



REGULAR MEETING MINUTES OF THE CITY COUNCIL

October 15, 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:
Ben Martinez, City Manager
Barry J. Schultz, City Attorney
Shelley Chapel, City Clerk
Martin Reeder, Assistant Director of Community Development
Bruce Foltz, Finance Director
Brian Hadley, Deputy City Manager
Alex Hernandez, Chief of Police
Tonya Hussain, Deputy City Clerk
Steve Manganiello, Director of Engineering
Nancy Nagle, NCPD Training Coordinator
James Stiles, NCFD Fire Captain

1. **CALL TO ORDER**

A Regular Meeting of the City Council of the City of National City was called to order at 6:12 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**

None.

5. **PUBLIC COMMENT**

Mayor Morrison summarized the process for acceptance of live public comment allowing two (2) minutes per comment and introduced City Clerk Chapel.

In-person comment:

Alicia Sanchez
Margarita Moreno
Irma Hernandez
Mauraulua Sanchez
Margarita Morales
Ed Nieto
Ted Godshalk
Bradley Bang
Paul Wapnowski
Vivian Wapnowski
Brian Clapper
Maeva Nieva
Geoffrey Schrock

Virtual Comment:

Peggy Walker
Becky Rapp
Judi Strang
Sunny Mangiameli
Megan Stuart

A handout was provided to the City Council my public speaker Ed Nieto.

Councilmember Bush left the dais at 6:35 p.m. and returned at 6:40 p.m.

6. **PROCLAMATIONS AND RECOGNITION**

6.1 Employee of the Quarter

Police Chief Hernandez introduced Employee of the Quarter NCPD Training Coordinator Nancy Nagle.

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

7.1 Annual Report to Council - Planning Commission

Planning Commissioner Chair Richard Miller provided a PowerPoint presentation.

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

Councilmember Rodriguez had no report.

Councilmember Bush had no report.

Councilmember Molina provided an update on SANDAG.

Vice-Mayor Yamane provided an update on the Sweetwater Authority meeting.

Mayor Morrison reported on the SANDAG ITOC (Independent Taxpayer Oversight Committee) Selection Committee Meeting.

Port of San Diego Commissioner Ungab had no report.

9. CONSENT CALENDAR

ACTION: Motion by Vice-Mayor Yamane seconded by Councilmember Rodriguez to approve the consent calendar with the exception of Items 9.2, 9.5, 9.6, 9.7, 9.14, 9.16, 9.18, 9.19, and 9.20. Councilmember Bush recused on Item 9.18 due to the proximity of the project to his residence.

Motion carried by unanimous vote with Councilmember Bush recusing on Item 9.18.

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

Item pulled for discussion.

9.2 Amending City Council Policy Nos. 101, 104, 106, 107, and 121.

Adopted Resolution No. 2024-117.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Amending City Council Policy Nos. 101, 104, 106, 107, and 121."

Public Comment received from Ted Godshalk.

ACTION: Motion by Councilmember Bush, seconded by Vice-Mayor Yamane to revise Policy 104 (C) to allow Zoom registration for public comment up to one-hour prior to the start of the City Council meeting.

Ayes: Bush, Rodriguez, Yamane

Nays: Molina, Morrison

Motion carried by 3-2 vote.

ACTION: Motion by Councilmember Molina, seconded by Bush to approve the suggested changes to Policy 121 and for the City Attorney to add a sentence to allow retroactive approval for travel to conferences and training. In addition, to include a clause regarding appropriate use of travel funds for legislative reasons, per the legislative platform of the City, so long as the City Council has taken a position on that specific legislation, the travel would be allowed.

Amended Motion by Councilmember Bush, seconded by Councilmember Molina to revise language to Policy 121, Section B, paragraph four to read, "All consulting contracts shall be reviewed and approved by the City Council" and to remove the last sentence that reads, "For contracts below \$50,000, the City Manager has the discretion as to whether City Council approval is required."

