



REGULAR MEETING MINUTES OF THE CITY COUNCIL

**September 6, 2022, 6:00 p.m.
City Council Chamber - 1243 National City Boulevard
National City, CA**

Present: Mayor Sotelo-Solis
Vice-Mayor Bush
Councilmember Rodriguez
Councilmember Morrison
Councilmember Rios (*via Zoom*)

Others Present: Luz Molina, City Clerk
Shelley Chapel, Deputy City Clerk
Barry J. Schultz, Interim City Attorney
Brad Raulston, City Manager
Frank Parra, Acting Assistant City Manager
Phil Davis, Director of Finance
Joyce Ryan, Library & Community Services Director
Carlos Aguirre, Director of Housing
Roberto Yano, Director of Public Works and City
Engineering
Sergio Mora, Acting Fire Chief
Alejandro Hernandez, Police Captain
Martin Reeder, Planning Manager
David Welch, Assistant Planner

1. CALL TO ORDER

The meeting was called to order at 6:03 p.m. by Mayor Sotelo-Solis.

2. ROLL CALL

Councilmembers present: Sotelo-Solis, Bush, Morrison, Rios, Rodriguez

Other Elected Officials present: Beauchamp, Molina

Administrative Officials present: Raulston, Parra, Schultz, Chapel, Yano, Aguirre, Ryan, Hernandez, Mora, Reeder, and Welch

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

3. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Sotelo-Solis led the Pledge of Allegiance.

4. PUBLIC COMMENT

Mayor Sotelo-Solis summarized the process for acceptance of live public comment allowing three (3) minutes per comment and introduced City Clerk Molina.

In-person comment:

Brian Clapper
Irma Bueno
Laquina Canfield
Mike Tariwder

Comment via Zoom:

Barbara Gordon
Peggy Walker
Becky Rapp

Vice-Mayor Bush left the dais at 6:22 p.m. and returned at 6:23 p.m.

5. PROCLAMATIONS AND RECOGNITION

5.1 National City celebrates centenarian J. Rose Mendoza

Mayor Sotelo-Solis introduced J. Rose Mendoza and presented the proclamation.

5.2 National City celebrates the oldest Barbershop in National City, Highland Barber Shop

Mayor Sotelo-Solis introduced Highland Barber Shop owner Tony Camara and presented the proclamation.

5.3 The City of National City Declaring September as National Disaster Preparedness Month

Mayor Sotelo-Solis introduced and presented the proclamation. Interim Fire Chief Sergio Mora provided a report on National Disaster Preparedness.

5.4 National City recognizes Naval Base San Diego Centennial Celebration

Mayor Sotelo-Solis introduced Naval Captain Ted W. Carlson and presented the proclamation.

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

6.1 Naval Base San Diego, 100 years with National City. (CAPT Ted W Carlson, Captain, U.S. Navy, Commanding Officer Naval Base San Diego)

Mayor Sotelo-Solis introduced Naval Captain Ted W. Carlson who presented the details of the upcoming Centennial Celebration.

6.2 Presentation on Vision Zero Program. (Jesse O'Sullivan, Policy Counsel, Circulate San Diego)

Mayor Sotelo-Solis introduced Circulate San Diego Policy Counsel Jesse O'Sullivan who presented the Vision Zero Program.

6.3 Introduction of New City Employees

City Manager Brad Raulston introduced new employees.

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

Vice-Mayor Bush provided an update on the South County Economic Development Council Infrastructure Committee.

Mayor Sotelo-Solis advised that SANDAG was dark in August and that meetings would resume in September.

Councilmember Rios provided a report on the Sweetwater Authority.

Unified Port of San Diego Commissioner Sandy Naranjo provided an update on National City Tidelands.

8. CONSENT CALENDAR

ACTION: Motion by Mayor Sotelo-Solis, seconded by Councilmember Rodriguez to approve the Consent Calendar Items 8.1 through 8.19 with Item 8.10 pulled for discussion by Councilmember Rios and Vice-Mayor Bush recusing from Item 8.7 due to his employment with MAAC.

Moved by Sotelo-Solis

Seconded by Rodriguez

Motion carried by unanimous vote

- 8.1 Approval of Reading by Title Only and Waiver of Reading in Full of Ordinance on this Agenda.
- 8.2 Approval of City Council Meeting Minutes. 2022-13
- 8.3 Declaring Findings to Continue to Teleconference Meetings to October 15, 2022, as Required by AB 361. 2022-22

Adopted Resolution No. 2022-136.

