



REGULAR MEETING MINUTES OF THE CITY COUNCIL

**September 17, 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
Derek Aydelotte, Captain
Phil Davis, Interim Finance Director
Brian Hadley, Deputy City Manager
Lydia Hernandez, Director of Human Resources
Robert Hernandez, Fire Department Division Chief
Steve Manganiello, Director of Public Works/City Engineer

1. **CALL TO ORDER**

A Regular Meeting of the City Council of the City of National City was called to order at 6:05 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, Molina, Rodriguez, Yamane, Morrison

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

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

Councilmember Molina led the Pledge of Allegiance.

4. **INVOCATION**

Delivered by Pastor Benny Madrid, Word of Life Worship Center of National City.

5. **PUBLIC COMMENT**

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

Four (4) speakers provided virtual comments and four (4) people provided in-person comments:

Virtual Comment:

Becky Rapp

Terri Ann Skelly

Megan Stuart

Barbara Gordon

In-person Comment:

Ted Godshalk

Larry Emerson

Ed Nieto

Geoffrey Schrock

6. **PROCLAMATIONS AND RECOGNITION**

6.1 Proclamation - Constitution Week

Mayor Morrison introduced the Proclamation.

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

Councilmember Rodriguez reported on the SANDAG Joint Mobility Working Group and provided information about SANDAG's Zero Emission Vehicle Incentive Program.

Councilmember Bush provided an update on the San Diego County Air Pollution Control Board and the discussion of the Tijuana River Valley sewer crisis.

Councilmember Molina reported on the SANDAG Board of Directors Meeting and discussion of the Tijuana River Valley sewer crisis and the results of two recent performance audits.

Vice-Mayor Yamane reported on the Sweetwater Authority's Low Income Customer Assistance Program to assist low-income residents with their water bill.

Mayor Morrison had no report.

8. INTERVIEWS AND APPOINTMENTS

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

Mayor Morrison introduced City Clerk Chapel who provided direction on the interview process.

Civil Service Commission applicant Gilmore Elayda was not present to be interviewed.

ACTION: Motion by Councilmember Bush, seconded by Councilmember Molina to appoint Gilmore Elayda to the Civil Service Commission for a term ending September 30, 2029.

Motion carried by unanimous vote.

Clerk Chapel reported that Planning Commission applicant, Sonya Flores had withdrawn her application.

Recommendation: City Council to Conduct Interviews and Appoint.

Interviews were conducted for the following Planning Commission applicants:

Ricardo Sanchez (incumbent)
Wellington Clave

Planning Commission Applicant Amelito Gozum was not present to be interviewed.

City Council ballot votes were as follows for the Planning Commission seat:

Councilmember Bush – Richardo Sanchez
Councilmember Molina – Richardo Sanchez
Councilmember Rodriguez – Wellington Clave
Vice-Mayor Yamane – Richardo Sanchez
Mayor Morrison – Richardo Sanchez

Incumbent Ricardo Sanchez received the majority of the votes and was appointed to the Planning Commission for a term ending September 30, 2028.

ACTION: Motion by Councilmember Molina, seconded by Councilmember Bush to appoint Wellington Clave to the Civil Service Commission for a term ending September 30, 2029.

Motion approved by unanimous vote.

- 8.2 Appointments: City Boards, Commissions and Committees – Mayoral Appointment to the Board of Library Trustees; Park, Recreation & Senior Citizens Advisory Committee; Public Art Committee; and Traffic Safety Committee.

Recommendation: Mayoral Appointment with City Councilmembers' Confirmation.

ACTION: Motion by Mayor Morrison, seconded by Councilmember Bush to appoint Elizabeth Huato-Maldonado, Nidya Rivera-Moreno, and Jissan Ravanilla to the Board of Library Trustees for terms ending September 30, 2027.

Motion carried by unanimous vote.

ACTION: Motion by Mayor Morrison, seconded by Councilmember Molina to appoint Daniel Perez to the Parks, Recreation & Senior Citizens Advisory Committee for a term ending September 30, 2027, Jesus Hizon for a term ending March 31, 2026, and LaTonya Harris Croom for a term ending September 30, 2026.

