General Public Comment - Leslie Johnson

From: leslie johnson
To: Public Comment
Subject: parking
Date: Thursday, April 17, 2025 5:18:00 PM

---

the city has become a nightmare for parking...the city makes laws about parking then does nothing to enforce those laws.. the city passed laws about commercial trucks, motor homes and trailers parking on the streets.. All one has to do is drive around the city after 5 when the parking enforcement goes home and on the weekends when the parking enforcement fdoesn;t work at all, and see the amount of violations on the street. I walk around my block and find a dozen on one street. the city needs to limit the amount of cars one house can have also.. between 3 houses on my street they have 21 cars..and believe every house is their parking zone.. on 7th stree 22 houses have 85 cars? the population of NATIONAL CITY IS SUPPOSED TO BE 63 000..yet there has to be 200,000 cars? people lied in the census saying only their family lived there when there is a dozen... we have a business on palm with no license to do business in national city parking his box trucks and trailers at night in front of other peoples houses denying those houses from parking in front of their own house.. his yard is filled with junk trucks and motor homes..neighborhood services said they were going to make him clean it up 9 months ago.. the city clickfix it system no longer works as there are issues a year old on it that have been reported over and over again with no results..I notified one councilman directly and he asked for the address's of these violations so I sent them to him and here we are still with the problems..the city needs a night time parking authority as that is when all the parking problems happen..people come home from work and ark where they can..and the 20 feet from the corner law is being ignored as well.. hope someone does something..

General Public Comment - Alisha Morrison

From: donotreply@escribemeetings.com on behalf of eSCRIBE.Admin
To: Tonya Hussain
Subject: Public Comment Received
Date: Tuesday, April 22, 2025 9:49:07 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

User Alisha Morrison has enter the following comment(s):

At 12/2/24 Planning Commission meeting the question of the status of residence at 2305 Sweetwater Rd was brought up. Tom Morgan stated since this single family residence was not going to be proposed as part of the development the plan was going to be "Remodel and upgrade and then probably rent out the single family. That's their current plan." To date, no action has been taken to make improvements to this residence. I am requesting a Monitoring Fee be imposed per 7.06.090 - Vacant building

for PUBLIC COMMENT (Comment will be specific to Agenda Item) in Special City Council Meeting 4/22/2025 3:30:00 PM

Please log into eSCRIBE to review the submitted comment(s).

General Public Comment - Alisha Morrison

From: Mama Dog
To: Clerk
Subject: Public Comment
Date: Tuesday, May 6, 2025 1:53:13 PM

A big recognition and appreciation to the Civil Engineering Department: Jason Jasmund, Charles Nissley and the two Vaccuum Operators (I don't know their names). There was an issue at 2311 Sweetwater Rd with an abandoned blow valve and water meter. There was the question of who was responsible: National City or Sweetwater Authority. On April 29th the Civil Engineering Department addressed my concerns with professionalism and shared in my concern and the need for action. The very next day Sr. Civil Engineer Mr. Charles Nissley and his team arrived at the site to determine the issue, documented it and forward to the correct agency for remedy.

A warm welcome to Steve Huth, Interim City Manager please address these concerns immediately for the safety of a residential community.

Code Enforcement Division of an abandoned residential dwelling which is located at 2305 Sweetwater Rd., National City. This issue is in the boundary of District 4 of National City. This dwelling has been unoccupied and abandoned for well over 90 days and constitutes immediate response from the City of National City to remedy health and safety concerns to the citizens of my neighborhood and that of the surrounding residential community.

At December 2, 2024 Planning Commission meeting the question of the status of this residence at 2305 Sweetwater Rd was brought up. **Tom Morgan stated since this single family residence <u>was not going to be proposed as part of the development</u> the plan was going to be "Remodel and upgrade and then probably rent out the single family. That's their current plan."**

To date, no action has been taken to make improvements to this residence other than weed abatement.

Since the owner has not moved forward in the remodel and residence remains abandoned and vacant then the City of National City must impose a monitoring fee to assure the safety of the residents in the neighborhood community.

This property is in violation of NCMC - Code of Ordinance Title 7, PROPERTY CONSERVATION AND COMMUNITY APPEARANCE

Code Chapter 7.06- ABANDONED BUILDINGS AND FACILITIES- 7.06.040- Abandoned buildings-Nuisance Abatement

7.06.020 - Definitions.

For the purposes of this chapter, "abandoned building" means a building that is vacant, and which:

A. Has become unsecured or dilapidated; or

D. Because of its physical condition invites vandalism, arson, drug dealing, and other crime problems; or

E. Because of its physical condition constitutes a refuge for vagrants; or

F. Because of its physical condition constitutes a fire hazard; or

G. Because of its physical condition creates blight and depreciates surrounding property value; or

I. On at least three occasions within a twenty-four-month period, has been barricaded and thereafter became unsecured so that persons could enter it.

(Ord. 2175 § 1 (part), 2000)

7.06.040 - Abandoned buildings—Nuisance—Abatement.

Any building determined by the director of building and safety to be an "abandoned building" under the provisions of this chapter, is a public nuisance and shall be abated in accordance with the procedures for abatement of public nuisances and recovery of costs set forth in Chapter 1.36 of this code. The Uniform Code for the Abatement of Dangerous Buildings may be used where the building qualifies as a "dangerous building" under that code.

(Ord. 2175 § 1 (part), 2000)

7.06.090 - Vacant building monitoring fee.

