT FOR THE TBW	\$5,552.00
369066	100-70-21-21500-7226-	RAMIREZ, OMAR G	TRAINING REIMBURSEMENT FOR THE TBW	\$8,448.00
			TOTAL:	\$16,142.06
FIRE				
369125	100-70-22-22100-7213-	WRIGHT & LESTRANGE	CONSULTANT SHALL PROVIDE LEGAL OPINION	\$2,034.00
369083	100-70-22-22100-7283-	GRAINGER	MOP#65179 BATTERIES FOR SCBA EQUIPMENT	\$154.06
369076	100-70-22-22100-7299-	AT&T	PHONE SVCSTO RECEIVE DISPATCHED EMERG CALL	\$56.98
369096	100-70-22-22100-7305-	LIFE ASSIST INC	HARTWELL FASPLINT	\$1,457.25
369096	100-70-22-22100-7305-	LIFE ASSIST INC	HARTWELL FASPLINT	\$364.31
369069	100-70-22-22100-7521-	AEP CALIFORNIA LLC	LIGHTING PACKAGE FOR UTILITY VEHICLE	\$9,550.21
			TOTAL:	\$13,616.81
PW - ENGINEERING				
369114	100-80-31-31100-7399-	STAPLES BUSINESS ADV	MOP 45704 OFFICE SUPPLIES FY24-PW/ENG	\$108.49
369079	726-00-00-00000-2143-	D-MAX ENGINEERING IN	TA 90505- NC E 31ST ST. APTS.	\$203.30
369079	726-00-00-00000-2143-	D-MAX ENGINEERING IN	T&A 90505- NC E 31ST ST. APTS.	\$309.63
369079	726-00-00-00000-2143-	D-MAX ENGINEERING IN	T&A 90538- NC KIMBALL EAST	\$415.37
369079	726-00-00-00000-2143-	D-MAX ENGINEERING IN	T&A 90538- NC KIMBALL EAST	\$518.71
369079	726-00-00-00000-2143-	D-MAX ENGINEERING IN	T&A 90539- NC KIMBALL WEST	\$257.29
369079	726-00-00-00000-2143-	D-MAX ENGINEERING IN	T&A 90539- NC KIMBALL WEST	\$184.15



**WARRANT REGISTER # 43
4/25/2024**

CHECK NO	ACCOUNT	VENDOR NAME	FULL DESC	AMOUNT
369079	726-00-00-00000-2143-	D-MAX ENGINEERING IN	T&A 90562- NC SAN YSIDRO HEALTH	\$494.54
369079	726-00-00-00000-2143-	D-MAX ENGINEERING IN	T&A 90562- NC SAN YSIDRO HEALTH	\$570.89
369079	726-00-00-00000-2143-	D-MAX ENGINEERING IN	T&A 90634- NC IN N OUT	\$75.11
369079	726-00-00-00000-2143-	D-MAX ENGINEERING IN	T&A 90634- NC IN N OUT	\$443.60
369100	726-00-00-00000-2143-	NV5 INC	NC PLAN CHECK SERVICES- TA 90673- 1200 HIGHLAND AV	\$1,560.45
369100	726-00-00-00000-2143-	NV5 INC	NC PLAN CHECK SERVICES- TA 90664-1200 HARBOR DR.	\$448.05
369100	726-00-00-00000-2143-	NV5 INC	NC PLAN CHECK-TA 90575-PLAZA BONITA RET. WALL	\$1,606.80
369100	726-00-00-00000-2143-	NV5 INC	NC PLAN CHECK- TA 90645-1300 WILSON AVE	\$1,385.35
369126	296-10-18-18500-7598-	WRIGHT CONSTRUCTION,	CIP 19-11 PARADISE CREEK WATER QUALITY	\$58,774.17
TOTAL:				\$67,355.90
CSD				
369116	100-86-42-42100-7264-	T'S & SIGNS INC	CITY GUIDES/CSD	\$184.33
369071	100-86-42-42100-7311-	AMAZON	SR PRGM ST. PATRICKS DECORATIONS/CSD	\$274.24
TOTAL:				\$458.57
NSD				
369102	100-86-61-61100-7211-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SVC	\$22.05
369102	100-86-61-61100-7211-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SVC	\$22.05
369102	100-86-61-61100-7211-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SVC	\$22.05
369102	100-86-61-61100-7211-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SVC	\$22.05
369102	100-86-61-61100-7211-	PRUDENTIAL OVERALL	MOP 45742 PRUDENTIAL SVC	\$157.69
369102	100-86-61-61100-7211-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SVC	\$33.15
369102	100-86-61-61100-7211-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SVC	\$30.62
369111	100-86-61-61100-7226-	SORIANO, RONNY	REIMBURSEMENT / CONFERENCE	\$150.84
369109	100-86-61-61100-7299-	SILVER & WRIGHT LLP	SILVER & WRIGHT LEGAL SVC	\$707.60
369121	100-86-61-61100-7329-	VISTA PAINT	MOP 68834 PAINT SUPPLIES	\$483.80
369121	100-86-61-61100-7329-	VISTA PAINT	MOP 68834 PAINT SUPPLIES	\$304.50
369101	100-86-61-61100-7329-	PRO BUILD COMPANY	MOP 45707 PAINT SUPPLIES	\$205.24
369101	100-86-61-61100-7329-	PRO BUILD COMPANY	MOP 45707 PAINT SUPPLIES	\$97.12
369101	100-86-61-61100-7329-	PRO BUILD COMPANY	MOP 45707 PAINT SUPPLIES	\$162.02
369068	420-86-61-61200-7318-	ACE UNIFORMS & ACCES	SHOES & BELT/ ACE UNIFORMS	\$233.75
TOTAL:				\$2,654.53
PW - PARKS				
369123	105-86-31-31400-7299-	WEST COAST ARBORISTS	CITY WIDE TREE TRIMMING SERVICES FY24-PW/PARKS	\$6,151.25
TOTAL:				\$6,151.25
PW - STREETS				
369113	109-80-31-31300-7285-	SOUTHWEST SIGNAL SER	INTERSECTION MAINTENANCE FOR STREETS FY24-PW/STS	\$4,765.85
369113	109-80-31-31300-7285-	SOUTHWEST SIGNAL SER	INTERSECTION MAINTENANCE FOR STREETS FY24-PW/STS	\$7,492.43



