



AGENDA OF A REGULAR MEETING - NATIONAL CITY CITY COUNCIL/  
COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF  
THE CITY OF NATIONAL CITY  
ONLINE ONLY MEETING

<https://www.nationalcityca.gov/webcast>

LIVE WEBCAST  
COUNCIL CHAMBERS  
CIVIC CENTER

1243 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CALIFORNIA  
TUESDAY, APRIL 5, 2022 – 6:00 PM

**ALEJANDRA SOTELO-SOLIS**  
Mayor

**MARCUS BUSH**  
Vice Mayor

**RON MORRISON**  
Councilmember

**MONA RIOS**  
Councilmember

**JOSE RODRIGUEZ**  
Councilmember

**NOTICE:** The health and well-being of National City residents, visitors, and employees during the COVID-19 outbreak remains our top priority. The City of National City is coordinating with the County of San Diego Health Human Services Agency, and other agencies to take measures to monitor and reduce the spread of the novel coronavirus (COVID-19). **The World Health Organization has declared the outbreak a global pandemic and local and state emergencies have been declared providing reprieve from certain public meeting laws such as the Brown Act.**

As a result, the City Council Meeting will occur only online to ensure the safety of City residents, employees and the communities we serve. A live webcast of the meeting may be viewed on the city's website at [www.nationalcityca.gov](http://www.nationalcityca.gov). For Public Comments see "PUBLIC COMMENTS" section below

**ORDER OF BUSINESS:** Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Meetings begin in Open Session at 5:00 p.m. or such other time as noted, and after announcing closed session items, convenes into a Closed Meeting. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

**REPORTS:** All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review on the City's website at [www.nationalcityca.gov](http://www.nationalcityca.gov). Regular Meetings of the Elected Body are webcast and archived on the City's website at [www.nationalcityca.gov](http://www.nationalcityca.gov).

**PUBLIC COMMENTS:** There are multiple ways you can make sure your opinions are heard and considered by our City Council as outlined below:

**Submit your public comment prior to the meeting:** To submit a comment in writing, email [PublicComment@nationalcityca.gov](mailto:PublicComment@nationalcityca.gov), provide the agenda item number and title of the item in the subject line of your email. Public comments or testimony is limited to up to three (3) minutes. If the comment is not related to a specific agenda item,

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National City, CA 91950  
619-336-4240

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minutes available on the  
City's website at  
[WWW.NATIONALCITYCA.GOV](http://WWW.NATIONALCITYCA.GOV)

indicate General Public Comment in the subject line. All email comments received by 4:00 p.m. on the day of the meeting will be emailed to the City Council Members and made a part of the official record.

**Register online and participate in live public comment during the meeting:** To provide live public comment during the meeting, you must pre-register on the City's website at <https://www.nationalcityca.gov/publiccomment> by 4:00 p.m. on the day of the regular meeting to join the City Council Meeting.

\*\*\*Please note that you do not need to pre-register to watch the meeting online, but you must pre-register if you wish to speak.

Once registered, you will receive an email with a link from Zoom to join the live meeting. You can participate by phone or by computer. Please allow yourself time to log into Zoom before the start of the meeting to ensure you do not encounter any last-minute technical difficulties.

\*\*\*Please note that members of the public will not be shown on video; they will be able to watch and listen and speak when called upon. Public microphones will be muted until it is your turn to comment.

Each speaker is allowed up to three (3) minutes to address the City Council. Please be aware that the Mayor may limit the comments' length due to the number of persons wishing to speak or if comments become repetitious or unrelated.

All comments are subject to the same rules as would otherwise govern speaker comments at the meeting. Speakers are asked to be respectful and courteous. Please address your comments to the City Council as a whole and avoid personal attacks against members of the public, City Council, and city staff.

**Questions about public comment or City Council protocols?** Please contact the City Clerk's Office at (619) 336-4228 or via email at [Clerk@nationalcityca.gov](mailto:Clerk@nationalcityca.gov).

**INTERPRETATION SERVICES:** To use the Zoom interpretation feature you must first Pre-Register on Zoom. Once logged into Zoom to use the interpretation feature, please scroll to the bottom of the Zoom screen (where the meeting controls are), click on the interpretation icon (world), and select English as your language. If you are joining using the Zoom mobile app (cell phone, tablet, etc.), please press the ellipsis (...), then Interpretation, and then choose your language.

**WRITTEN AGENDA:** With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

**CONSENT CALENDAR:** Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of the agenda and separately considered, upon request of a Councilmember, a staff member, or a member of the public.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please

contact the City Clerk's Office at (619) 336-4228 to request a disability-related modification or accommodation. Notification 24-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**AVISO:** La salud y el bienestar de los residentes, visitantes y empleados de National City durante el brote de COVID-19 sigue siendo nuestra máxima prioridad. El Ayuntamiento de la Ciudad de National City se está coordinando con la Agencia de Salud y Servicios Humanos del Condado de San Diego y otras agencias para tomar medidas con el fin de monitorear y reducir la propagación del nuevo coronavirus (COVID-19). La Organización Mundial de la Salud declaró el brote como una pandemia global y se han manifestado emergencias locales y estatales que resultan en la suspensión de ciertas leyes de reuniones públicas, tal como la Ley Brown.