Motion carried by unanimous vote.

ACTION: Motion by Mayor Morrison, seconded by Vice-Mayor Yamane to appoint Erick Carbajl, Carmela Hinton, and Charles Reilly to the Public Art Committee for terms ending September 30, 2027.

Motion carried by unanimous vote.

ACTION: Motion by Mayor Morrison, seconded by Vice-Mayor Yamane to appoint Yvonne Howrey-Colmenero to the Traffic Safety Committee for a term ending September 30, 2027.

Motion carried by unanimous vote.

9. **CONSENT CALENDAR**

ACTION: Motion by Vice-Mayor Yamane, seconded by Councilmember Molina to approve Consent Calendar Items with the exception of Items 9.5 and 9.12 pulled by Vice-Mayor Yamane, 9.6 pulled by Councilmember Molina and items 9.13 and 9.18 pulled by members of the public.

Motion carried by unanimous vote.

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

Motion carried by unanimous vote.

- 9.2 Approval of City Council Meeting Minutes

Approve and File.

Motion carried by unanimous vote.

- 9.3 Accept SDG&E's 2024 SAFE San Diego Grant Program Award of \$3,000 for the City's CERT Program.

Adopted Resolution No. 2024-98.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Acceptance of Funds in the Amount of \$3,000 from the San Diego Gas & Electric (SDG&E) 2024 SAFE San Diego Grant Program for the National City Community Emergency Response Team (CERT) Program and Authorizing the Establishment of a Reimbursable Grants City-Wide Fund Appropriation in the Amount of \$3,000 with a Corresponding Revenue Budget."

Motion carried by unanimous vote.

- 9.4 Agreement with Cosco Fire Protection, Inc. for Facilities Maintenance Services

Adopted Resolution No. 2024-99.

Adopt the Resolution Entitled: "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute an Agreement with Cosco Fire Protection, Inc. to Provide Fire Prevention and Life Safety System Services for a Not-to-Exceed Amount of \$150,000."

Motion carried by unanimous vote.

Item pulled for discussion.

- 9.5 Amendment of Chapter 18.29 of the National City Municipal Code to Add Regulations for the Mixed Use Overlay Zone.

Community Development Director Carlos Aguirre provided a brief report.

Recommendation: Initiate the Code Amendment.

ACTION: Motion by Vice-Mayor Yamane, seconded by Councilmember Molina to Initiate the Code Amendment.

Motion carried by unanimous vote.

Item pulled for discussion.

- 9.6 Approval of a Settlement Agreement between Sophia Bhandari, Sierra Wilson and Tony Philip Wilson and the City of National City.

Adopted Resolution No. 2024-100.

At the request of Councilmember Molina, City Attorney Schultz addressed public comment received on the item and provided the following statement. "The settlement agreement is not an admission of liability; this is solely a compromise to avoid the continuing expenses related to the litigation. The Officers involved were actually cleared of any wrong doing by a District Attorney investigation. We have continued faith in our Police Department and our Police Officers and we continue to support them as they risk their lives to protect our citizens. With respect to the public comment from Mr. Godshalk, and I think you heard some of that during public comment, it is true that on June 18th we had a Closed Session regarding this matter and in fact this Council did authorize us to pursue settlement for the amount of \$350,000, up-to the amount of \$350,000. Under the Government Code I am required to report out actions that are taken by the City Council however, if final approval of a settlement rests with some other party or the Court, no disclosure report is required until the settlement becomes final. After our Closed Session, I had to go back to court and report that we had authority to settle and the case settled. Tonight, we are bringing it back in open session so that the public is aware that a settlement was made."

"With respect to the City's exposure, our monetary exposure is limited to \$250,000 the remainder of it is covered by insurance. So in addition to the \$100,000 above our cap, there was also about \$300,000 that were expended in attorneys' fees, those are all covered under insurance. We were represented by William Pate of Devaney Pate Morris & Cameron and I think the last question he asked, well I think there were two. One is, under our line item budget for Risk Management, we allocated approximately \$1,116,000 in hopes to cover any potential exposure we have in litigation. To date, before this, our expenditures have been approximately \$40,000 and then lastly, he made reference to an Emily Howe and asked who she was. Well she happened to be the Counsel for the plaintiff and she signed the settlement agreement on behalf of the plaintiff's counsel. So in conclusion, I did not mislead the public. I followed my obligation under the Government Code and we are here tonight to provide the public with notice that this matter has been settled."