**WARRANT REGISTER # 43
4/25/2024**

CHECK NO	ACCOUNT	VENDOR NAME	FULL DESC	AMOUNT
369113	109-80-31-31300-7285-	SOUTHWEST SIGNAL SER	INTERSECTION MAINTENANCE FOR STREETS FY24-PW/STS	\$1,065.12
369113	109-80-31-31300-7285-	SOUTHWEST SIGNAL SER	INTERSECTION MAINTENANCE FOR STREETS FY24-PW/STS	\$5,400.00
369104	109-80-31-31300-7318-	RED WING BUSINESS	WORK BOOTS FOR RICHARD FLORES FY24-PW/STREETS	\$200.00
TOTAL:				\$18,923.40
PW - SEWER				
369119	125-85-31-31400-7299-	UNDERGROUND SERVICE	UNDERGROUND SERVICE ALERT FY24-PW/SEWER	\$594.50
TOTAL:				\$594.50
NUTRITION				
369095	166-86-42-42300-7301-	LASER SAVER INC	LS PREMIUM CF289X HY BLACK TONER	\$163.07
369070	166-86-42-42300-7312-	ALDEMCO	CONSUMABLES / NUTRITION CENTER	\$271.82
369070	166-86-42-42300-7312-	ALDEMCO	CONSUMABLES / NUTRITION CENTER	\$26.07
369070	166-86-42-42300-7312-	ALDEMCO	CONSUMABLES / NUTRITION CENTER	\$642.56
369070	166-86-42-42300-7312-	ALDEMCO	CONSUMABLES / NUTRITION CENTER	\$101.13
369070	166-86-42-42300-7312-	ALDEMCO	CONSUMABLES / NUTRITION CENTER	\$478.42
369070	166-86-42-42300-7312-	ALDEMCO	CONSUMABLES / NUTRITION CENTER	\$89.15
369070	166-86-42-42300-7312-	ALDEMCO	CONSUMABLES / NUTRITION CENTER	\$181.58
369070	166-86-42-42300-7312-	ALDEMCO	CONSUMABLES / NUTRITION CENTER	\$221.76
369070	166-86-42-42300-7313-	ALDEMCO	FOOD / NUTRITION CENTER	\$1,625.71
369070	166-86-42-42300-7313-	ALDEMCO	FOOD / NUTRITION CENTER	\$482.25
369070	166-86-42-42300-7313-	ALDEMCO	FOOD / NUTRITION CENTER	\$212.31
369070	166-86-42-42300-7313-	ALDEMCO	FOOD / NUTRITION CENTER	\$1,380.96
369070	166-86-42-42300-7313-	ALDEMCO	FOOD / NUTRITION CENTER	\$1,071.42
369070	166-86-42-42300-7313-	ALDEMCO	FOOD / NUTRITION CENTER	\$95.95
369070	166-86-42-42300-7313-	ALDEMCO	FOOD / NUTRITION CENTER	\$2,590.83
369070	166-86-42-42300-7313-	ALDEMCO	FOOD / NUTRITION CENTER	\$1,847.61
369070	166-86-42-42300-7313-	ALDEMCO	FOOD / NUTRITION CENTER	\$2,117.17
369070	166-86-42-42300-7313-	ALDEMCO	FOOD / NUTRITION CENTER	\$1,152.74
369070	166-86-42-42300-7313-	ALDEMCO	FOOD / NUTRITION CENTER	\$1,235.63
369070	166-86-42-42300-7313-	ALDEMCO	FOOD / NUTRITION CENTER	\$2,033.86
TOTAL:				\$18,022.00
PW - FACILITIES				
369115	626-10-31-31500-7236-	SWEETWATER AUTHORITY	WATER BILL FOR FACILITIES JAN-MAR FY24-PW/FAC	\$127.62
369115	626-10-31-31500-7236-	SWEETWATER AUTHORITY	WATER BILL FOR FACILITIES JAN-MAR FY24-PW/FAC	\$127.62
369093	626-10-31-31500-7288-	HOME DEPOT CREDIT SE	BUILDING SUPPLIES FY24-PW/FACILITIES	\$288.79
369122	626-10-31-31500-7299-	VORTEX INDUSTRIES IN	CITY-WIDE DOORS, GATES, AND RELATED FY24-PW/FAC	\$1,347.50
369073	626-10-31-31500-7299-	ASSI SECURITY INC	CITY-WIDE SECURITY REPAIRS FY24-PW/FAC	\$300.00
369073	626-10-31-31500-7299-	ASSI SECURITY INC	CITY-WIDE SECURITY REPAIRS FY24-PW/FAC	\$385.00