Motion carried by unanimous vote.

ACTION: Motion by Vice-Mayor Yamane, seconded by Councilmember Molina to approve the revisions.

Motion carried by unanimous vote.

9.3 Approval of City Council Meeting Minutes.

Approve and File.

Motion carried by unanimous vote.

9.4 Approving Proposed Amendments to the Planning Commission Bylaws.

Adopted Resolution No. 2024-118.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Approving Proposed Amendments to the Planning Commission Bylaws."

Motion carried by unanimous vote.

Item pulled for discussion.

9.5 Authorize the purchase of a Light-Structure System from Musco Sports Lighting, LLC for the Kimball Park Ballfields.

Adopted Resolution No. 2024-119.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, 1) 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 # 041123-MSL with Musco Sports Lighting, LLC, for the Purchase of a Light-Structure System in a Not-to-Exceed Amount of \$292,350 for the Kimball Park Ballfields; and 2) Authorizing the Establishment of an Appropriation of \$292,350 in the American Rescue Plan Act fund for the Kimball Park Ballfield Lighting Project."

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

Motion carried by unanimous vote.

Item pulled for discussion.

- 9.6 Authorize the Purchase of Six (6) Ford Police Utility Interceptors for the National City Police Department

Adopted Resolution No. 2024-120.

Public comment received from Thomas Rike.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, 1) 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 County of San Diego Contract # 570454 with Kearny Mesa Ford for the Purchase Six 2025 Ford Police Utility B/W AWD Interceptors in a Not-to-Exceed Amount of \$323,000 for the National City Police Department; and 2) Authorizing the City Manager to Approve Adjustments of up to \$32,300 to the Not-to-Exceed Amount for the Purchase as a 10% Contingency for Unforeseen Fluctuations in Pricing."

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

Motion carried by unanimous vote.

Councilmember Molina left the dais at 7:44 p.m. and returned at 7:46 p.m.

Item pulled for discussion.

- 9.7 Awarding a Contract to Aster Construction Services for the Central Community Mobility Enhancements Project, CIP No. 19-23.

Adopted Resolution No. 2024-121.

Engineering Director Steve Manganiello answered questions posed by the City Council.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, 1) Awarding a Contract to Aster Construction Services in the Not-to-Exceed Amount of \$1,915,050 for the Central Community Mobility Enhancements Project, CIP No. 19-23; 2) Authorizing a 15% Contingency in the Amount of \$287,257.50 for any Unforeseen Changes; and 3) Authorizing the Mayor to Execute the Contract."

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

Ayes: Bush, Molina, Rodriguez, Yamane

Nays: Morrison

Motion carried by 4-1 vote.

- 9.8 Bayshore Bikeway - Segment 5 project, CIP 22-33, ATP Cycle 4, Grant Appropriation for Construction (CON) Phase.

Adopted Resolution No. 2024-122.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, 1) Authorizing the Mayor to Execute Program Supplement Agreement No. F030 with the State of California Department of Transportation for the Bayshore Bikeway - Segment 5 project, CIP 22-33, ATP Cycle 4; 2) Authorizing the Establishment of an Engineering Grants Fund Appropriation of \$5,421,000 and Corresponding Revenue Budget; and 3) Committing to Providing a Local Match of \$710,000."

Motion carried by unanimous vote.

- 9.9 California Library Adult and Family Literacy Services Grant Funds Acceptance

Adopted Resolution No. 2024-123.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the City Manager or his Designee to Accept the California Library Literacy Services (CLLS) grant of \$63,375 from the California State Library to Fund the National City Public Library's Literacy Services Programs for FY2025 and Authorizing the Establishment of a Library Grants Fund Appropriation of \$63,375 and Corresponding Revenue Budget."

Motion carried by unanimous vote.

- 9.10 Enterprise Storage System Lifecycle Replacement

Adopted Resolution No. 2024-124.