Written comment was received from Ted Godshalk.

Recommendation: Adopt the Resolution Entitled: "Resolution of the City Council of the City of National City, California, Approving the Settlement Agreement between Sophia Bhandari, Sierra Wilson and Tony Philip Wilson and the City of National City."

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

Motion carried by unanimous vote.

- 9.7 Awarding a Contract to Palm Engineering Construction Company, Inc. for the 16th Street and M Avenue Storm Drain Replacement Project, CIP No. 24-12.

Adopted Resolution No. 2024-101.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, 1) Awarding a Contract to Palm Engineering Construction Company, Inc. in the Not-to-Exceed Amount of \$346,500 for the 16th Street and M Avenue Storm Drain Replacement Project, CIP No. 24-12; 2) Authorizing a 15% Contingency in the Amount of \$51,975 for any Unforeseen Changes; 3) Authorizing the Mayor to Execute the Contract; and 4) Authorizing the Establishment of an Appropriation in the Amount of \$398,475 in the Storm Response Contracted Services Account."

Motion carried by unanimous vote.

- 9.8 9th AMR Agreement Extension

Adopted Resolution No. 2024-102.

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Approving and Authorizing the Mayor to Execute the Ninth Amendment to the Agreement by and between the City of National City and American Medical Response Ambulance Service, Inc. to Continue to Provide Basic and Advanced Life Support Ambulance Transportation Services Effective from September 1, 2024 through August 31, 2025."

Motion carried by unanimous vote.

- 9.9 Consultant Contract to Provide Police Service Police Officer's Standards and Training ("P.O.S.T.") Certified Canine, Basic Course / Academy Trainings and Weekly Maintenance in Patrol Work for Police Service Dogs ("K9's") and Their Handlers.

Adopted Resolution No. 2024-103.

Adopt a Resolution entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute an Agreement with MAN-K9 Inc. to Provide Basic Course/Academy Training and Weekly Training for Police Service Dogs and Their Handlers, in a Not-to-Exceed amount of \$22,080 for the First Year."

Motion carried by unanimous vote.

9.10 First Amendment with ASSI Security for Facilities Maintenance Services

Adopted Resolution No. 2024-104.

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute a First Amendment to the Agreement with ASSI Security, Increasing the Not-to-Exceed Amount by \$100,000, for a Total Agreement Amount of \$150,000."

Motion carried by unanimous vote.

9.11 First Amendment with Vortex Industries, LLC for Facilities Maintenance Services

Adopted Resolution No. 2024-105.

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute a First Amendment to the Agreement with Vortex Industries, LLC, Increasing the Not-to-Exceed Amount by \$100,000, for a Total Not-to-Exceed Amount of \$150,000."

Motion carried by unanimous vote.

Item pulled for discussion.

9.12 Performance Report of Annual Fire Safety Inspections

Adopted Resolution No. 2024-106.

Report provided by Fire Department Division Chief Robert Hernandez.

Recommendation: Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Acknowledging Receipt of a Report Made by the Fire Chief of the National City Fire Department Regarding the Annual Inspection of Certain Occupancies Pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code."

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

Motion carried by unanimous vote.

Item pulled for discussion.

9.13 Police Officer Association Salary Increase

Adopted Resolution No. 2024-107.

Public comment received from Ed Nieto.

Recommendation: Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Amending the National City Police Officers' Association Salary Schedule and Authorizing an Increase of \$928,400 to the General Fund Police Personnel Services Budget Appropriations."

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

Motion carried by unanimous vote.