WARRANT REGISTER # 43
4/25/2024

CHECK NO	ACCOUNT	VENDOR NAME	FULL DESC	AMOUNT
369094	626-10-31-31500-7299-	JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING FY24-PW/FAC	\$295.00
369094	626-10-31-31500-7299-	JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING FY24-PW/FAC	\$717.79
369094	626-10-31-31500-7299-	JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING FY24-PW/FAC	\$390.00
369094	626-10-31-31500-7299-	JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING FY24-PW/FAC	\$250.00
369094	626-10-31-31500-7299-	JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING FY24-PW/FAC	\$330.00
369094	626-10-31-31500-7299-	JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING FY24-PW/FAC	\$90.00
369106	626-10-31-31500-7299-	SAN DIEGO MECHANICAL	REPAIRS TO HVAC SYSTEMS FY24-PW/FAC	\$25,368.22
369106	626-10-31-31500-7299-	SAN DIEGO MECHANICAL	REPAIRS TO HVAC SYSTEMS FY24-PW/FAC	\$7,712.00
369106	626-10-31-31500-7299-	SAN DIEGO MECHANICAL	REPAIRS TO HVAC SYSTEMS FY24-PW/FAC	\$552.00
369103	626-10-31-31500-7299-	R & R CONTROLS, INC	ENVIRONMENTAL CONTROL SYSTEMS FY24-PW/FAC	\$625.00
369103	626-10-31-31500-7299-	R & R CONTROLS, INC	ENVIRONMENTAL CONTROL SYSTEMS FY24-PW/FAC	\$345.00
369102	626-10-31-31500-7303-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES FY24-PW/FACILITIES	\$19.87
369102	626-10-31-31500-7303-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES FY24-PW/FACILITIES	\$17.80
369102	626-10-31-31500-7303-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES FY24-PW/FACILITIES	\$45.11
369102	626-10-31-31500-7318-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES FY24-PW/FACILITIES	\$118.88
369102	626-10-31-31500-7318-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES FY24-PW/FACILITIES	\$45.11
369102	626-10-31-31500-7318-	PRUDENTIAL OVERALL	MOP 45742 LAUNDRY SERVICES FY24-PW/FACILITIES	\$17.80
369117	626-10-31-31500-7318-	T'S & SIGNS INC	SAFETY WEARING APPAREL FY24-PW/FACILITIES	\$1,955.06
369086	626-10-31-31500-7354-	HASA INC	CHEMICAL PRODUCTS FOR MUNICIPAL POOL FY24-PW/FAC	\$777.30
369086	626-10-31-31500-7354-	HASA INC	CHEMICAL PRODUCTS FOR MUNICIPAL POOL FY24-PW/FAC	\$827.63
369086	626-10-31-31500-7354-	HASA INC	CHEMICAL PRODUCTS FOR MUNICIPAL POOL FY24-PW/FAC	\$1,592.04
369086	626-10-31-31500-7354-	HASA INC	CHEMICAL PRODUCTS FOR MUNICIPAL POOL FY24-PW/FAC	\$866.59
369086	626-10-31-31500-7354-	HASA INC	CHEMICAL PRODUCTS FOR MUNICIPAL POOL FY24-PW/FAC	\$596.60
369086	626-10-31-31500-7354-	HASA INC	CHEMICAL PRODUCTS FOR MUNICIPAL POOL FY24-PW/FAC	\$1,579.15
TOTAL:				\$47,710.48
MIS				
369075	629-10-13-13600-7248-	AT&T	SBC - AT&T FOR FY24	\$2,414.03
369074	629-10-13-13600-7248-	AT&T	SBC - AT&T FOR FY24	\$107.22
369076	629-10-13-13600-7248-	AT&T	SBC - AT&T FOR FY24	\$8.70
369075	629-10-13-13600-7248-	AT&T	SBC - AT&T FOR FY24	\$1,916.39
369075	629-10-13-13600-7248-	AT&T	SBC - AT&T FOR FY24	\$195.97
369075	629-10-13-13600-7248-	AT&T	SBC - AT&T FOR FY24	\$57.15
369075	629-10-13-13600-7248-	AT&T	SBC - AT&T FOR FY24	\$19,121.97
369078	629-10-13-13600-7248-	COX COMMUNICATIONS	COX DATA, VIDEO SERVICES FY24	\$302.53
369078	629-10-13-13600-7248-	COX COMMUNICATIONS	COX DATA, VIDEO SERVICES FY24	\$2,060.43
369078	629-10-13-13600-7248-	COX COMMUNICATIONS	COX DATA, VIDEO SERVICES FY24	\$88.25
369084	629-10-13-13600-7299-	GRANICUS LLC	GRANICUS WEBCASTING FY24	\$2,055.29