A. Fee Imposed. An annual building monitoring fee as set forth in the National City fee schedule adopted by the city council shall be paid by every owner of a vacant building. The fee shall be periodically reviewed and adjusted by resolution of the city council. The fee shall not exceed the estimated reasonable costs of monitoring the vacant building. The fee shall be payable as to any residential or nonresidential building which:

1. Is boarded up by voluntary action of the owner or as the result of enforcement activity by the city; or

2. Is vacant for more than ninety days for any reason.

B. Fee Waiver. The vacant building monitoring fee shall be waived by the director of building and safety upon a showing by the owner that:

1. The owner has obtained a building permit and is progressing diligently to repair the premises for occupancy;

or

2. The building meets all applicable codes and is actively being offered for sale, lease or rent; or

3. Imposition of the fee would impose a substantial economic hardship on the owner or would hinder the rehabilitation of the building.

C. Procedure.

1. The vacant building monitoring fee shall be billed to the owner of the property and mailed to the owner's address as set forth on the last equalized assessment roll of the county assessor.

2. Any owner billed may apply for a waiver for the grounds set forth in subsection B of this section by submitting a written statement of the grounds for the waiver, together with the owner's daytime telephone number, to the director of building and safety within thirty days after the billing is mailed to the owner. The director of building and safety shall review the written statement and may contact the owner to discuss the application of the waiver. The director of building and safety shall prepare a written decision regarding the waiver request, which shall be mailed to the owner.

3. An owner aggrieved by the decision of the director of building and safety relating to an application for a waiver may appeal the director's decision to the advisory and appeals board by submitting a written notice of appeal to the director of building and safety as set forth in Section 15.04.060 of this code. The

decision of the board shall be final.

4. If the fee is not paid within sixty days after billing, or within sixty days after the decision of the director of building and safety or the advisory and appeals board becomes final, the city council may thereupon order that the fee be specially assessed against the property, it shall confirm the assessment and thereafter order the assessment to be collected at the same time and in the same manner as ordinary real property taxes are collected. The assessment shall be subject to the same penalties and the same procedure and sale in the case of delinquency as is provided for ordinary real property taxes. All laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.

(Ord. 2175 § 1 (part), 2000)

Physical appearances are described as follow:

A broken window that is boarded up from the inside, the window A/C unit is boarded up from the outside, trash is starting to build up in the car port, damaged rain gutters that restrict the natural flow of rain causing water to remain pooled making it a favorable environment for mosquitoes to breed, the car port remains exposed making the property favorable and easily accessible for refuge for homeless or drug dealing.

Because of the physical condition it creates blight and depreciates the surrounding property value of the residential community.

In your staff reports at Council Meetings please address the actions that will be taken to resolve the violations at this property and the resolution of the issues,

Thank you,

Alisha Morrison

Reply Reply all Forward

General Public Comment - Manuel Andrade

From: donotreply@escribemeetings.com on behalf of eSCRIBE.Admin
To: Tonya Hussain
Subject: Public Comment Received
Date: Monday, May 5, 2025 5:49:50 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

User Manuel Andrade has enter the following comment(s):

My name is M. Andrade, coordinator for the NC Coalition for Better Health. Today, the city committed to present the Tobacco Retail License ordinance. Although disappointing, we understand city staff is busy. Today, we also learned from the SD County Tobacco Control Program that 4 new businesses were ID in National City selling tobacco w/out a state license. We urge the city to take this seriously & commit to a new date without delay. Protecting youth from the industry is a must. Thank you!

for PUBLIC COMMENT in Regular City Council Meeting 5/6/2025 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).

General Public Comment - Mary Badiner

From: Mary Badiner
To: Public Comment
Subject: General Public Comment 5/6/2025 Meeting tonight
Date: Tuesday, May 6, 2025 2:06:03 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

For tonight's meeting – 5/6/2025 General Public Comment:

Good evening,
As a public health advocate for over 30 years and as parent of young adults, I am concerned about the high rates of illegal tobacco sales to youth and young adults in our cities. The Young Adult Tobacco Purchase Survey results conducted by SAY San Diego in National City, Imperial Beach and the city of San Diego, average 25% of illegal sales. This is unacceptable. Vaping is a new epidemic among youth and it's out of control.

National City needs a strong tobacco retail license because in California, it is illegal for retailers to sell tobacco products to anyone under the age of 21. A TRL can significantly reduce the number of illegal sales to youth, it can generate revenue to fund programs to protect youth from illegal sales and can include hefty fines and penalties for stores that violate the law, including suspension or revocation of the license.

Having retailers be held responsible for what they are selling to our youth and holding them accountable when they break the law seems like the right thing for National City to do to help support our youth from becoming addicted to nicotine and having an entire new generation of smokers and vapers. Kudos to the majority of tobacco retailers who respect the community and youth and who follow the law.

Thank you.
Mary

Please sign our petition advocating for smoke-free multi-unit housing in the following cities:

San Diego: change.org/smokefreeSD
Chula Vista: change.org/smokefreeCV
IB: change.org/smokefreeIB

Mary Badiner | San Diego Smoke-Free Project
SAY San Diego | ATOD Program
4275 El Cajon Blvd., Suite 101 | San Diego, CA 92105
[redacted]
Pronouns: she/her/hers
Like us: https://www.facebook.com/smokefreehousing
www.saysandiego.org

General Public Comment - Ted Godshalk

From: donotreply@escribemeetings.com on behalf of eSCRIBE.Admin
To: Tonya Hussain
Subject: Public Comment Received
Date: Tuesday, May 6, 2025 1:02:52 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

User Ted Godshalk has enter the following comment(s):

Councilors, Please read my submitted email comments concerning seven City Council Policies that were violated by Councilmember Jose Rodriguez at the April 18, 2025 Special meeting. Please take appropriate actions to remedy these violations and restore order to the City Council proceedings. Also, I have submitted comments for items 10.1 and 11.2 through eScribe. Thank you.

for PUBLIC COMMENT in Regular City Council Meeting 5/6/2025 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).