Adopt a Resolution entitled, "Resolution of the City Council of the City of National City, California, Making the Findings Required by AB 361 to Continue Teleconferencing Meetings of the City Council and the City Boards, Commissions, and Committees to October 15, 2022."

Motion carried by unanimous vote

- 8.4 Accept the FY21 State Homeland Security Grant Program funds to purchase equipment for the Police and Fire Departments.

Adopted Resolution No. 2022-137.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, approving and authorizing 1) the Mayor to execute the Standard Assurances for the FY21 State Homeland Security Grant Program and 2) the establishment of Reimbursable Grants City-Wide Fund appropriations and corresponding revenue budgets each in amounts totaling \$51,888 for FY21 State Homeland Security Grant Program funds for a reimbursable grant purchase of equipment for the Police and Fire Departments." (Fire)

Motion carried by unanimous vote

8.5 Adoption of the Vision Zero Resolution, 2022-54

Adopted Resolution No. 2022-138.

Adopt a Resolution entitled, “Resolution of the City Council of the City of National City, California, adopting Vision Zero to Achieve Zero Traffic Deaths and Serious Injuries on National City Streets by 2030.”

Motion carried by unanimous vote

8.6 Age-Friendly Communities Grant Acceptance and Agreement, 2022-19

Adopted Resolution No. 2022-139.

Adopt a Resolution entitled, “Resolution of the City Council of the City of National City, California 1) Ratifying the execution of the Age-Friendly Communities Grant Agreement by the City Manager, an Agreement between the City of National City and The San Diego Foundation in the amount of \$40,000 for Senior Socials; and 2) Authorize the establishment of a Citywide Grant Fund appropriation of \$40,000 and corresponding revenue budget.”

Motion carried by unanimous vote

Item heard out of order – pulled for discussion

8.7 Appropriation of funds for the Bayshore Bikeway Segment 5 project necessary for the additional work on the design and entitlements. 2022-30

Adopted Resolution No. 2022-140.

One written public comment was received and published on the City website.

Adopt a Resolution entitled, “Resolution of the City Council of the City of National City, California, Authorizing the Appropriation of Funds in the amount of \$300,000 of the \$700,000 provided by MACC for the Bayshore Bikeway Segment 5 project necessary for the additional work on the design and entitlements.”

Ayes: Sotelo-Solis, Morrison, Rodriguez, Rios

Nay: None.

Recused: Bush

Motion Approved 4-1

Vice-Mayor Bush recused due to his current employment with MAAC.

8.8 Authorize Purchase of FARO Laser Scanner System, 2022-17

Adopted Resolution No. 2022-141.

Adopt a Resolution entitled, “Resolution of the City Council of National City, California 1) Authorizing the City Council to Waive the Formal Bid Process Pursuant to National City Municipal Code Section 2.60.220, Subsection (B) Sole Source Procurement, for the National City Police Department's Purchase; and, 2) Authorizing the Mayor to Execute the Purchase of the Faro Laser Scanner System From Faro Technologies Inc. in a Not-To-Exceed Amount of \$81,927.64.”

Motion carried by unanimous vote

8.9 Awarding a contract to L.C. Paving & Sealing, Inc., for the Sweetwater Road Bikeway project, CIP No. 19-20

Adopted Resolution No. 2022-142.

1) awarding a contract to L.C. Paving & Sealing, Inc., in the not-to-exceed amount of \$2,886,799.64 for the Sweetwater Road Bikeway Project, CIP No. 19-20; 2) authorizing a 15% contingency in the amount of \$430,000 for any unforeseen changes; and 6) authorizing the Mayor to execute the contract.”

Motion carried by unanimous vote

Item heard out of order – pulled for discussion

8.10 Notice of Decision – Conditional Use Permit Modification - Expansion Self-Storage Facility with Accessory Truck Rental and a Zone Variance 1300 Wilson Avenue (U-Haul).

ACTION: Motion by Councilmember Rios, seconded by Mayor Sotelo-Solis to continue the item to a public hearing of the City Council at the next Regular Meeting on October 4, 2022.

Motion carried by unanimous vote

8.11 Notice of Decision – Planning Commission approval - Conditional use permit for a tobacco specialty business to be located at 1635 Sweetwater Rd. Ste. D.

Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed. (Case File No.: 2022-17 CUP) (Community Development – Planning)

Motion carried by unanimous vote

- 8.12 Temporary Use Permit – Rosarito Beach Motorcycle Run hosted by Coronado Beach Harley Davidson on September 16, 2022 from 8 a.m. to 12:30 p.m. at 3201 Hoover Avenue 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 or in accordance to City Council Policy 802.