WARRANT REGISTER # 43
4/25/2024

CHECK NO	ACCOUNT	VENDOR NAME	FULL DESC	AMOUNT	
				TOTAL:	\$28,327.93
PW - EQUIPMENT					
369098	643-10-31-31700-7282-	NATIONAL CITY CAR WA	CAR WASH SERVICES FOR FLEET FY24-PW/EQM		\$469.53
369099	643-10-31-31700-7282-	NATIONAL CITY MOTORC	SERVICE AND REPAIR FOR EMERGENCY FY24-PW/EQM		\$668.90
369099	643-10-31-31700-7282-	NATIONAL CITY MOTORC	SERVICE AND REPAIR FOR EMERGENCY FY24-PW/EQM		\$513.25
369099	643-10-31-31700-7282-	NATIONAL CITY MOTORC	SERVICE AND REPAIR FOR EMERGENCY FY24-PW/EQM		\$291.95
369077	643-10-31-31700-7282-	CALIFORNIA DIESEL CO	FILTER CLEANING ON PARKS TRACTOR VEH #311 FY24-PW		\$485.00
369120	643-10-31-31700-7282-	VELOCITY TRUCK CENTE	ENGINE AND TRANSMISSION PARTS FY24-PW/EQM		\$550.00
369072	643-10-31-31700-7314-	ASBURY ENVIRONMENTAL	USED OIL PICK UP FY24-PW/EQM		\$100.00
369085	643-10-31-31700-7334-	HAAKER EQUIPMENT COM	PARTS AND SMALL EQUIPMENT FY24-PW/EQM		\$3,912.52
369085	643-10-31-31700-7334-	HAAKER EQUIPMENT COM	STREET SWEEPER PART FY24-PW/EQM		\$22,930.77
369085	643-10-31-31700-7334-	HAAKER EQUIPMENT COM	PARTS AND SMALL EQUIPMENT FY24-PW/EQM		\$515.48
369085	643-10-31-31700-7334-	HAAKER EQUIPMENT COM	PARTS AND SMALL EQUIPMENT FY24-PW/EQM		\$189.99
369085	643-10-31-31700-7334-	HAAKER EQUIPMENT COM	PARTS AND SMALL EQUIPMENT FY24-PW/EQM		-\$515.48
369085	643-10-31-31700-7334-	HAAKER EQUIPMENT COM	PARTS AND SMALL EQUIPMENT FY24-PW/EQM		-\$1,830.13
369097	643-10-31-31700-7334-	MUNICIPAL MAINTENANC	PARTS FOR STREET SWEEPER #048 FY24-PW/EQM		\$773.32
369112	643-10-31-31700-7334-	SOUTH COAST EMERGENC	PARTS FOR FIRE VEH #499 FY24-PW/EQM		\$906.34
369124	643-10-31-31700-7334-	WETMORES	ALTERNATOR FOR FIRE VEH #180 FY24-PW/EQM		\$1,724.92
369110	643-10-31-31700-7334-	SONSRAY MACHINERY LL	PARTS TRACTOR AND WASTE WATER MACHINE FY24-PW		\$1,234.18
369110	643-10-31-31700-7334-	SONSRAY MACHINERY LL	KEYS FOR MACHINERY VEH #108 FY24-PW/EQM		\$111.94
369120	643-10-31-31700-7334-	VELOCITY TRUCK CENTE	ENGINE AND TRANSMISSION PARTS FY24-PW/EQM		\$112.99
369120	643-10-31-31700-7334-	VELOCITY TRUCK CENTE	ENGINE AND TRANSMISSION PARTS FY24-PW/EQM		\$111.90
369108	643-10-31-31700-7334-	SEDANO FORD OF LM, I	R&M CITY VEHICLES FY24-PW/EQM		\$318.04
369108	643-10-31-31700-7334-	SEDANO FORD OF LM, I	R&M CITY VEHICLES FY24-PW/EQM		\$262.30