From: Ted Godshalk
To: Public Comment
Subject: Public Comment for City Council meeting of May 6, 2025 from Mr. Ted Godshalk
Date: Tuesday, May 6, 2025 12:14:58 PM

Public Comment for City Council meeting of May 6, 2025 from Mr. Ted Godshalk:

Council,

I would like to call your attention to the violation of several sections of the City Council Policy Manual by Councilman Jose Rodriguez during the Special Meeting of April 18, 2025. First, Mr. Rodriguez did not adhere to **Policy number 104, Section IX. Voting, Sub- Section C** when he did not take his Council seat on the dias and officially participate in this very important Special Meeting. The policy requires a Councilor to publicly state the nature of the disqualifying conflict of interest. Mr. Rodriguez did not state a valid reason for stepping aside from his duties as an elected official. He cannot choose when to avoid decisions in this manner. He cannot dodge the City Council responsibilities to the public unless he can cite a conflict of interest. Related to this breach of policy, **Policy 104, Section IX. Sub -Section D. Failure to Vote** states that "The vote of a Councilmember who abstains absent a disqualifying conflict of interest shall be counted with the majority vote of the quorum on the question voted upon." To correctly follow this policy, the vote recorded in the action at this Special Meeting would have to include a vote BY Mr. Rodriguez WITH THE MAJORITY. The votes recorded in the Minutes of the Special Meeting must be changed before approving them.

Furthermore, Mr. Rodriguez did not follow **Policy 104, Section IX. Sub- Section A. Obtaining the Floor.** Mr. Rodriguez chose to vacate his elected position and council seat and speak from the floor. The City Council speaks from the dias, unless there is reasonable conflict of interest, and Mr. Rodriguez did not state his conflict of interest. Does he have one? If he had one he should have stated it for the official record of the meeting.

Also, Mr. Rodriguez violated **Policy 104, Section XI, Sub- Section A. 8**. It states "Councilmembers should be mindful that the purpose of the public hearing is to obtain testimony, and not to debate the merits of the item under consideration. Councilmembers should avoid debate and expressions of personal opinion until the close of the public hearing."

When Mr. Rodriguez did not participate as elected official in his official capacity, and instead chose to speak his personal opinions without a stated valid disqualification, he did not follow his oath of office nor his responsibilities to the public of our city. Mr. Rodriguez also did not follow policy **Code of Ethics. Policy 119, Section III Sub-section 2 - Conduct** which states that "Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Elected Officials, Council appointed Officials, City Staff, Board, Commission and Committee Members, or the public."

Additionally, Mr. Rodriguez violated **Policy 113-Unauthorized Disclosure of Information revealed in Closed Session.** Mr. Rodriguez claimed that the City Council was going against an official position that they had voted on in a previous Closed Session. With his claim, he divulged Closed Session information that was not previously released to the public. You have

several remedies here. This violation may be enforced with referral to the District Attorney or to the Grand Jury, or with a censure by the City Council. Clearly, a censure as a warning, at minimum, is warranted.

Lastly, Mr. Rodriguez spoke from the podium, along with an organized group of speakers. It is possible that Mr. Rodriguez violated **Policy 116 - Procedures for Disclosing Ex Parte Contacts**. The policy states that the decision maker is required to be impartial and without bias. Mr. Rodriguez clearly spoke his personal opinion which may have been formed in consultation with other involved people. Any personal interest or involvement in the outcome of a matter requires a disqualification of the decision maker. Mr. Rodriguez may have purposefully avoided disclosing his involvement with the matter by stepping into the audience, but that is not the proper legal method to take. It is possible that this may explain his avoidance of his responsibilities as an elected official. This policy requires modification to include remedies for violations, similar to the Policy 113.

The City Council should take formal action against Mr. Rodriguez to remedy all of the seven violations of City Policy.

Respectfully,
Ted Godshalk

From: Chelsea Walczak Vircks
To: Public Comment
Subject: Non Agenda Public Comment for Tonight"s Meeting (5/6/25)
Date: Tuesday, May 6, 2025 2:18:14 PM
Attachments: image005.png
image006.png
image007.png
image008.png
image009.png

Hi,

I would like to submit this public comment for the record (and to be read if possible):

Good evening council,

My name is Chelsea Walczak Vircks, I am the Senior Community Impact Director for the American Heart Association in San Diego County.

As someone who frequents National City, for work and leisure, I am commenting as a concerned citizen and ardent public health advocate to support a strong tobacco retail license for National City. I believe National City should move forward with a comprehensive licensing policy that includes annual compliance checks and complete cost recovery fees, as not to put the cost on all taxpayers. This is the best way to ensure retailers are not selling tobacco products to kids AND it levels the playing field for businesses. Everyone should be following the tobacco laws on the books and a local tobacco retail license is a key way to ensure this is happening.

In March, the city council voted to bring this ordinance back for review and approval in May. Please don’t delay this action!!

This is our opportunity to make a significant difference in the health and wellbeing of our kids and our community.

Thank you,

Chelsea Walczak Vircks
Sr. Community Impact Director, San Diego
American Heart Association
9404 Genesee Ave, Suite 240 | San Diego | CA | 92037
[redacted]
Pronouns: she/her/hers
Privacy policy: **www.Heart.org/Privacy**

Comment received after the deadline

From: Cynthia Knapp
To: Public Comment
Subject: Non-Agenda Public Comment 05/06/2025
Date: Tuesday, May 6, 2025 4:07:58 PM
Attachments: Outlook-r4ok1gyu.png

Hello,

Please accept this non-agenda public comment for this evening's City Council meeting.

