



REGULAR MEETING MINUTES OF THE CITY COUNCIL

**October 18, 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:

- Brad Raulston, City Manager**
- Barry Schultz, Interim City Attorney**
- Frank Parra, Assistant City Manager**
- Luz Molina, City Clerk**
- Shelley Chapel, Deputy City Clerk (*via Zoom*)**
- Carlos Aguirre, Director of Housing**
- Phil Davis, Interim Finance Director**
- Jennifer Gilman, Assistant City Attorney**
- Alejandro Hernandez, Police Captain**
- Tonya Hussain, Executive Secretary**
- Sergio Mora, Fire Battalion Chief**
- Martin Reeder, Planning Manager**
- Joyce Ryan, Library & Community Services Director**
- Armando Vergara, Director of Community Development**
- David Welch, Associate Planner**
- Roberto Yano, Director of Public Works and City Engineering**

1. **CALL TO ORDER**

A Regular Meeting of the City Council of the City of National City was called to order at 6:01 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: Sotelo-Solis, Bush, Morrison, Rios (*via Zoom*), Rodriguez

Other Elected Officials present: Molina

Administrative Officials present: Raulston, Schultz, Parra, Chapel (*via Zoom*), Aguirre, Davis, Gilman (*via Zoom*), Hernandez, Hussain, Mora, Reeder, Ryan, Vergara, Welch, Yano

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

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

Councilmember Morrison 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:

Matias Garcia

Ted Godshalk

Edward Nieto

Cora Macahilas

Comment received via Zoom:

Becky Rapp

Judith Strang

Barbara Gordon

Kelly McCormick

5. **PROCLAMATIONS AND RECOGNITION**

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

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

Mayor Sotelo-Solis reported on a meeting with the Port Authority regarding the Balance Plan and advised that the discussion would continue to a future meeting.

Vice-Mayor Bush reported on the recent updates and appointments on the Air Pollution Control District Hearing Board.

Councilmember Morrison reported on the business of the Regional Solid Waste Association regarding the approved contract with EDCO.

Mayor Sotelo-Solis provided an update on the business of SANDAG and the approved revenue sharing agreement for the Otay Mesa East Port of Entry.

8. CONSENT CALENDAR

ACTION: Motion by Councilmember Morrison, seconded by Councilmember Rodriguez to approve the Consent Calendar Items 8.1 through 8.10.

Moved by Morrison

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

Motion carried by unanimous vote

8.2 Approval of City Council Meeting Minutes, 2022-98
Approve and File.

Motion carried by unanimous vote

8.3 Semi-Annual Report – Boards, Commissions, and Committee Attendance Report
Receive and File.

Motion carried by unanimous vote

8.4 Awarding Contract to Ortiz Corporation in a not-to-exceed amount \$1,631,274.64 for P1 Sewer Upsize Project- Phase II National City Blvd/30th Street, CIP No. 20-01 and authorizing a 15% contingency in the amount of \$244,691 for any unforeseen changes.

Approved Resolution No. 2022-162.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, 1) Awarding a Contract to Ortiz Corporation in the not-to-exceed amount \$1,631,274.64 for the P1 Sewer Upsize Project – Phase II National City Blvd/30th Street, CIP No. 20-01; 2) Authorizing a 15% Contingency in the amount of \$244,691 for any unforeseen changes; and 3) Authorizing the Mayor to Execute the Contract.

Motion carried by unanimous vote

- 8.5 Authorize the Purchase of Tyler Technologies' Munis Hosted ERP System, and authorizing the Mayor to execute the Agreement, 2022-108

Approved Resolution No. 2022-163.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the City to Utilize Cooperative Purchasing Established through Sourcewell Contract 090320-TTI, consistent with Municipal Code Section 2.60.260, to Purchase Tyler Technologies' Munis Hosted ERP System, and Authorizing the Mayor to Execute the Agreement between the City of National City and Tyler Technologies, Inc. for said System to Replace the Current Outdated Enterprise Resource Planning Software System for a one-time cost not to exceed \$361,498 and Reoccurring Annual License, Maintenance, and Support Costs of \$125,172

Motion carried by unanimous vote

- 8.6 Resolution to Initiate a Street Vacation of a portion of Euclid Avenue east of Orange Street. (Case File No. 2022-24 SV)

Approved Resolution No. 2022-164.

Staff is recommending that the City Council initiate the street vacation request. Adopt a Resolution entitled, Resolution of the City Council of the City of National City, California, Initiating a Street Vacation of a Portion of Euclid Avenue East of Orange Street.

Motion carried by unanimous vote

- 8.7 Investment transactions for the month ended July 31, 2022.

Accept and file the Investment Transaction Ledger for the month ended July 31, 2022.

Motion carried by unanimous vote

- 8.8 Investment transactions for the month ended August 31, 2022.

Accept and file the Investment Transaction Ledger for the month ended August 31, 2022.

Motion carried by unanimous vote

- 8.9 Warrant Register #9 for the period of 8/26/22 through 9/1/22 in the amount of \$1,900,006.52.

Ratify Warrants Totaling \$1,900,006.52

Motion carried by unanimous vote

8.10 Warrant Register #10 for the period of 9/2/22 through 9/8/22 in the amount of \$2,018,650.27.

Ratify Warrants Totaling \$2,018,650.27

Motion carried by unanimous vote

9. PUBLIC HEARING

Notice of the Public Hearing was given in accordance with legal requirements, and the hearing was held on the date and no earlier than specified in the notice.