Adopt a Resolution Entitled: "Resolution of the City Council of the City of National City, California, Waiving the Bid Process by Utilizing Pricing and Contracts, Amendments, and Extensions from the National Intergovernmental Purchasing Alliance (NIPA) Technical Solutions Contract # 2018011 with CDWG LLC to Purchase Enterprise Storage System (ESS) Hardware, Software, and Related Services for an Amount Not-to-Exceed \$314,101.94 Pursuant to National City Municipal Code Section 2.60.260."

Motion carried by unanimous vote.

- 9.11 First Amendment to the Agreement with Neri Landscape Architecture for On-Call Consulting Services for the City's Capital Improvement Program (CIP)

Adopted Resolution No. 2024-125.

Adopt a 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 Neri Landscape Architecture to Extend the Agreement by One-Year to September 6, 2025."

Motion carried by unanimous vote.

- 9.12 First Amendment to the Housing Consultant Agreement with Keyser Marston Associates, Inc.

Adopted Resolution No. 2024-94.

Adopt the Resolution Entitled, "Resolution of the Board of the Community Development Commission-Housing Authority of the City of National City, California, Authorizing the Executive Director to Execute the First Amendment to the Consultant Agreement with Keyser Marston Associates, Inc. to Increase the Not-To-Exceed to \$455,000, and Authorize the Establishment of an Appropriation in the Amount of \$425,000 in the Housing Authority Fund with a Corresponding Revenue Budget Based on Housing Acceleration Program ("HAP") 2.0 Grant Funds."

Motion carried by unanimous vote.

- 9.13 Kimball Highland Project Public Access Easement for Pedestrian and Vehicular Access

Adopted Resolution No. 2024-126.

Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the City Manager to Execute a Public Access Easement for Pedestrian and Vehicular Access Agreement by and Between the City of National City, D Avenue Housing Associates, L.P., and Kimball Tower Housing Associates L.P."

Motion carried by unanimous vote.

Councilmember Bush left the dais at 7:53 p.m. and returned at 7:52 p.m.

Item pulled for discussion.

- 9.14 Kimball Senior Center Lease with D Avenue Housing Associates, L.P.

Adopted Resolution No. 2024-127.

Adopt the Resolution Entitled, "Resolution of the City of National City, California, Authorizing the City Manager to Execute a Commercial Lease By and Between the City of National City ("Tenant") and D Avenue Housing Associates, a California Limited Partnership ("Landlord") for the Kimball Senior Center Facility for 65 Years at a Rent Equal to \$1.00 Per Year."

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

Ayes: Molina, Rodriguez, Yamane, Morrison

Absent: Bush

Motion carried by 4-0 vote.

- 9.15 Notice of Decision – Planning Commission approval of a Conditional Use Permit (CUP) for beer and wine sales at an existing restaurant (La Malcriada Birrieria) located at 1604 E. 18th Street, Suites A & B.

Staff Recommends Approval of the Sale of On-Site Beer and Wine, Subject to the Recommended Conditions in Planning Commission Resolution No. 2024-15, and a Determination that the Project is Exempt from CEQA. The Sale of Alcohol is a Conditionally-Allowed Use in Minor Mixed-Use Corridor Zone and Would be Accessory to Food Sales in the Restaurant.

Motion carried by unanimous vote.

Item pulled for discussion.

- 9.16 Notice of Decision – Planning Commission Approval of a Conditional Use Permit (CUP) for the Addition of Distilled Spirits to an Existing Beer and Wine License at Manolo Farmers Market Located at 303 Highland Avenue.

Staff Recommends Approval of the Addition of Distilled Spirits to the Existing Sale of Off-Sale Beer and Wine, Subject to the Recommended Conditions in the Attached Planning Commission Resolution No. 2024-14, and a Determination that the Project is Exempt from CEQA. The Sale of Alcohol is a Conditionally-Allowed Use in the Minor Mixed-Use Corridor (MXC-1) Zone and Would Continue to be Accessory to the Retail Sales at the Existing Grocery Store.