I would like to reiterate the value of Tobacco Retail Licensing and to extend appreciation to the council for voting to direct staff to develop this important policy.

We understand the TRL program will not be available until August 7. In the meantime, please recall that businesses who are selling prohibited tobacco products, such as menthol cigarettes and flavored vapes, are violating California's Unfair Competition law. Without being held accountable, they are having an unfair advantage over National City's law-abiding retailers.

Additionally, we recently learned of four (4) businesses in National City who are selling tobacco products without a state-issued license to do so. This means no one, not CDTFA nor local enforcing mechanisms, is ensuring these stores are complying with tobacco retail policies.

A local TRL program will nip this unlawful practice in the bud, level the playing field to keep the city business friendly, and support law enforcement in helping tobacco retailers be compliant with local, state, and federal tobacco sales laws.

Respectfully,
Cynthia Knapp

Cynthia (Cindy) Knapp, MPH| Senior Program Manager
(she, her, hers)
SAY San Diego | ATOD Community Engagement
4275 El Cajon Blvd. Ste. 101 | San Diego, CA 92105
[redacted]
www.saysandiego.org

intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the contents of this information in any manner is strictly prohibited

Item 8.8 - Alisha

From: donotreply@escribemeetings.com on behalf of eSCRIBE.Admin
To: Tonya Hussain
Subject: Public Comment Received
Date: Tuesday, May 6, 2025 11:12:38 AM

User Alisha has enter the following comment(s):

This report cannot be accepted due to inaccuracy. "November 18, 2025" The proposed project was in a suburb community RESIDENTIAL and NOT an urbanized area. The March 19, 2024 Land Use Element policy LU-1.6 "Preserve existing stable single family residential neighborhoods where higher density development would not be desirable." The issues with CEQA/Traffic & Variances, this project should have NEVER gone to the Planning Commission. This project does not go with the General Plan.

for Staff Report Describing the Discretionary Application Process for the Sweetwater Gas Station Project. in Regular City Council Meeting 5/6/2025 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).

Rebuttal to City of National City's May 6, 2025 Report

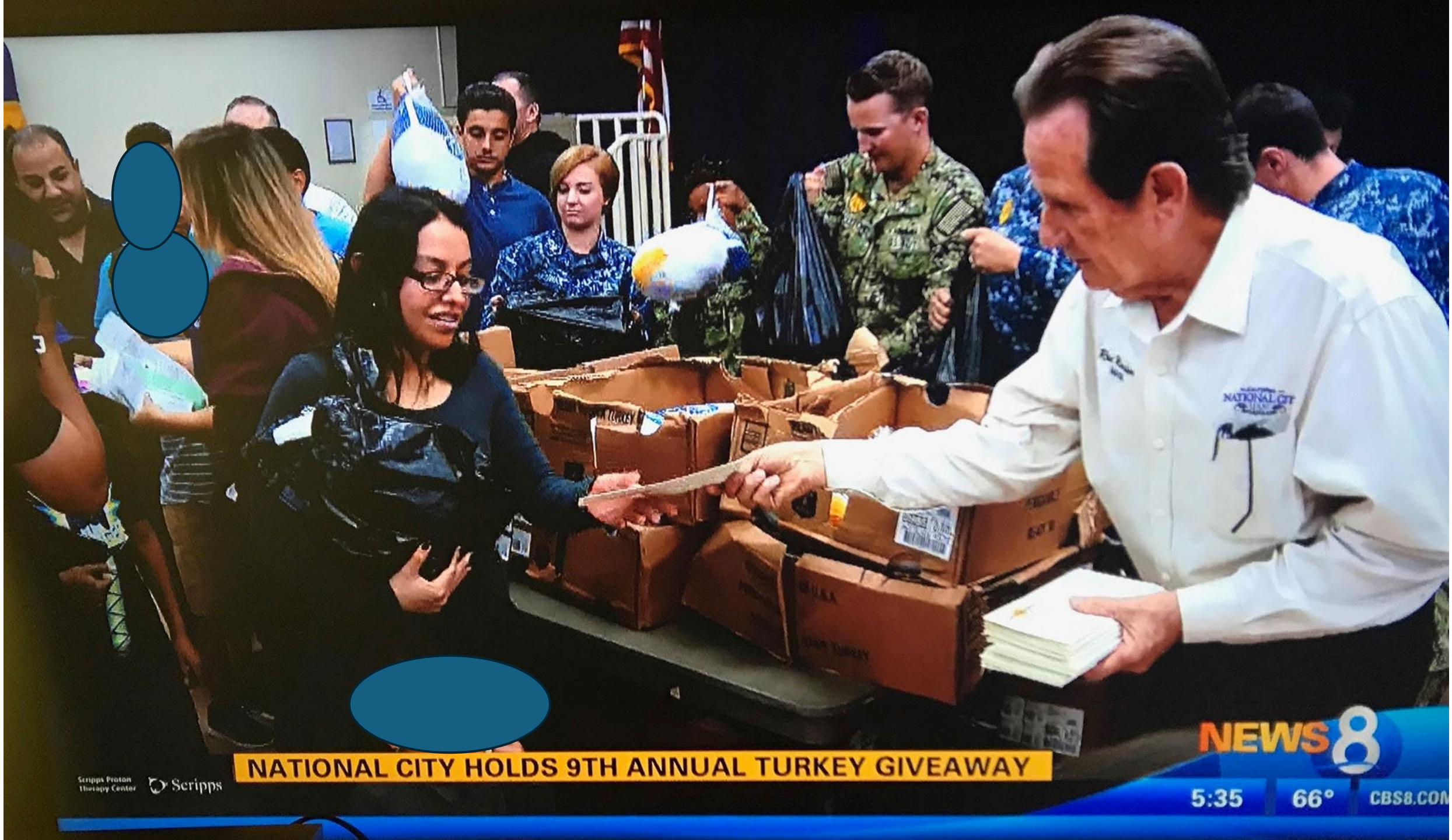
Agenda Item 8.8

Aguirre & Severson, LLP
Michael J. Aguirre, Esq. Maria C. Severson, Esq.