9.14 Second Amendments to On-Call Consultant Agreements for the City's Capital Improvement Program (CIP)

Adopted Resolution No. 2024-108.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Mayor to Execute, 1) a Second Amendment to the Agreement with D-MAX Engineering, Inc. to Extend the Agreement by One Year, Including Hourly Rate Updates; 2) a Second Amendment to the Agreement with Geosyntec Consultants, Inc. to Extend the Agreement by One Year and Increase the Not-to-Exceed Amount by \$1,000,000, Including Hourly Rate Updates; and 3) Second Amendments to the Agreements with a) Verdantas Inc., Successor to Leighton Consulting, Inc., b) Ninyo & Moore Geotechnical & Environmental Sciences Consultants, and c) Randall/Lamb/Associates to Extend Agreements by One Year."

Motion carried by unanimous vote.

- 9.15 Summary Vacation of Excess Street Right-of-Way on East 27th Street between 'A' and 'D' Avenues.

Direct the Summary Vacation of Excess Right-of-Way on the South Side of East 27th Street between 'A' and 'D' Avenues.

Motion carried by unanimous vote.

- 9.16 Temporary Use Permit – Pumpkin Station hosted by Pinery Christmas Trees at Westfield Plaza Bonita Mall from September 27, 2024, through October 31, 2024, with No Waiver of Fees.

Approve the Application for a Temporary Use Permit Subject to Compliance with all Conditions of Approval with No Waiver of Fees and in Accordance with City Council Policy 802.

Motion carried by unanimous vote.

- 9.17 Investment Report for the Quarter Ended June 30, 2024.

Accept and File the Investment Report for the Quarter Ended June 30, 2024.

Motion carried by unanimous vote.

Item pulled for discussion.

- 9.18 Warrant Register #5 for the period of 7/26/24 through 8/1/24 in the amount of \$8,869,936.22

Public comment received from Thomas Rike.

Recommendation: Ratify Warrants Totaling \$8,869,936.22

ACTION: Motion by Vice-Mayor Yamane, seconded by Councilmember Molina to ratify Warrant Register #5.

Motion carried by unanimous vote.

- 9.19 Warrant Register #6 for the period of 8/2/24 through 8/8/24 in the amount of \$2,871,840.75

Ratify Warrants Totaling \$2,871,840.75

Motion carried by unanimous vote.

10. CONTINUED PUBLIC HEARING

- 10.1 Ordinance for Second Reading and Adoption – Unauthorized Camping or Encampments on Public Property

Adopted Ordinance No. 2024-2534.

Mayor Morrison declared the Public Hearing open at 7:17 p.m.

There were no public comments.

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

Motion carried by unanimous vote.

Public Hearing closed at 7:18 p.m.

Recommendation: Adopt Ordinance by Second Reading, Entitled, “An Ordinance of the City Council of the City of National City, California, Amending Title 10 of the National City Municipal Code by Adding Chapter 10.56, All Pertaining to Regulating Encampments on Public Property to Establish a Standard for the Protection of the Life, Health, and Safety of All People, and Sensitive Public Lands within the City of National City.”

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

Motion carried by unanimous vote.

11. PUBLIC HEARING

- 11.1 First Substantial Amendment to the FY24-25 HUD Annual Action Plan to reallocate CDBG funds to Water and Sewer Improvements.

Adopted Resolution No. 2024-109.

Director of Community Services Carlos Aguirre introduced the item and introduced Director of Public Works/City Engineer Steve Manganiello who provided a report.

Mayor Morrison left the dais at 7:20 p.m. and returned at 7:21 p.m.

Mayor Morrison declared the Public Hearing open at 7:24 p.m.

There were no public comments.

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

Motion carried by unanimous vote.

Public Hearing closed at 7:25 p.m.

Recommendation: Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Adopting the First Substantial Amendment to the 2024-2025 U.S. Department of Housing and Urban Development Annual Action Plan to Reallocate \$570,184 in Community Development Block Grant Funds from Set-Aside for a Planned Section 108 Loan to Water and Sewer Improvements and Authorizing Staff to Make Budget Adjustments as Necessary Based on HUD's Final Allocation to the City for 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.