Motion carried by unanimous vote

- 8.13 Temporary Use Permit – Pumpkin Station hosted by Pinery Christmas Trees, Inc. at Westfield Plaza Bonita Mall from September 30, 2022, thru October 31, 2022, 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 or in accordance to City Council Policy 802.

Motion carried by unanimous vote

- 8.14 TSC 2022-04 - 2754 E. 18th St (time limited parking) - 2022-32

Adopted Resolution No. 2022-143.

Recommends the installation of 20 feet of parallel “30-minute” parking space in front of the property located at 2752-2754 E. 18th Street to increase parking turnover for customers.

Motion carried by unanimous vote

- 8.15 TSC 2022-05 - 405 Rachael Ave (blue curb) - 2022-33

Adopted Resolution No. 2022-144.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, staff recommends the installation of a blue curb disabled persons parking space with signage in front of the residence at 405 Rachael Avenue."

Motion carried by unanimous vote

8.16 TSC 2022-06 - 420 E. 2nd St (blue curb) - 2022-34

Adopted Resolution No. 2022-145.

Staff recommends the Installation of a Blue Curb Disabled Persons Parking Space with Signage in front of the Residence at 420 E. 2nd Street.”

Motion carried by unanimous vote

8.17 Investment Report for the quarter ended June 30, 2022.

8.18 Warrant Register #3 for the period of 7/15/22 through 7/21/22 in the amount of \$7,731,799.40.

8.19 Warrant Register #4 for the period of 7/22/22 through 7/28/22 in the amount of \$2,187,218.43.

9. PUBLIC HEARING

9.1 Public Hearing for a Conditional Use Permit (CUP) for the operation of a tobacco specialty business to be located at existing commercial suite, 120 National City Boulevard.

Adopted Resolution No. 2022-146.

Councilmember Morrison disclosed that he had spoken with the applicant previously.

Councilmember Rodriguez left the meeting at 7:30 and returned at 7:32 p.m.

Associate Planner David Welch provided the report and PowerPoint Presentation.

Applicant and owner Haithem Putrus addressed the City Council.

Public Hearing opened at 7:35 p.m.

Public Comment was received from Ronald Attiq.

Public Hearing closed at 7:48 p.m.

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

Motion carried by unanimous vote.

ACTION: Motion by Councilmember Morrison, seconded by Mayor Sotelo-Solis to approve the Conditional Use Permit with an added condition that the sale of illegal glass paraphernalia be prohibited.

Ayes: Sotelo-Solis, Bush, Morrison, Rodriguez
Nay: Rios

Motion passed by 4-1 vote.

Mayor Sotelo-Solis called for a recess at 7:50 p.m., the meeting reconvened at 8:02 p.m. will all members present.

9.2 Public Hearing for an Appeal of a Planning Commission Denial of a Request for a Conditional Use Permit (CUP) for a Drive-Through Fast Food Restaurant to be Located at 1900 East Plaza Boulevard.

Councilmember Morrison, Vice-Mayor Bush, and Councilmember Rodriguez disclosed they had spoken with the applicants previously.

Associate Planner David Welch provided the report and PowerPoint presentation.

Applicant representing In-N-Out Cassie Ruiz and Ganddini Group, Inc. Principal Traffic Engineer Giancarlo Ganddini provided a PowerPoint Presentation and addressed the City Council.

Public hearing opened at 8:13 p.m.

Public Comment was received from:

Claire Groebner
Silvia Calzada
Joan Rincon
Mike Jay

Five written comments were received and published on the City website.

Public hearing closed at 9:26 p.m.

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

Motion approved unanimously.

ACTION: Motion by Councilmember Rios, seconded by Councilmember Rodriguez to continue the item to the City Council Meeting of October 18, 2022, with a report on traffic impacts including the left turn, median, egress and regress, landscaping, economic development, charitable community benefits and for In-N-Out to obtain input from Olivewood Gardens and Environmental Health Coalition on landscape vegetation.

Motion approved unanimously.

- 9.3 Public Hearing for a request for a Conditional Use Permit (CUP) for on-site distilled spirits sales and live entertainment at an existing beer and wine-licensed bar (Machete Beer House) located at 2325 Highland Avenue.

Adopted Resolution No. 2022-148.

Vice-Mayor Bush and Councilmember Rodriguez disclosed they had spoken with the applicant previously.

Associate Planner David Welch presented the report and PowerPoint presentation.

Applicant and owner Eddie Trejo addressed the Council.