Art. 1, Sec. 3(a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good. **California State Constitution**


PROTECTIONIST
TRUST
THE SAME OLD POWER BEHIND THE THRONE.


CALIFORNIA
NATIONAL CITY
1887
INCORPORATED


NATIONAL CITY HOLDS 9TH ANNUAL TURKEY GIVEAWAY
Scripps Proton Therapy Center
Scripps
NEWS 8
5:35
66°
CBS8.COM


READY TO COOK TURKEY
PRODUCT OF U.S.A.
PERISHABLE
READY TO COOK TURKEY

Naval Base San Diego
December 22, 2014 ·

Mayor of National City, Ron Morrison, and owner of the Mobil gas station, Eddy Brikho, donates ham to Naval Base San Diego Sailors for their families to enjoy during the holidays. HUGE thanks along with Josie, Jim Brikho and Joseph Brikho for the generous gift!

The Mayor's May 6, 2025 Confession:

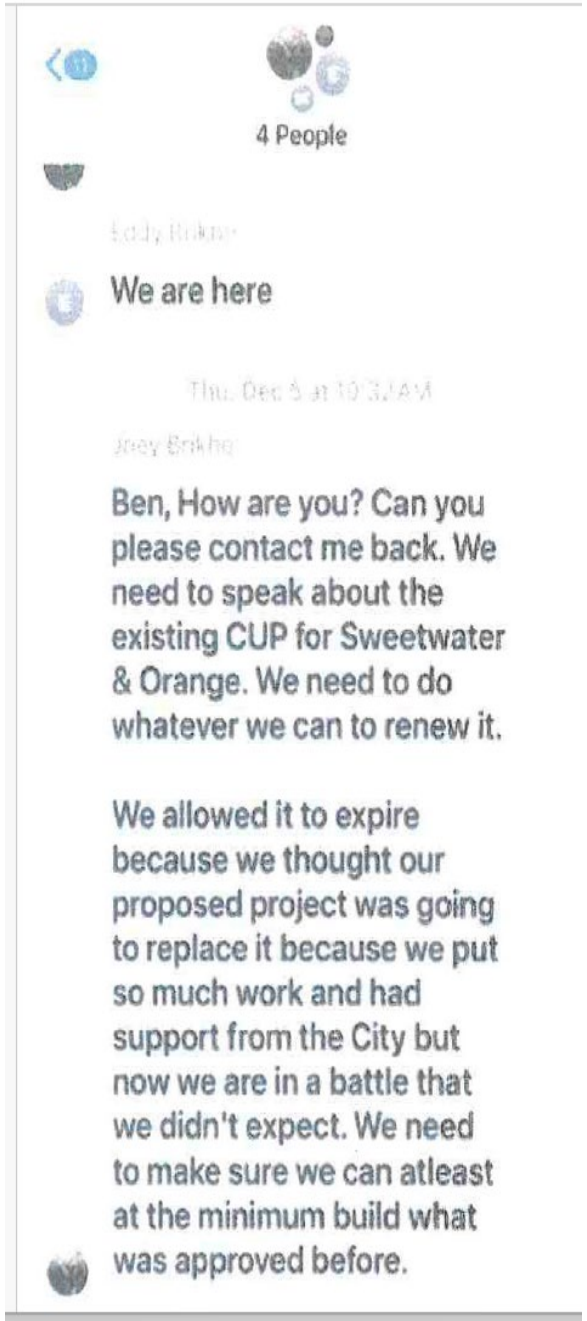
In this case, the Mayor and his assistant did on occasion communicate with the applicant regarding concerns the applicant had regarding the process. These procedural questions were relayed to staff via the City Manager and ultimately addressed with the applicant. These ex parte communications **would have had to be disclosed** had there been a hearing on the Project before the City Council.

Applicant’s existing CUP expired April 2024

projects through the regulations of the Municipal Code (NCMC). The applicant for this project submitted a Conditional Use Permit[1] (CUP) application on **April 29, 2024** for a retail convenience store with alcohol sales, drive-through food/beverage business, gas station, automated car wash,

[1] A Condition Use Permit is a type of land development permit that allows a use of land that isn't normally permitted by zoning laws, but can be allowed if specific conditions are met.

There was also an approved project for a small commercial center with a drive-through coffee shop, but **that permit expired the same month as the subject permit was submitted [April 2024]** . (May 6 Report, Agenda p. 138)



We allowed it to expire because we thought our proposed project was going to replace it because **we** put so much work and **had support from the City**

Why?

Over 60 years ago, the Cal. Court of Appeal made clear: "A public officer is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal, and diligence and primarily for the benefit of the public . . .”

Hermosa Beach case: 48 Cal.App.4th 1152: Our Supreme Court requires “impartiality of the adjudicators.