369108	643-10-31-31700-7334-	SEDANO FORD OF LM, I	R&M CITY VEHICLES FY24-PW/EQM		\$564.47
369081	644-10-19-19100-7512-	ENTERPRISE FLEET MAN	FY24 ENTERPRISE FLEET LEASE PROGRAM		\$25,431.50
369081	644-10-19-19100-7512-	ENTERPRISE FLEET MAN	FY24 ENTERPRISE FLEET LEASE PROGRAM		\$25,285.07
369064	643-10-31-31700-7282-	LOUIES GARAGE CORPOR	REPAIR DAMAGE TO GRAFFIT TRUCK VEH #093 FY24-PW/EQ		\$1,036.00
369065	643-10-31-31700-7282-	LOUIES GARAGE CORPOR	BODY WORK ON FAC VEH #154 FY24-PW/EQM		\$1,398.32
				TOTAL:	\$87,553.07
				A/P Total	433,465.33
WIRED PAYMENT					
4/25/2024	Week 43	U S BANK	CREDIT CARD STATEMENT – APRIL 2024	\$	42,401.74
4/25/2024	Week 43	THE BANK OF NY MELLON	TAXABLE PENSION OBLIGATIONS BONDS		\$1,069,758.47



WARRANT REGISTER # 43
4/25/2024

CHECK NO	ACCOUNT	VENDOR NAME	FULL DESC	AMOUNT
SECTION 8 HAPS				
Start Date	End Date			
4/12/2024	4/18/2024			\$35,929.59
GRAND TOTAL				\$1,539,153.39



AGENDA REPORT

Department: City Clerk's Office
Prepared by: Shelley Chapel, MMC, City Clerk
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Notice of and Calling for the Holding of a General Municipal Election, and Request for Consolidation with the Statewide General Municipal Election

RECOMMENDATION:

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Providing Notice of and Calling for the Holding of a General Municipal Election for the Purpose of the Election of Certain Elected Officials and for the Submission to the Voters a Question Relating to a Citizen Initiative Regarding a Special Parcel Tax for Streets and Parks, and Requesting the San Diego County Board of Supervisors to Consolidate the Municipal Election with the Statewide General Municipal Election on Tuesday, November 5, 2024, as Required by the Provisions of the Laws of the State of California Relating to General Law Cities."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Section 10403 of the California Elections Code authorizes the City to place an election ballot on the same ballot as that provided for a Statewide Election, and to consolidate a General Municipal Election with a Statewide General Municipal Election, upon the filing with the County Board of Supervisors of a resolution of the City Council requesting the consolidation. The proposed resolution would satisfy the requirements of section 10403.

