



REGULAR MEETING MINUTES OF THE CITY COUNCIL

**February 20, 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 (via Zoom)
Carlos Aguirre, Director of Community Development
Walter Amedee, Management Analyst III
Danielle Ghio, Acting City Librarian
Brian Hadley, Deputy City Manager
Alex Hernandez, Chief of Police
Tonya Hussain, Executive Secretary
Martha Juarez, Asst. Director of Engineering/Public Works
Sergio Mora, Fire Chief
Martin Reeder, Assistant Director of Community Development

1. **CALL TO ORDER**

A Regular Meeting of the City Council of the City of National City was called to order at 6:26 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 Bush led the Pledge of Allegiance.

4. **INVOCATION**

Invocation delivered by Pastor Carolyn Nichols of Southport Christian Center.

ITEM TAKEN OUT OF ORDER

6. **PROCLAMATIONS AND RECOGNITION**

Mayor Morrison recognized the day as Judge Roy Cazares Day. The Cazares family accepted the proclamation.

Mayor Morrison recognized the volunteers of Team Rubicon and their work during the recent local floods and pronounced the day as Team Rubicon Day. Fire Chief Mora spoke to their dedication and introduced Team Rubicon who addressed the Council.

6.1 Black History Month

Mayor Morrison presented the Proclamation, which was accepted by members of National City staff.

ITEM TAKEN OUT OF ORDER

5. **PUBLIC COMMENT**

Three (3) speakers provided in-person comments and four (4) people provided virtual comment. There was one (1) written comment.

Virtual Comment:

Peggy Walker
Barbara Gordon
Becky Rapp
Kelly McCormick

In-person Comment:

Joan Rincon
Geoffrey Schrock
Randi Castle

Written comment:

Ted Godshalk

7. PRESENTATION - STAFF REPORT

7.1 Presentation – Second Update on Local Emergency Caused by Severe Rainstorm and Flooding

City Manager Ben Martinez introduced the item. Director of Community Development Carlos Aguirre presented the item utilizing a PowerPoint presentation. Management Analyst III Walter Amedee provided an update.

One (1) public comment was received from Sherry Gogue. One (1) written comment was received from Paul Sande.

Recommendation: Receive Report and Presentation – Provide Direction to Staff through the City Manager.

ITEM TAKEN OUT OF ORDER

11. STAFF REPORTS

11.1 Discussion and Direction Regarding a Temporary Local Emergency Ordinance Prohibiting Evictions and Rental Increases, Providing Relocation Assistance, and a Right to Return During the Local Emergency Related to the Recent Floods.

City Attorney Barry Schultz introduced the item and utilized a PowerPoint presentation.

Councilmember Bush left the dais at 7:57 p.m. and returned at 7:58 p.m.

In-Person Comment:

Jocelyn Lopez
Zachary Gomez
Mitch Thompson
Melanie Woods
Brandon Sigua
Randi Castle
Eriq Vargas
Molly Kirkland
Luis Vazquez Gama
Janice Luna Reynoso
Deion Seruelo
Nancy Estolano
Jose Lopez
George Ching
Molly Hardwood
Joan Rincon

Councilmember Rodriguez left the dais at 8:25 p.m. and returned at 8:27 p.m.

Councilmember Molina left the dais at 8:25 p.m. and returned at 8:27 p.m.

Written Comment:

Melissa De Marco
Charlie Upham
Mitchell Thompson
William Snell
Molly Kirkland

Recommendation:

1. Direct Staff to prepare a Local Emergency Ordinance with specific provisions; or
2. Delay any action pending further action by the County of San Diego.
3. Take no action and rely on the existing County of San Diego Ordinance

ACTION: Motion by Councilmember Rodriguez, seconded by Councilmember Bush to approve Recommendation No. 1 to Direct Staff to prepare a Local Emergency Ordinance with specific provisions.

Substitute motion by Vice-Mayor Yamane to follow the direction from the County of San Diego to work with community stakeholders to develop a plan to avoid unjust evictions and/or provide rental or other assistance to those affected by the storm. The plan may include an additional Ordinance to protect unjust evictions on a case-by-case basis as well as other possibilities. Motion died for lack of a second.

Councilmember Bush left the dais at 9:00 p.m. and returned at 9:03 p.m.

Amended motion by Councilmember Rodriguez, seconded by Councilmember Bush to include specific provisions to extend the period 60-90 days after the County's eviction moratorium ends and request that staff address Right to Refusal, Just Cause Evictions, relocation assistance, and a pause on rent increases for those effected by the flood.

Amended motion by Councilmember Bush called the question to bring the item back at a future City Council meeting to explore options.

Original amended motion by Councilmember Rodriguez, seconded by Councilmember Bush.

Motion failed by 3-2 vote.

Ayes: Bush, Rodriguez
Nays: Molina, Yamane, Morrison

ACTION: Motion by Councilmember Bush, seconded by Mayor Morrison to approve Recommendation No. 1 to explore options to extend the eviction moratorium, explore potential relocation benefits, and first right of refusal at current rental rates.