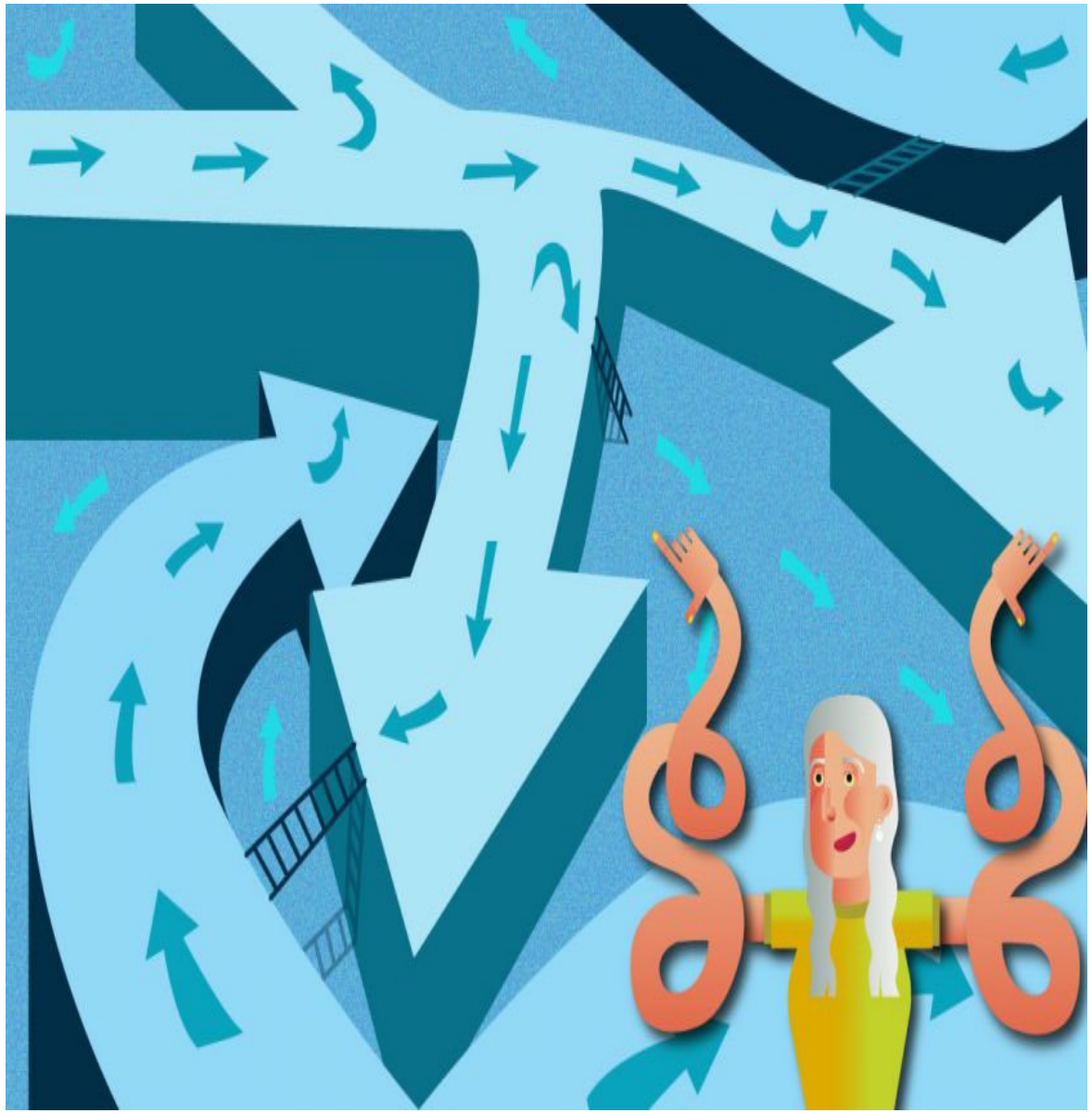
"There is a right to ‘impartial adjudicators.’” *Applebaum v. Board of Directors* (1980) 104 Cal.App.3d 648, 657-658

The applicant found that compliance with all applicable Municipal Code design guidelines was **not possible** ** the applicant applied for a Zone Variance, which requested wider driveways, less-than required street wall width (May 6, 2025 pp. 139-140)

From: David Welch <dwelch@nationalcityca.gov>
Date: 10/9/24 8:30 AM (GMT-08:00)
To: Thomas Morgan [redacted]>
Cc: Eddy Brikho [redacted]
Joseph Brikho [redacted]>,
Martin Reeder mreeder@nationalcityca.gov

Subject: RE: 2311 Sweetwater Road CUP Applications

Good Morning Tom, Reviewing my notes, there would be a need for **three variances** without further modifications to the development plan.



From: josephbrikho
To: Josie Flores-Clark - NC Mayors Office; Eddy Brikho
Subject: 2311 Sweetwater Road CUP Applications
Date: Wednesday, October 9, 2024 8:57:17 AM
Attachments: image001.png

Thank you, Joseph Brikho
[redacted]
License#01434636

----- Forwarded Message -----
From: David Welch <dwelch@nationalcityca.gov>
To: Thomas Morgan [redacted]>
Cc: Martin Reeder <mreeder@nationalcityca.gov>; Joseph Brikho [redacted]>; Michael Kinoshita [redacted]>; Eddy Brikho [redacted]
Sent: Wednesday, October 9, 2024 at 02:15:18 PM PDT
Subject: RE: 2311 Sweetwater Road CUP Applications

A Zone Variance is $3,700. We would treat this the same as the CUP…**multiple requests under one permit**.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950
August 6, 2024
Adeeb Brikho, Manager
Highland Avenue Property Investments, LLC
2945 Highland Avenue
National City, CA 91950

Subject: Case File No. 2024-08 CUP 2311 Sweetwater Road, 3320-3336 Orange Street – Sweetwater Gas Station Project

1. Staff is unable to make a determination on the level of environmental clearance that will be required for this project under the **California Environmental Quality Act** without further information. **A traffic analysis is needed** for the project. Queueing analysis should include the car wash.