The City of National City would place on the ballot two (2) district City Council seats and one (1) citizen initiative qualified ballot measure, entitled "National City Special Parcel Tax for Streets and Parks," to appear on the ballot as follows:

SHALL THE MEASURE ADDING A SPECIAL PARCEL TAX IN THE CITY OF NATIONAL CITY TO BE USED FOR STREET AND PARK PURPOSES, WITH RATES BASED ON THE CHARACTER OF THE PROPERTY AND EXEMPTING CERTAIN TYPES OF PROPERTIES, TO BE COLLECTED BEGINNING IN 2024, AND CONTINUING UNTIL REPEALED BY THE VOTERS, WITH AN OVERSIGHT COMMITTEE, GENERATING AN ESTIMATED \$1.7 MILLION DOLLARS ANNUALLY, BE ADOPTED?	YES
	NO

Pursuant to California Elections Code section 9282(a) “For measures placed on the ballot by petition, the persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance.” Primary arguments for and against the ballot measure shall not exceed 300 words. In addition, pursuant to California Elections Code section 9285 rebuttal arguments, not exceeding 250 words, may be submitted to the City Clerk, where authorized by the legislative body. The resolution would also authorize the submittal of arguments in opposition to the measure and any related rebuttals.

The Registrar of Voters has estimated the cost to consolidate the election for the purpose of the Election of Certain Officials in the November 2024 Election to be \$15,000 - \$25,000 for two (2) district City Councilmember seats, and \$55,000 - \$75,000 per city measure. Staff recommends that the City Council approve an appropriation of up to \$200,000 from the General Fund as part of the fiscal year 2024-25 budget to cover the Registrar of Voters costs, required legal publications, and translations, and supplies for the election process.

FINANCIAL STATEMENT:

Staff will provide the final cost of the election once the County Registrar has submitted their invoice, which generally occurs within 4-5 months following the election. Staff will return to the City Council if costs exceed the appropriation of up to \$200,000.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Exhibit A - Resolution

RESOLUTION NO. 2024 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, PROVIDING NOTICE OF AND CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION FOR THE PURPOSE OF THE ELECTION OF CERTAIN ELECTED OFFICIALS AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO A CITIZEN INITIATIVE REGARDING A SPECIAL PARCEL TAX FOR STREETS AND PARKS, AND REQUESTING THE SAN DIEGO COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 5, 2024, AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on Tuesday, November 5, 2024, for the purpose of the election of one (1) member of the City Council to represent District 2 for a full-term of four (4) years, one (1) member of the City Council to represent District 4 for a full-term of four (4) years, and the submission to the voters a citizen initiative qualified ballot measure relating to a Special Parcel Tax for Streets and Parks; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Municipal Election to be held on the same date, that within the City the precincts, polling places, and election officers for the two elections be the same, and that the Registrar of Voters of the County of San Diego canvass the returns of the General Municipal Election, and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of San Diego is hereby requested to consent to agree to the consolidation of a General Municipal Election with the Statewide General Municipal Election on Tuesday, November 5, 2024, for the purpose of the election of one (1) member of the City Council to represent District 2 for a full-term of four (4) years, one (1) member of the City Council to represent District 4 for a full-term of four (4) years, and the submission to the voters a question related to the citizen initiative qualified measure on a Special Parcel Tax for Streets and Parks.

Section 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question related to the citizen initiative qualified Ballot Measure to appear on the ballot as follows:

SHALL THE MEASURE ADDING A SPECIAL PARCEL TAX IN THE CITY OF NATIONAL CITY TO BE USED FOR STREET AND PARK PURPOSES, WITH RATES BASED ON THE CHARACTER OF THE PROPERTY AND EXEMPTING CERTAIN TYPES OF PROPERTIES, TO BE COLLECTED BEGINNING IN 2024, AND CONTINUING UNTIL REPEALED BY THE VOTERS, WITH AN OVERSIGHT COMMITTEE, GENERATING AN ESTIMATED \$1.7 MILLION DOLLARS ANNUALLY, BE ADOPTED?	YES
	NO

Section 3. That the ballots to be used at the election shall be in the form and content as required by law.