Public hearing opened at 10:09 p.m.

Public Comment was received from:

Emanuel Vargas

Adam Cornejo

John Borja

Joann Cornejo

At 10:28 p.m. Vice-Mayor Bush made a motion, seconded by Mayor Sotelo-Solis as required by City Council Policy #104 Section III (L) to extend the meeting after 10:30 p.m. to up-to two hours to finish City business.

Motion approved unanimously.

Public hearing closed at 10:53 p.m.

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

Motion approved unanimously.

ACTION: Motion by Vice-Mayor Bush, seconded by Councilmember Rodriguez to approve the Conditional Use Permit with an amendment to remove the condition prohibiting advertising and to extend the hours for live entertainment until 2:00 a.m.

Substitute Motion by Councilmember Rios, seconded by Councilmember Morrison that the hours for live entertainment be permitted between the hours of 12:00 pm. and 10:00 p.m. on Sundays, 2:00 p.m. through 10:00 p.m. Mondays through Thursdays, 2:00 p.m. through 11:30 p.m. on Fridays and 12:00 p.m. through 11:30 p.m. on Saturdays; and 4:00 p.m. when Olivewood Elementary is in session and that windows and doors remain closed during live entertainment.

Friendly Amendment by Councilmember Morrison that the hours for live entertainment be permitted between the hours of 6:00 a.m. and 10:00 p.m. Sundays through Thursdays and between 6:00 a.m. and 12:00 a.m. Fridays and Saturdays and that windows and doors remain closed during live entertainment.

Ayes: Morrison, Rios, Sotelo-Solis

Nays: Rodriguez, Bush

Motion passed by 3-2 vote.

10. STAFF REPORTS

10.1 Protocols for Public Meetings for Planning Commission, and Community and Police Relations Commission

ACTION: Motion by Councilmember Morrison, seconded by Councilmember Rodriguez to permit the Community & Police Relations Commission to conduct in-person meetings and to permit the Planning Commission to place the item on their agenda for a vote at their next meeting, with staff support of either virtual or in-person meetings; hybrid virtual or in-person meetings would not be permitted.

Moved by Morrison

Seconded by Rodriguez

Motion carried by unanimous vote

11. CITY MANAGER'S REPORT

City Manager Brad Raulston reported that Deputy City Clerk Shelley Chapel would relocate out of state and work remotely as she neared retirement.

12. ELECTED OFFICIALS REPORT

Closing remarks were provided by the Mayor and City Council.

13. MAYOR AND COUNCILMEMBERS REPORT

13.1 POLICY 105 REQUEST - Proposal to Allow Tattoo Studio at Plaza Bonita requested by Vice-Mayor Bush

Public Comment was received from:

Patrick Demarco

One written public comment was received and published on the City website.

ACTION: Motion by Vice-Mayor Bush, seconded by Councilmember Morrison to add the item to the September 20, 2022 City Council agenda and discuss Ordinance 18.30.310, section four.

Substitute Motion by Councilmember Rios for staff to return with a thorough analysis on the revision to the Ordinance. Motion died for lack of a second.

Substitute Motion by Councilmember Morrison, seconded by Vice-Mayor Bush that the item be added to the September 20, 2022 City Council agenda to request an amendment to Ordinance 18.30.310, section four to include an exemption for Plaza Bonita Mall.

Substitute Motion approved unanimously.

13.2 POLICY 105 REQUEST - Council Intern Program requested by Vice-Mayor Bush

Public Comment was received from:

Anita Brinkley

Public Comment received via Zoom:

Daniel Martinez

ACTION: Motion by Vice-Mayor Bush, seconded by Councilmember Rodriguez to add the item to a subsequent City Council agenda.

Ayes: Bush, Rodriguez

Nays: Morrison, Rios, Sotelo-Solis

Motion failed by 2-3 vote.

14. CITY ATTORNEY REPORT

CLOSED SESSION

Mayor Sotelo-Solis introduced Interim City Attorney Barry Schultz who reported on two Closed Session items.

1. PUBLIC EMPLOYEE DISCIPLINE

Government Code Section 54957.6

Reported that disciplinary action was sustained by the City Council.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(d)(1)

Name of Case: San Diego Unified School District v. City of National City
Case Number: 37-2020-00027878-CU-TT-CTL

No reportable action.

15. ADJOURNMENT

The meeting adjourned at 11:35 p.m.

Luz Molina, City Clerk

The foregoing minutes were approved at the Regular Meeting of October 18, 2022.

Alejandra Sotelo-Solis, Mayor