



REGULAR MEETING MINUTES OF THE CITY COUNCIL

**April 16, 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 (via Zoom)
Mayor Morrison

Others Present:
Benjamin A. Martinez, City Manager
Richard Romero, Assistant City Attorney
Shelley Chapel, City Clerk
Carlos Aguirre, Director of Community Development
Phil Davis, Interim Finance Director
Danielle Ghio, Acting City Librarian
Brian Hadley, Deputy City Manager
Tonya Hussain, Deputy City Clerk
Stephen Manganiello, Director of Engineering/Public Works
Sergio Mora, Fire Chief
Omar Ramirez, Internal Affairs/Backgrounds Lieutenant
Chris Sullivan, Police Captain

1. **CALL TO ORDER**

A Regular Meeting of the City Council of the City of National City was called to order at 6:10 p.m. via teleconference and in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

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

AB 2449 Request:

Vice-Mayor Yamane requested to attend the meeting virtually due to “just cause.”

Mayor Morrison explained the protocol for AB 2449 Teleconference Attendance of a City Councilmember.

Mayor Morrison confirmed that at least a quorum of the legislative body was present at the location of the meeting in City Council Chamber as identified on the agenda.

Mayor Morrison confirmed a two-way visual and telephonic service and a live webcasting of the meeting to allow the public to hear, and observe the meeting was available, and the opportunity for public to attend via call—in option, Zoom, and in-person location of the meeting.

This was the first virtual City Council Meeting Vice-Mayor Yamane attended in Calendar Year 2024 under the AB 2449 provision. Vice-Mayor Yamane confirmed there was no other individual over the age of 18 present at the remote location with her.

ACTION: The remote participation of Vice-Mayor Yamane due to “Just Cause” was approved unanimously.

Roll Call Vote to allow Vice-Mayor Yamane to attend virtually via AB 2449.

Councilmembers present: Bush, Molina, Rodriguez, Yamane (*via Zoom*), Morrison

2. **ROLL CALL**

Councilmembers present: Bush, Molina, Rodriguez, Yamane (*via Zoom*), Morrison

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

Councilmember Bush led the Pledge of Allegiance.

4. **INVOCATION**

Invocation delivered by local pastor.

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.

Ten (10) speakers provided in-person comments, three (3) people provided virtual comment and one (1) written comment was received.

In-Person Public Comment:

Vincent Yanez
Elizabeth Esparza
Sherry Gogue
Julie Paule
Edward Nieto
Eric Quionnes
Andrew McKercher
Thomas G. Rike
Aida Casteneda
Grace Nakashima

Written Comment:

Coalition for Fair Employment in Construction

Virtual Comment:

Megan Stuart
Diana Munoz
Janice Reynoso

6. PROCLAMATIONS AND RECOGNITION

6.1 National Library Week

Mayor Morrison presented the Proclamation. Acting Librarian Danielle Ghio introduced the members of the Board of Library Trustees who accepted the proclamation.

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

7.1 Southwestern Community College - Higher Education Center National City

Mayor Morrison introduced Southwestern College Trustee - Area 1 Robert Moreno who introduced Dean Christine Perri who provided a PowerPoint presentation.

8. INTERVIEWS AND APPOINTMENTS

8.1 Appointments: City Boards, Commissions and Committees – Mayoral Appointment for the Traffic Safety Committee.

Recommendation: Mayoral Appointment with City Councilmembers' Confirmation.

ACTION: Motion by Mayor Morrison, seconded by Councilmember Rodriguez to appoint Natalie Brown to the Traffic Safety Committee with a term ending September 30, 2024.

Motion carried by unanimous vote.

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

Councilmember Rodriguez provided an update on the SANDAG Public Safety Committee meeting.

Councilmember Molina presented an update on the SANDAG Board of Directors Meeting.

Vice-Mayor Yamane provided an update on San Diego Community Power, the San Diego County Water Authority, Metro Wastewater Joint Powers Association, and the Sweetwater Authority.

Mayor Morrison provided an update on the business of the Sweetwater Authority, and the Regional Solid Waste Association.

Port Commissioner Sandy Naranjo provided an update on the recent Board meeting and discussion of the Tijuana River Valley and Assembly Bill 2783.