11.2 Public Hearing No. 1 of 2 on the U.S. Department of Housing and Urban Development (HUD) 2025-2029 Consolidated Plan and 2025-2026 Action Plan

Director of Community Services Carlos Aguirre provided a PowerPoint presentation.

Mayor Morrison declared the Public Hearing open at 7:28 p.m.

Public Comment and a handout was received from Sushmitha Kudari.

ACTION: Motion by Vice-Mayor Yamane, seconded by Councilmember Bush to close the public hearing.

Motion carried by unanimous vote.

Public Hearing closed at 7:33 p.m.

Recommendation: Conduct the Public Hearing to Receive Comments from Members of the Public Concerning Housing and Community Development Needs, Program Performance, and Strategies for Affirmatively Furthering Fair Housing.

Item did not require a vote.

12. **STAFF REPORTS**

12.1 Memorandum of Understanding (MOU) Providing Rent Stabilization in National City Mobilehome Parks for a Term of Ten Years Effective January 1, 2025.

Adopted Resolution No. 2024-110.

Director of Community Services Carlos Aguirre provided a PowerPoint presentation.

Councilmember Bush left the dais at 7:38 p.m. and returned at 7:47 p.m.

Mayor Morrison disclosed that he met with two owners in 2023.

Councilmember Molina disclosed that she met with property owners and had previously met with tenants.

Councilmember Rodriguez disclosed that he met with residents on multiple occasions.

Vice-Mayor Yamane disclosed that she met with Julie Paule in 2023.

Public comment was received from Julie Paule, Kim Eggeston, and Vina Ramirez.

Recommendation: Adopt the Resolution, Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the City Manager to Execute a Mobilehome Park Memorandum of Understanding, and Agreement Affecting Real Property By and Among the City of National City and Bonita Paradise, LLC, Bonita Vista MHP, Happy Hallow MHP LP, and Keystone TP for a Term of Ten Years, Effective January 1, 2025."

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

Motion carried by unanimous vote.

13. CITY MANAGER'S REPORT

City Manager Ben Martinez informed the City Council that he would provide them with a recruitment update via email.

14. ELECTED OFFICIALS REPORT

Closing remarks were provided by members of the City Council.

15. CITY ATTORNEY REPORT

Mayor Morrison introduced City Attorney Schultz who announced that there were no reportable items on all four Closed Session agenda items.

5.1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(d)(1)

Name of Case: Cali Mota LLC v City of National City et al.

Superior Court of California, County of San Diego

Case No. 37-2023-00007308-CU-WM-CTL

5.2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9 (d) (1)

Name of Case: BCD, LLC v City of National City. et al.

Superior Court of California, County of San Diego

Case Number: 37-2023-00012507-CU-WM-CTL

5.3 CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section 54957.6

Employee Organizations:

Municipal Employees' Association (SEIU, Local 221),
National Firefighters Association (Local 2744), and
Police Officers Association (POA)

Agency Designated Representatives:

Steven Berliner (Labor Negotiator)
Benjamin A. Martinez (City Manager)
Brian Hadley (Deputy City Manager)
Phil Davis (Interim Finance Director)
Paul Valadez (Budget Manager- Finance)
Lydia Hernandez (Human Resources Director)

5.4 LIABILITY CLAIM

Government Code Section 54954.5

WORKERS COMPENSATION CLAIM NOS. AND ADJ

16-128827 - ADJ11600013

21-153370 - ADJ14353536

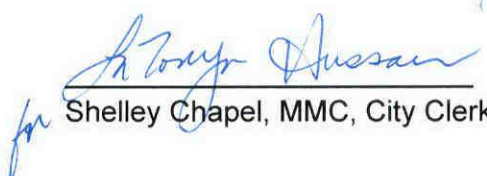
21-154765 - ADJ14358148

Claimant: Charles Palumbo v. City of National City

16. ADJOURNMENT

Mayor Morrison adjourned to the Regular Meeting of the City Council of the City of National City, Tuesday, October 1, 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 8:09 p.m.


for Shelley Chapel, MMC, City Clerk

The foregoing minutes were approved at the Regular Meeting of October 1, 2024.


Ron Morrison, Mayor