ACTION: Motion by Councilmember Bush, seconded by Councilmember Molina for the item to return to a meeting of the City Council for a Public Hearing.

Motion carried by unanimous vote.

- 9.17 Notice of Decision – Planning Commission Approval of a Tentative Parcel Map (TPM) Dividing One Lot into Two with a Zone Variance (ZV) to Deviate from Setback Requirements on a Property Located at 1441 East 7th Street.

Staff Recommends Approval of the Tentative Parcel Map and Zone Variance, Subject to the Recommended Conditions in Planning Commission Resolution No. 2024-16, and a Determination that the Project is Exempt from CEQA.

Motion carried by unanimous vote.

Item pulled for discussion.

- 9.18 Service Agreement with County of San Diego for Euclid Avenue Roadway Resurfacing

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

Adopted Resolution No. 2024-128.

Adopt a Resolution entitled, “Resolution of the City Council of the City National City, California, Authorizing the Mayor to Execute a Service Agreement with the County of San Diego for Roadway Resurfacing of Euclid Avenue Between Sweetwater Road and 24th Street in the Amount of \$112,960.42.”

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

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

Motion carried by 4-0 vote.

Item pulled for discussion.

- 9.19 Warrant Register #9 for the period of 8/23/24 through 8/29/24 in the amount of \$1,002,939.26

Public comment was received from Ted Godshalk, Ed Nieto, and Thomas Rike.

Ratify Warrants Totaling \$1,002,939.26

ACTION: Motion by Vice-Mayor Yamane, seconded by Councilmember Rodriguez to ratify Warrant Register #9.

Motion carried by unanimous vote.

Item pulled for discussion.

9.20 Warrant Register #10 for the period of 8/30/24 through 9/05/24 in the amount of \$4,637,113.79

Public comment received from Thomas Rike.

Ratify Warrants Totaling \$4,637,113.79

ACTION: Motion by Vice-Mayor Yamane, seconded by Councilmember Rodriguez to ratify Warrant Register #10.

Motion carried by unanimous vote.

10. **PUBLIC HEARING**

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

Assistant Director of Community Development Martin Reeder provided a PowerPoint presentation.

Mayor Morrison declared the Public Hearing open at 8:18 p.m.

Recommendation: Introduce the Ordinance.

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

Motion carried by unanimous vote.

Public Hearing closed at 8:18 p.m. .

ACTION: Motion by Vice-Mayor Yamane, seconded by Councilmember Bush to introduce the Ordinance.

Motion carried by unanimous vote.

11. **CITY MANAGER'S REPORT**

No report.

12. **ELECTED OFFICIALS REPORT**

Closing remarks were provided by members of the City Council.

13. CITY ATTORNEY REPORT

Mayor Morrison introduced City Attorney Schultz who announced the following on all three Closed Session agenda items:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957.6

Position to be Reviewed: City Manager

ACTION: Council established and initiated the evaluation process.

Item heard out of order.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

Government Code Section 54956.9

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

APN Nos.: 559-117-04,050607 and 12; and 559-118-02|

Agency Negotiation: City of National City

Negotiation Parties: City Manager Martinez, City Attorney Schultz

Under Negotiation: Instruction to Negotiators

ACTION: Provided instruction to staff to engage in negotiations with the taxing entities on a Compensation Agreement in accordance with the requirements of redevelopment law.

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9 (d) (1)

Name of Case: Roberto Umana v City of National City. et al.

U.S .District Court

Case Number: 3:22-cv-01657-GPC-AGS

Nothing to report.

14. ADJOURNMENT

Mayor Morrison adjourned to the Regular Meeting of the City Council of the City of National City, Tuesday, November 19, 2024, 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 8:24 p.m.

Tonya Hussain, Deputy City Clerk

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

Ron Morrison, Mayor