Councilmember Molina disclosed her participation in advocacy for the support of Assembly Bill 2783 authored by Assembly Member Alvarez and her presence at the Assembly Committee Meeting in support of the bill.

10. CONSENT CALENDAR

ACTION: Motion by Councilmember Bush, seconded by Councilmember Molina to approve all Consent Calendar Items with the exception of Items 10.3 pulled for public comment, 10.5 pulled by Councilmember Bush, and Item 10.8 pulled by Vice-Mayor Yamane.

Motion carried by unanimous vote.

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

Motion carried by unanimous vote.

10.2 Approval of City Council Meeting Minutes.

Approve and file.

Motion carried by unanimous vote.

Item pulled for Public Comment

10.3 2023 Annual Military Equipment Use Report

Adopted Resolution No. 2024-26.

Police Chief Hernandez introduced Lieutenant Omar Ramirez who provided a PowerPoint presentation.

In-person public comment received from Ed Nieto.

Recommendation: Adopt the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Receiving the 2023 Annual Military Equipment Use Report, Renewing Ordinance 2022-2496, and Authorizing the Purchase of Additional Equipment to Include Two Unmanned Aerial Vehicles, Two Daniel Defense Rifles, One Tactical R/C Robot, and a Grant Funded Lenco Bearcat Rescue Vehicle as Required by AB 481."

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

Friendly amendment by Councilmember Bush that the item be heard by the Community & Police Relations Commission in the future.

Motion carried by unanimous vote.

- 10.4 Agreement with Devaney Pate Morris & Cameron, LLP for Legal Services in the Specialized Area of Land Use and Business Matters Regarding the San Diego Unified Port District.

Adopted Resolution No. 2024-27.

Adopt the Resolution Entitled "Resolution of the City Council of the City of National City, California, Authorizing an Agreement Between the City of National City and Devaney Pate Morris & Cameron, LLP for Legal Services in the Specialized Area of Land Use and Business Matters Regarding the San Diego Unified Port District in the Not-to-Exceed Amount of \$25,000.

Motion carried by unanimous vote.

Item pulled by Councilmember Bush.

- 10.5 Agreement Between the City of National City and Kreisberg Law Firm, LLP for Legal Services in the Specialized Area of Labor Law.

Human Resources Director Lydia Hernandez addressed the City Council.

Recommendation: Adopt Resolution entitled, "Resolution of the City Council of the City of National City, California, Approving an Agreement between the City of National City and Kreisberg Law Firm, LLP for Legal Services in the Specialized Area of Labor Law."

ACTION: Motion by Councilmember Bush, seconded by Councilmember Rodriguez for staff to obtain two additional proposals from law firms and conduct interviews in Closed Session or with an Ad Hoc Committee comprised of Mayor Morrison and Councilmember Bush before the next City Council meeting and for staff to inquire with the Municipal Employees Association regarding the urgency of the matter of including part time employees into the union.

Motion carried by unanimous vote.

- 10.6 Appropriation of Funds in the amount of \$500,004 for the Clean Mobility Options (CMO) Voucher Program for the Free Ride Around National City (FRANC) Shuttle Program.

Adopted Resolution No. 2024-29.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Authorizing the Appropriation of Grant Funds in the amount of \$500,004 for the Clean Mobility Options (CMO) Voucher Program for the Free Ride Around National City (FRANC) Shuttle Program."

Motion carried by unanimous vote.

- 10.7 Approval of the Fourth Amendment to the Joint Exercise of Powers Agreement for the Metro Wastewater Joint Powers Authority as a Participating Agency

Adopted Resolution No. 2024-30.

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, authorizing the Mayor to execute the Fourth Amendment to the Joint Exercise of Powers Agreement for the Metro Wastewater Joint Powers Authority which Amends Sections 3.02 and 3.05 of the Joint Powers Agreement as a Participating Agency of the Metro Wastewater Joint Powers Authority."

Motion carried by unanimous vote.

Item pulled by Vice-Mayor Yamane

- 10.8 Approving Job Classifications and Proposed Salary Schedule

Adopted Resolution No. 2024-31.

Recommendation: Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Creating Two (2) New Job Classifications for the Roles of Emergency Manager and Fire Division Chief, Revising the Community Services Officer Job Classification, and Amending the Management Compensation Plan Salary Schedule."