Motion carried by unanimous vote.

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

Councilmember Rodriguez left the dais at 9:43 p.m. and returned at 9:53 p.m.

Councilmember Rodriguez had no report.

Councilmember Bush had no report.

Councilmember Molina had no report.

Vice-Mayor Yamane provided an announcement by the Sweetwater Authority for flood victims.

Mayor Morrison reported on his recent attendance at the National Association of Regional Councils.

Port of San Diego Commissioner Sandy Naranjo provided a report on the recent Board Meeting.

Mayor Morrison excused the interpreters at 9:47 p.m.

ITEM TAKEN OUT OF ORDER.

10. PUBLIC HEARING

10.1 Adoption of an Ordinance amending Section 18.060.10 of Title 18 (Zoning) of the National City Municipal Code related to the measurement of height for new structures.

Adopted Ordinance No. 2024-2526.

Assistant Director of Community Development Martin Reeder had no report.

Mayor Morrison declared the Public Hearing open at 9:55 p.m.

There was no public comment.

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

Public Hearing closed at 9:55 p.m.

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

Motion carried by unanimous vote.

9. CONSENT CALENDAR

Motion by Councilmember Molina, seconded by Vice-Mayor Yamane to approve Consent Calendar Items 9.1 through 9.8.

- 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 an Agreement with Civica Law Group, APC for Legal Services in the Specialized Area of Code Enforcement.

Adopted Resolution No. 2024-11.

Adopt the Resolution Entitled "Resolution of the City Council of the City of National City, California, Authorizing Entering into an Agreement Between the City of National City and Civica Law Group, APC for Legal Services in the Specialized Area of Code Enforcement for the Total Not-To-Exceed Amount of \$75,000 Per Case."

Motion carried by unanimous vote.

- 9.3 Ratification of a Subordination Agreement for an Affordable Housing Density Bonus development located at 1821 E 9th Street.

Adopted Resolution No. 2024-12.

Adopt the Resolution Entitled "Resolution of the City Council of the City of National City, California Ratifying a Subordination Agreement With APV Ventures, LLC, A California Limited Liability Company, and Golden 1 Credit Union, Subordinating the Deed of Trust Securing the Performance of an Affordable Housing Density Bonus Agreement Entered on July 18, 2019, that Restricts One Housing Unit at 1821 E 9th Street in National City."

Motion carried by unanimous vote.

- 9.4 Temporary Use Permit – Circus Vargas event sponsored by Circus Vargas from February 23, 2024 to March 11, 2024 at the Westfield Plaza Bonita Mall 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 No. 802.

Motion carried by unanimous vote.

- 9.5 Temporary Use Permit – Padres Pedal the Cause Bicycle Ride Sponsored by Padres Pedal the Cause on April 7, 2024, from 10:00 a.m. to 2:30 p.m. 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.

- 9.6 Warrant Register #25 for the period of 12/15/23 through 12/21/23 in the amount of \$767,573.32

Written public comment received from Ted Godshalk. City Attorney Schultz provided information in response to the comment.

Ratify Warrants Totaling \$767,573.32

Motion carried by unanimous vote.

- 9.7 Warrant Register #26 for the period of 12/22/23 through 12/28/23 in the amount of \$1,437,103.49

Ratify Warrants Totaling \$1,437,103.49

Motion carried by unanimous vote.

- 9.8 Warrant Register #27 for the period of 12/29/23 through 1/04/24 in the amount of \$1,720,260.63

Ratify Warrants Totaling \$1,720,260.63

Motion carried by unanimous vote.

12. CITY MANAGER'S REPORT

No report.

13. ELECTED OFFICIALS REPORT

Closing remarks were provided by members of the City Council.

14. CITY ATTORNEY REPORT

City Attorney Schultz reported on three (3) Closed Session items and reported that there was no reportable action.

5.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957.6

Position to be Reviewed: City Attorney

5.2 **LIABILITY CLAIM**

Government Code Section 54954.5

WORKERS COMPENSATION CLAIM NO. 19-144825

ADJ 12602361

Claimant: David Bavencoff vs. City of National City

5.3 **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure to Litigation

Government Code Section 54956.9(d)(2)

Number of Potential Cases: 1

City Attorney Schultz provided a public statement as it related to a recent newspaper article regarding the expenditure of City funds for the purchase of turkeys and stated that the adoption of a City Council policy to govern the expenditure of funds from the District budgets would be considered at a future City Council meeting to occur no later than the first City Council meeting in April 2024.

15. **ADJOURNMENT**

Mayor Morrison adjourned the meeting in memory of Judge Roy Cazares to the Regular Meeting of the City Council of the City of National City, Tuesday, March 5, 2024, 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 10:09 p.m.

Tonya Hussain, Executive Secretary

The foregoing minutes were approved at the Regular Meeting of March 19, 2024.

Ron Morrison, Mayor