Section 4. That pursuant to Elections Code sections 9282(a) and 9285(b), the City Council authorizes arguments in opposition of the measure and any related rebuttals.

Section 5. That the Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 6. That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

Section 7. That the City Clerk is authorized, instructed and directed through the San Diego County Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 8. That the City of National City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such costs.

Section 9. That the polls for the election shall be open at seven o'clock (7:00) a.m. of the day of the election and shall remain open continuously from that time until eight o'clock (8:00) p.m. of the same day when the polls shall be closed, pursuant to Elections Code section 10242, except as provided in section 14401 of the Elections Code of the State of California.

Section 10. That the Registrar of Voters may, subject to the requirements of this section and subject to such terms and conditions as the Registrar may prescribe, render specified services relating to the conduct of an election to any city or district the governing body of which has by resolution requested the Board of Supervisors for the County of San Diego to permit the Registrar of Voters of the County of San Diego to render such services.

1. The governing body of the city or district shall file with the Registrar of Voters a certified copy of the resolution of its governing body requesting the Board of Supervisors to permit the Registrar of Voters to render the specified services relating to the conduct of an election and agreeing that it will be bound by the requirements of this section and such terms and conditions as the Registrar of Voters may prescribe, and agreeing that it will reimburse the County in full for its costs and expenses in rendering such services.
2. The governing body of the city or district shall:
 - (a) In its resolution specify the services requested.
 - (b) Deposit at least 60 days in advance of the election the Registrar of Voter's estimate of the city or district's share of the elections cost.
 - (c) Reimburse the County in full for the services performed upon presentation of a final invoice to the city or district.
 - (d) Include in its resolution an agreement to indemnify and hold harmless the County, its officers, agents and employees from expense of liability, including reasonable attorney's fees, as the result of an election contest arising after conduct of an election.
3. If the Registrar of Voters decides that requested election services should not be rendered, the Registrar shall refer the matter to the Board of Supervisors for determination.

Section 11. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 12. That notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 13. That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Registrar of Voters of the County of San Diego in the time and manner required by law.

Section 14. That the City Clerk shall certify to the passage and adoption of this Resolution, and enter it into the book of original Resolutions of the City.

PASSED, and ADOPTED this 21st day of May, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: City Clerk's Office
Prepared by: Shelley Chapel, MMC, City Clerk
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Adoption of a Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements for the Tuesday, November 5, 2024, Election.

RECOMMENDATION:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements of Qualifications to be Submitted to the Voters at a Statewide General Municipal Election to be held on Tuesday, November 5, 2024."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency may adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement. Cities in San Diego County are required to translate candidates' statements into Spanish, Filipino, Chinese, and Vietnamese and have the translation available upon request. The 18 Cities share the cost of the elections, including translations, by consolidating with the County of San Diego Registrar of Voters.

The San Diego County Registrar of Voters has estimated the Tuesday, November 5, 2024, costs for candidate's statements to be \$1600 for Mayoral Candidates and \$1500 for City Councilmember Candidates for a 200-word statement. All candidates would be subject to the estimated fee, or would need to opt out by submitting a Candidate Statement for Qualification to the Office of the City Clerk. The Nomination Period for the Tuesday, November 5, 2024, Statewide General Municipal Election opens Monday, July 15, 2024, and closes Friday, August 9, 2024. Once set, this fee cannot be revoked or modified after the seventh day prior to the opening of the Nomination Period or Monday, July 8, 2024.

FINANCIAL STATEMENT:

This action does not include fiscal impact as the Candidates will pay the exact costs billed to the City, and will reimburse the City if the cost is greater than the estimate. If the final cost is lower than the estimate, the City will refund the difference to the Candidate.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Communication and Outreach

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;
PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with
the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Exhibit A - Resolution

RESOLUTION NO. 2024 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE'S STATEMENTS TO BE SUBMITTED TO THE VOTERS AT A STATEWIDE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024.

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency may adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: GENERAL PROVISIONS.

That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of National City, California on Tuesday, November 5, 2024, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate, and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations.

The statement shall be filed in typewritten form in the Office of the City Clerk at the time the candidate's nomination papers are returned for filing. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

Section 2: FOREIGN LANGUAGE POLICY.