ACTION: Motion by Vice-Mayor Yamane, seconded by Councilmember Molina to adopt the resolution and for the promotions to be expedited.

Motion carried by unanimous vote.

- 10.9 Notice of Decision – Variance to Allow a New Single-Family Home to Deviate from Requirements for Minimum Lot Area, Minimum Yard Setbacks, the Location of Parking Spaces, and Maximum Height at a Vacant Property located on East 4th Street.

Staff Recommends Approval of the Variance, Subject to the Recommended Conditions in the Attached Resolution and a Determination that the Project is Exempt from CEQA. The Proposed Single-Family Residence is a Permitted Use in the Small Lot Residential (RS-2) Zone.

Motion carried by unanimous vote.

- 10.10 Temporary Use Permit – 5th Annual End of Summer Car Show and Cruise hosted by the San Diego Lowrider Association at Kimball Park on Saturday, September 7, 2024, from 11:00 a.m. to 5:00 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.

- 10.11 Warrant Register #36 for the period of 3/1/24 through 3/7/24 in the amount of \$3,988,162.44

Ratify Warrants Totaling \$3,988,162.44

Motion carried by unanimous vote.

- 10.12 Warrant Register #37 for the period of 3/8/24 through 3/14/24 in the amount of \$743,436.99

Ratify Warrants Totaling \$743,436.99

Motion carried by unanimous vote.

- 10.13 Warrant Register #38 for the period of 3/15/24 through 3/21/24 in the amount of \$2,335,074.98

Ratify Warrants Totaling \$2,335,074.98

Motion carried by unanimous vote.

11. PUBLIC HEARING

- 11.1 Introduction of an Ordinance Amending Section 9.07 (Food Caterers and Catering Equipment Rentals) of the National City Municipal Code.

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

Mayor Morrison declared the Public Hearing open at 8:05 p.m.

In-person public comment:

Erika Burboa
Christian & Gabriella Villasana
Eddie Perez
Edward Nieto

Vice-Mayor Yamane exited Zoom visibility at 8:14 p.m. and returned at 8:16 p.m.

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

Motion carried by unanimous vote.

Public Hearing closed at 8:20 p.m.

Recommendation: Introduce the Ordinance

ACTION: Motion by Councilmember Rodriguez, seconded by Councilmember Bush to introduce the Ordinance.

Motion carried by unanimous vote.

Mayor Morrison released the translator at 8:28 p.m.

- 11.2 Ordinance for Introduction – Discharge of Fats, Oils and Grease (FOG) to the Municipal Sewer System.

Councilmember Rodriguez left the dais at 8:41 p.m. and returned at 8:46 p.m.

Assistant Director of Engineering/Public Works Martha Juarez presented the item.

Mayor Morrison declared the Public Hearing open at 8:47 p.m.

There was no public comment.

ACTION: Motion by Councilmember Bush, seconded by Councilmember Molina to close the Public Hearing.

Motion carried by unanimous vote.

Public Hearing closed at 8:48 p.m.

Recommendation: Introduce Ordinance by First Reading, entitled, "Ordinance of the City Council of the City of National City, California, amending Section 14.06.190 – Industrial Wastes - Discharge Restrictions - Permit Required When, and adding Chapter 14.24 – Fats, Oils and Grease Discharge Control to Title 14 of the National City Municipal Code."

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

Motion carried by unanimous vote.

Mayor Morrison called for a recess at 8:52 p.m. Meeting reconvened at 9:00 p.m. with all members present.

- 11.3 Public Hearing and Adoption of a Resolution of the City Council of the City of National City amending the previously adopted Transportation Development Impact Fee (TDIF) schedule and annual adjustment to the TDIF.

Adopted Resolution No. 2024-32.

Director of Engineering/Public Works Steve Manganiello presented the item.

Mayor Morrison declared the Public Hearing open at 9:03 p.m.

Public Comment received from Thomas Rike.

ACTION: Motion by Councilmember Molina, seconded by Councilmember Bush to close the Public Hearing.

Motion carried by unanimous vote.

Public Hearing closed at 9:06 p.m.