9.1 Continuation of a 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.

Approved Resolution No. 2022-166.

Vice-Mayor Bush disclosed that he had met with the Healthy Communities Coalition regarding the proposal.

Councilmember Rodriguez reported that he had a thorough conversation with the Healthy Communities Coalition and initiated a Facebook poll to receive public input.

Mayor Sotelo-Solis disclosed that she had a brief conversation with a representative from Olivewood Gardens regarding the proposal.

Councilmember Rios disclosed that she watched the Planning Commission meeting where the item was heard previously, had a brief conversation with a representative from Olivewood Gardens, and announced the agenda item on her social media page.

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.

Mayor Sotelo-Solis declared the Public Hearing open at 6:50 p.m.

In-person comment:

Kelsey Genesi

Claire Groebner

Cynthia Fuller Quinonez

Janice Luna Reynoso

Jacqueline Marquez

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

Public Hearing closed at 7:42 p.m.

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

Motion approved unanimously.

Staff recommends approving the appeal, reversing the Planning Commission decision based on the attached findings or findings determined by the City Council.

ACTION: Motion by Councilmember Morrison, seconded by Vice-Mayor Bush to approve the staff recommendation.

Substitute Motion by Councilmember Rodriguez, seconded by Councilmember Rios to approve the staff recommendation with an amendment that the restaurant be stand alone with no drive through with the findings of existing poor air quality and that other In-N-Out restaurants operate without a drive through.

Interim City Attorney Barry Schultz informed the Councilmembers that removal of the drive through would cause a denial of the Conditional Use Permit since the drive through is the item requiring action.

Ayes: Rios, Rodriguez

Nays: Morrison, Bush, Sotelo-Solis

Motion failed by 2-3.

Original motion

Ayes: Morrison, Bush, Sotelo-Solis

Nays: Rios, Rodriguez

Motion carried by 3-2 vote.

Mayor Sotelo-Solis called a recess at 8:05 p.m., the meeting reconvened at 8:15 p.m. with all members present.

- 9.2 Public Hearing to request a Conditional Use Permit (CUP) modification for the expansion of a self-storage facility location at 1300 Wilson Avenue (U-Haul).

Approved Resolution No. 2022-165.

Mayor Sotelo-Solis introduced the item.

Associate Planner David Welch provided the report and PowerPoint Presentation.

Councilmember Rios disclosed that she viewed the Planning Commission meeting when this item was heard.

Uhaul representatives Chad Farren and General Manager David Arias addressed the Council.

Mayor Sotelo-Solis declared the Public Hearing open at 8:28 p.m.

There was no public comment.

Public Hearing closed at 8:38 p.m.

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

Motion approved unanimously.

Adopt a Resolution entitled, "Resolution of the City Council of the City of National City, California, Approving a Conditional Use Permit Modification for the Expansion of a Self-Storage Facility with Accessory Truck Rental and a Zone Variance to Allow Trucks to Back in from a Public Street. Located at 1300 Wilson Avenue (U-Haul) Case File No. 2021-10 CUP, Z - APN Nos: 559-061-14 and 559-061-18."

ACTION: Motion by Councilmember Morrison, seconded by Councilmember Rios to approve the Conditional Use Permit with an added condition that a flag person be present when trucks are backing into the facility.

Substitute Motion by Mayor Sotelo-Solis to deny the Conditional Use Permit due to the residential impacts, and cited two findings:

1. The proposed expansion of the use is not deemed essential and desirable to the public convenience and welfare, because there are five other self-storage facilities serving the city and the existing development fully utilizes the existing site.
2. Granting the permit would 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 it would allow for trucks to back in off the public street and permit the use of trucks with diesel engines further contributing to air quality issues.

Motion died due to lack of a second.

Original motion:

Ayes: Morrison, Rios, Rodriguez, Bush

Nays: Sotelo-Solis

Motion passed by 4-1 vote.

Motion carried by unanimous vote

10. STAFF REPORTS

10.1 Initiation of an Ordinance pertaining to Mobilehome Park Rent Stabilization in National City. (Housing Authority)

City Clerk Molina read the title of the item into the record.

Mayor Sotelo-Solis introduced Director of Housing Carlos Aguirre who provided the report and PowerPoint Presentation.

Councilmember Rios disclosed that her Council representative Jose Estrada attended a meeting that took place with the residents.

In-person public comment:

Marlen Romero

Sylvia

Lorenzo Magana

Marysol

Two written comments, including a petition with 96 signatures, were received and published on the City website.

Recommendation:

Discuss and provide staff direction.

ACTION: Motion by Mayor Sotelo-Solis, seconded by Councilmember Rodriguez to initiate the Ordinance.

Motion carried unanimously.

11. CITY MANAGER'S REPORT

No report.

12. ELECTED OFFICIALS REPORT

Closing remarks were provided by City Treasurer, City Clerk, and members of the City Council.

13. CITY ATTORNEY REPORT

Mayor Sotelo-Solis introduced Interim City Attorney Schultz who announced that there was nothing to report.

14. **ADJOURNMENT**

Mayor Sotelo-Solis adjourned to the Regular Meeting of the City Council of the City of National City, Tuesday, November 1, 2022, 6:00 in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 9:26 p.m.

Tonya Hussain, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of November 15, 2022.

Alejandra Sotelo-Solis, Mayor