- A. Pursuant to the Federal Voting Rights Act 1965 (as amended), and in accordance with a Memorandum of Agreement between the County of San Diego and the United States Department of Justice, cities in San Diego County are required to translate candidate's statements into the following languages: Spanish, Vietnamese, Filipino and Chinese, and to have translations available upon request.
- B. Pursuant to State Law, the candidate's statements must be translated and printed in any language at the candidate's request.
- C. The City Clerk shall have translated those statements into the languages as requested by the candidate and those listed in subsection (A) above.
- D. The San Diego County Registrar of Voters will print and mail voter information guides and translate into Spanish, Vietnamese, Filipino and Chinese to only those voters who are on the County voter file as having requested a sample ballot in a particular language. The Registrar of Voters will make the voter information guides and candidate's statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

Section 3: PAYMENT.

Translations: The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in Section 2 above pursuant to Federal and/or State law.

Printing: The candidate shall be required to pay for the cost of printing the candidate's statement in English and the required languages, as specified in Section 2, in the sample ballot pamphlets and any language the candidate requests as an option by the candidate.

The City Clerk shall estimate the total cost of printing, handling, translating and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Federal Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency the estimated pro rata share costs to be \$1600 for Mayoral Candidates and \$1500 for City Councilmember Candidates as a condition of having their statement included in the voter's pamphlet. The estimated amount is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

Section 4: MISCELLANEOUS.

- A. All translations shall be provided by professionally-certified translators.
- B. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

Section 5: ADDITIONAL MATERIALS.

No candidate will be permitted to include additional materials in the voter information guide.

Section 6: COPY OF RESOLUTION.

That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

Section 7: REPEAL OF PREVIOUS RESOLUTIONS.

That all previous resolutions establishing City Council policy on payment for candidate's statements are repealed.

Section 8: APPLICABILITY.

That this Resolution shall apply only to the election to be held on November 5, 2024, and shall then be repealed.

Section 9: CERTIFICATION BY CITY CLERK.

That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 21st day of May, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: City Clerk's Office
Prepared by: Shelley Chapel, MMC, City Clerk
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Adoption of a Resolution Providing Conduct of a Special Runoff Election in the Event of a Tie Vote

RECOMMENDATION:

Adopt the Resolution Entitled, "A Resolution of the City Council of the City of National City, California, Providing for the Conduct of a Special Runoff Election for Elective Offices in the Event of a Tie Vote at any Municipal Election."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Section 15651 of the California Elections Code authorizes the City Council, by a majority vote, to adopt provisions to require the Conduct of a Special Runoff Election to Resolve a Tie Vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office.

FINANCIAL STATEMENT:

There is no cost associated with the adoption of this resolution. Should a special runoff election be required, information regarding the cost of the election and necessary budgetary actions would be brought to the City Council for review and approval.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Exhibit A - Resolution

RESOLUTION NO. 2024 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT THE STATEWIDE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024

WHEREAS, Section 15651(b) of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to require the conduct of a Special Runoff Election to resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: That pursuant to Section 15651(b) of the Elections Code of the State of California, if any two or more persons receive an equal and the highest number of votes for an office to be voted for within the City, there shall be held within the City a Special Runoff Election to resolve the tie vote. A Special Runoff Election shall be called and held on a Tuesday not less than forty (40) nor more than one-hundred twenty-five (125) days after the administrative or judicial certification of the election which resulted in a tie vote.

Section 2: That this Resolution shall apply only to the election to be held on Tuesday, November 5, 2024, and shall then be repealed.

Section 3: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 21st day of May, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



CITY COUNCIL ITEM REQUEST

The City Council Item Request Form is for members of the City Council to submit written requests to the City Manager's Office for inclusion of an item on a future City Council Meeting Agenda. At the meeting where the initial written request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item. A majority vote of the City Council is required for the item to be added to a future City Council Meeting Agenda for action.

Requesting Member of City Council: Council Member Rodriguez

Today's Date: Tuesday, April 30th, 2024

Is this matter considered Time-Sensitive by another entity deadline? Yes

WRITTEN REQUEST

I, Council Member Rodriguez hereby request that the following item be placed on the National City Council meeting agenda for consideration on Tuesday, May 7th.

Adopt resolution for the City of National City to Support California Senate Bill 915 (Dave Cortese), the Autonomous Vehicle Services Deployment and Data Transparency Act prioritizing local control in the decision to deploy autonomous vehicle services.