From: Eddy Brikho

To: Josie Flores-Clark - NC Mayors Office

Subject: Fw: 2024-08 CUP - Response Letter and Updated Drawings

Date: Thursday, August 15, 2024 11:30:19 AM

Attachments: 2024-08 CUP Incomplete Letter RESPONSE 8-15-24.pdf;
BRIKHO progress set 8-15-24.pdf

From: JClark@nationalcityca.gov
Sent: Thu, 15 Aug 2024 18:41:59 +0000
To: RMorrison@nationalcityca.gov; [redacted]
Subject: FW: 2024-08 CUP - Response Letter and Updated Drawings
Attachments: 2024-08 CUP Incomplete Letter RESPONSE 8-15-24.pdf, BRIKHO progress set 8-15-24.pdf

From: Eddy Brikho [redacted]>
Sent: Thursday, August 15, 2024 11:29 AM
To: Josie Flores Clark <JClark@nationalcityca.gov>
Subject: Fw: 2024-08 CUP - Response Letter and Updated Drawings

It was determined that the Project was presumed to have a less-than-significant impact on Vehicle Miles Traveled (VMT).
May 6 Report, p. 139)

CALIFORNIA NATIONAL CITY 1887 INCORPORATED

AGENDA REPORT

Department:	Planning
Prepared by:	Martin Reeder, AICP – Asst. Director of Community Development
Meeting Date:	Tuesday, May 6, 2025
Approved by:	Scott W. Huth, Interim City Manager

CEQA

Planning staff brought this project application forward to the Planning Commission with the recommended adoption of a CEQA Notice of Exemption as an Infill Development Project. (May 6, 2025, p. 142)

Proposed Solution:

Micaela Polanco v. City of National City
Case No. 25CU022948C

Plaintiff desires a judicial determination that Defendant City of National City has the legal authority to restore the .80-acre parcel to RS-2 and the corresponding General Plan to *Low-Medium Density Residential.*

Item 10.1 - Mitchell Thompson

From:	Mitchell Thompson
To:	Ron Morrison; Luz Molina; Marcus Bush; Jose Rodriguez; Ditas Yamane; Public Comment
Cc:	Molly Kirkland; Alan Pentico; Melanie Woods; George Ching Psar
Subject:	Fwd: National City Sewer Rate Structure as Delineated in the City"s 2025 Rate Study--Please consider this Public Comment
Date:	Monday, May 5, 2025 12:53:54 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I beleive your rate study is inadequate, has bad information and unfairly benefits mobilehome residential customers and single family residential customers at the3 expense of multifamily/condo customers. I beleive adopting the current proposal with these problems may subject the City to potential litigation from multifamily/condo users. I previously sent the attached public comments to you and include that email along with this email as written public comment at your public hearing on May 6, 2025. The following delineate my issues:

General Issues with Your Methodology:

- The ADU equivalent methodology for assessing sewer rates is not accurate enough. Breaking down residential categories by single family, multifamily/condo, and mobilehome makes no sense. That breakdown implies that occupants of those categories in some way act differently from one another. There is no evidence of that that I know of. The amount of demand on the sewer system is based on the number of occupants. The predictive number of occupants is more based on the number of bedrooms than the unit type classification being used. Therefore a better way to breakdown residential users is simply by the number of bedrooms in the residential unit irrespective of whether it's a single family, multifamily or mobilehome.
- The EDU equivalents-- .8 for multifamily and .6 for mobilehome users-- is not substantiated for accuracy if you are to use those equivalencies.
- You study sites approval from the State Water Resources Control Board of the State of California (SWRCB) and the US EPA. I could not find evidence of that, only. I could only find that the State has established Best Management Practices (BMPs) for stormwater management and water quality, but there are significant differences to consider between sewage rates and stormwater management and water quality.

Specific Issues with Your Data:

- Table 3-3 of you study by the Adurra Group on Pg. 3-6 has significant errors. Your MGD Billing Flows and HCF Billing Flows should produce the same gallons per day usage for each residential class. They do for multifamily and mobilehome categories but donot for the single family category. (see below). Moreover the usage for single family per unit per day is shown to be much less (either 159 or 185 gal per day per unit) than multifamily which is shown to be 268 gal per day per unit. This makes no sense since you have decided that multifamily units should equate to.8 EDUs vs 1 edu for single family. Moreover, I have looke at your data as compared with my 8 plex in National City. Here is the data on my 8plex. All are 2 bedroom units of approx. 800 sf. The average number of occupants is exactly 3 per unit. Over the last year the total water consumption including landscaping is approximately 136 gallons per day. I believe the avg number of bedrroms for multifamily would be slightly below 2 per unit. Therefore, your chart depicts my multifamily unit as creating 268.2 gal per day as the sewer flow from my property. This is twice what is actually being produced by my property. The study does not bear out my situation in any manner. Based on your study I am likely being charge about twice what I should be for sewer fees.