Recommendation: Public Hearing and Adoption of a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Amending the previously adopted Transportation Development Impact Fee (TDIF) Schedule and Annual Adjustment to the TDIF, Pursuant to National City Municipal Code Section 4.52.100 and Consistent with Government Code Section 66017, Approving an Adjustment to the TDIF as Required by the San Diego Association of Governments (SANDAG) for Receipt of *TransNet* Local Street Improvement Revenues, Resulting in the TDIF Increasing from \$2,741.97 per New Residential Dwelling Unit to \$2,875.06 per Unit Beginning July 1, 2024.

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

Motion carried by unanimous vote.

12. STAFF REPORTS

12.1 Update on Bid Results for El Toyon Park Improvements (CIP No. 22-26)

Director of Engineering/Public Works Steve Manganiello presented the item.

One public comment was received from AJ Estrada.

Recommendation: Accept and file the staff report.

No vote.

12.2 Update on the Use of American Rescue Plan Act (ARPA) Funds

Director of Engineering/Public Works Steve Manganiello provided a PowerPoint presentation.

Virtual Public Comment received from Janice Reynoso.

In-person comment:

Eddie Perez

Ed Nieto

Randi Castle Salgado

Recommendation: Provide Feedback and Direction on Priorities for Expenditure of Remaining ARPA Funds.

ACTION: Motion by Councilmember Bush, seconded by Councilmember Molina to move forward with Option 4 – Prefabricated or portable facilities for showers, restrooms, locker rooms and changing areas.

Motion approved by unanimous vote.

13. CITY MANAGER'S REPORT

City Manager Ben Martinez announced the deadline to apply for FEMA assistance and spoke to staff's attendance at the 4th Annual Cruising Community Policing Conference.

In-person public comment received from Aida Castaneda.

City Council of Policy #104 requires the City Council Meeting to be adjourned no later than 10:30 p.m. unless extended by Council vote. At 10:30 p.m. Mayor Morrison asked the City Council to consider extending the meeting to complete the remaining items. Motion by Councilmember Molina and seconded by Councilmember Bush. Motion carried by unanimous vote.

14. ELECTED OFFICIALS REPORT

14.1 POLICY 105 REQUEST - Local Agency Formation Commission Informational Presentation - Requested by Councilmember Bush

Councilmember Bush introduced the item.

In-person public comment received from Eddie Perez.

Virtual Public comment received from Sharon Cloward.

ACTION: Motion by Councilmember Bush, seconded by Councilmember Molina to invite LAFCO, the State Lands Commission, and the Port of San Diego to participate in a City Council meeting occurring in May to discuss the Municipal Service Agreement.

Substitute Motion by Mayor Morrison for the City to postpone the item until LAFCO received indication that they have jurisdiction, seconded by Vice-Mayor Yamane. After further discussion, Vice-Mayor Yamane withdrew her second.

Substitute motion failed due to lack of a second.

Original motion.

Ayes: Bush, Molina

Nays: Rodriguez, Yamane, Morrison

Motion failed by 3-2 vote.

14.2 POLICY 105 REQUEST - Support of AB 2783 - Requested by Councilmember Bush

Councilmember Bush introduced the item.

In-person comment:

Jennifer Blackhall

Edward Nieto

Eddie Perez

Kyle Heiskala

Ansermio Estrada

Bridget Browning

Virtual Comment:

Janice Reynoso

Sharon Cloward

Sophie Silvestri

ACTION: Motion by Councilmember Bush, seconded by Councilmember Molina to place the item on the agenda for a Special City Council meeting before April 24, 2024.

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

Motion failed by 3-2 vote.

Closing remarks were provided by members of the City Council.

15. CITY ATTORNEY REPORT

No report.

16. ADJOURNMENT

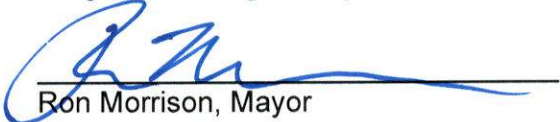
Mayor Morrison adjourned to the Regular Meeting of the City Council of the City of National City, on Tuesday, May 7, 2024, 6:00 p.m. in the Council Chamber, located in City Hall, 1243 National City Boulevard, National City, California.

The meeting adjourned at 11:36 p.m.



Tonya Hussain, Deputy City Clerk

The foregoing minutes were approved at the Regular Meeting of May 7, 2024.



Ron Morrison, Mayor