- Lastly, why in the world should mobilehome users be only receiving a 1% rate increase as opposed to all other residential users. There is no rationiale provided as to why this should be the recommendation..
-

Units of Service and Loadings		FLOW: A			B
User Group	**No. of Active Customers**	**Billing Flow**	**Gallons/day per unit Based on MGD Flow**	**Gallons/day per unit Based on HCF Flow**	**Billing Flow**
		(MGD)			(HCF)
Single Family	5,969	0.9546	159.9	185.8	541,160.1
Multi-family/Condo	8,293	2.2238	268.2	268.2	1,085,130.9
Mobile Homes	365	0.0382	104.7	104.7	18,651.0
Subtotal- Residential	14,627	**3.22**	219.9	230.5	**1,644,942.00**

---------- Forwarded message ---------
From: **Mitchell Thompson** [redacted]
Date: Fri, Apr 11, 2025 at 5:22 PM
Subject: Fwd: National City Sewer Rate Structure as Delineated in the City's 2025 Rate Study--Please consider this Public Comment
To: <publiccomment@nationalcityca.gov>

I own a small multifamily apartment property in the City of National City. Page 19 of your current rate study provides the following:

Rate Design Analysis: As part of the rate setting process a routine review of an agency's sewer service charge rate structure is performed. This is done to assure that the agency's rate structure meets industry standards as well as complies with local, State, and Federal guidelines and regulations. The City of National City first established their current rate structure in the mid-1990's and it was submitted to the State Water Resources Control Board of the State of California (SWRCB) and the US EPA. The rate structure and the cost allocations upon which it is based were approved by both the SWRCB and the US EPA. These principles still meet industry standards today and follows Best Management Practices (BMP's) established by the State of California, and thus there are no recommended changes to the existing rate structure. The City uses a combination of EDU's for residential users and water based rates for commercial/industrial users. Single family residential users are considered to be 1 EDU, and multifamily/condo users 0.78 EDU, and mobile home users 0.61 EDU. Commercial/industrial users are grouped based on their estimated sewage strengths into five classes of users. Each year 90% of the prior year's water usage per commercial/industrial customer is used to determine the upcoming year's sewer service charge.

While the assumption for each distinct residential category is based on some rate structure submitted many years ago, I do not believe the ADU percentage by category is either a fair or accurate method of allocating sewer cost to your sewer rate payers. As mentioned, I own a small apartment property in National City. I believe the condo/multifamily category is likely significantly subsidizing the mobilehome category, and to a lesser degree, the single family category. I believe the system that is being used is arbitrary and without adequate analysis. A much fairer system would be simply based on the number of bedrooms in a residential unit irrespective of whether or not it is SFR, multifamily or mobile home. That basis is more

predictive of the number of people living in the unit which directly drives the amount of household water use that ends up in our sewage system. I believe the rate study is inadequate. If the proposed rate is approved at this time due to timing of implementation, I believe the City should look to conduct an up-to-date analysis of actual usage and should consider an alternative method of charging based on the number of bedrooms in a residential unit. I believe the current EDU system is resulting in the multi-family/rental housing industry unfairly subsidizing the other residential uses. Ultimately, National City's renters are the ones who end up paying for the sewer charges on multifamily properties. I think there is s fairer method of allocating sewer costs in National City as well as other jurisdictions in San Diego County.

Contrary to the following statement in your rate study, "*The rate structure and the cost allocations upon which it is based were approved by both the SWRCB and the US EPA. These principles still meet industry standards today and follows Best Management Practices (BMP's) established by the State of California, , and thus there are no recommended changes to the existing rate structure.*" it has come to my attention that, in fact, the State of California doesn't have any specific BMPs for sewage rates. The State has established Best Management Practices (BMPs) for stormwater management and water quality, but there are significant differences to consider between sewage rates and stormwater management and water quality. Setting rates for sewer based on the latter two areas of analysis has no real connection that justifies those rates. Full clarification of that linkage is needed and the rationale for that linkage. Again, there is no clear relation between those subjects and they should not be a rationale for setting sewer rates. As such, the cited premise that served as the foundation for the City's rate breakdown by your consultant is flawed and is simply not true. The City needs to reconsider the methodology and needs tto receive an explanation fromthe rate study consultant as to the basis for the costs being proposed. If that is not done, the City's method of distributing costs I seriously subject to legal challenge from the interests of the multifamily rental housing industry and the family multifamily condominium interests

Mitch Thompson
[redacted]

Item 10.1 - Ted Godshalk

From: donotreply@escribemeetings.com on behalf of eSCRIBE.Admin
To: Tonya Hussain
Subject: Public Comment Received
Date: Tuesday, May 6, 2025 10:39:41 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

User Ted Godshalk has enter the following comment(s):

This City Council has previously indicated that it is willing to spend its “reserves” to pay off its structural deficit this year. Can this Council tell the public why that is the right approach? It follows that the Council should spend reserves to shield rate payers from the sewer increase proposed in this agenda item. The residents are already paying enough in fees and taxes.

for Public Hearing and Introduction of an Ordinance of the City Council of the City of National City, Repealing Ordinance No. 2023-2521 and Adopting an Ordinance Establishing Sewer Service Charges for FY 2025-2026, 2026-2027, 2027-2028, 2028-2029, 2029-2030. in Regular City Council Meeting 5/6/2025 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).

Item 11.2 - Ted Godshalk

From: donotreply@escribemeetings.com on behalf of eSCRIBE.Admin
To: Tonya Hussain
Subject: Public Comment Received
Date: Monday, May 5, 2025 4:36:52 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

User Ted Godshalk has enter the following comment(s):

The decision to hire a new City Manager should not follow YOUR previous patterns. First, do not hurry. You should admit that you made a mistake last time and we are paying for it. Second, involve the public with a couple of residents on the interview committee. Third, do not hire an outside firm to start an expensive search. START BY ALLOWING THE HR DEPARTMENT TO DO A PRELIMINARY SEARCH OF CANDIDATES. If their work does not produce a couple of good candidates, then get help. THIS COULD SAVE $$.

for City Manager Executive Recruitment in Regular City Council Meeting 5/6/2025 6:00:00 PM

Please log into eSCRIBE to review the submitted comment(s).