Como resultado de ello, la junta del Concejo Municipal del Ayuntamiento se llevará a cabo solamente en línea para garantizar la seguridad de los residentes, empleados y comunidades locales que atendemos. Se podrá ver una transmisión en vivo de la junta en el sitio web del Ayuntamiento en [www.nationalcityca.gov](http://www.nationalcityca.gov). Para comentarios públicos, vea la sección “COMENTARIOS PÚBLICOS” más adelante.

**ORDEN DEL DÍA:** Las sesiones públicas de todas las juntas ordinarias del Concejo Municipal/Comisión de Desarrollo Comunitario - Autoridad de Vivienda (en lo sucesivo denominado Órgano Electo) inician a las 6:00 p.m. el primer y tercer martes de cada mes. Las audiencias públicas inician a las 6:00 p.m., a menos que se indique lo contrario. Las juntas cerradas inician en sesión abierta a las 5:00 p.m. o en cualquier otro momento que se indique, y tras anunciar los temas de la sesión cerrada, la junta se realiza como sesión cerrada. Si se programa una reunión de discusión y análisis, el tema y la hora de la misma aparecerán en la agenda. La Alcaldesa y los Concejales se reúnen por igual que el Presidente y los integrantes del Consejo de la Comisión de Desarrollo Comunitario.

**INFORMES:** Todos los temas e informes de la agenda de la sesión abierta, así como todos los documentos y escritos entregados al Órgano Electo menos de 72 horas antes de la sesión, aparecerán en el sitio web del Ayuntamiento. Las juntas ordinarias del Órgano Electo se transmiten por Internet y se archivan en el sitio web del Ayuntamiento en [www.nationalcityca.gov](http://www.nationalcityca.gov).

**COMENTARIOS PÚBLICOS:** Hay varias formas en las que puede asegurarse de que sus opiniones sean escuchadas y consideradas por nuestro Concejo Municipal como se describe a continuación:

**Envíe su comentario público antes de la sesión:** Para enviar un comentario por escrito, envíe un correo electrónico a [PublicComment@nationalcityca.gov](mailto:PublicComment@nationalcityca.gov), proporcione el número del tema o asunto de la agenda y el título del tema o asunto en la línea de asunto de su correo electrónico. Los comentarios o testimonios públicos se limitan a tres (3) minutos. Si el comentario no se relaciona con un tema o asunto específico de la agenda, indique Comentario Público General en la línea de asunto. Todos los comentarios por correo electrónico recibidos antes de las 4:00 p.m. del día de la sesión se enviarán por correo electrónico a los miembros del Concejo Municipal y formarán parte del acta oficial.

**Regístrese en línea y participe en los comentarios públicos en vivo durante la sesión:** Para proporcionar comentarios públicos en vivo durante la sesión, debe registrarse previamente en el sitio web del Ayuntamiento en

<https://www.nationalcityca.gov/publiccomment> **antes de las 4:00 p.m.** del día de la junta ordinaria para incorporarse a la sesión del Concejo Municipal.

\*\*\*Tenga presente que no necesita registrarse previamente para ver la sesión en línea, pero debe registrarse previamente si desea hablar.

Una vez registrado, recibirá un correo electrónico con un enlace de Zoom para integrarse a la sesión en vivo. Puede participar por teléfono o por computadora. Tómese el tiempo necesario para iniciar la reunión en Zoom antes del inicio de la sesión para asegurarse de no encontrar dificultades técnicas de último momento.

\*\*\*Tenga presente que las personas del público no se mostrarán en vídeo; podrán observar, escuchar y hablar cuando se les solicite. Los micrófonos públicos se silenciarán hasta que sea su turno de comentar.

Cada orador tiene hasta tres (3) minutos para dirigirse al Concejo Municipal. Tenga en cuenta que la Alcaldesa puede limitar la extensión de los comentarios debido a la cantidad de personas que deseen hablar o si los comentarios se vuelven repetitivos o no relacionados.

Todos los comentarios están sujetos a las mismas reglas que de otro modo regirían los comentarios de los oradores en la sesión. Se pide a los oradores que sean respetuosos y corteses. Dirija sus comentarios al Concejo Municipal en su conjunto y evite ataques personales contra personas del público, el Concejo Municipal y el personal del Ayuntamiento.

**¿Preguntas sobre comentarios públicos o protocolos del Concejo Municipal?**  
Comuníquese con la Oficina de la Secretaria del Ayuntamiento al teléfono (619) 336-4228, o por correo electrónico a [Clerk@nationalcityca.gov](mailto:Clerk@nationalcityca.gov).

**SERVICIO DE INTERPRETACIÓN:** Para utilizar la función de interpretación zoom primero debe registrarse previamente en el sitio web de Zoom. Una vez que haya iniciado sesión en zoom para utilizar la función de interpretación, favor de desplazarse a la parte inferior de la pantalla de Zoom (donde aparecen los controles). Haga clic en el ícono de interpretación (globo terráqueo), y seleccione "*Spanish*" (español). Si está utilizando la aplicación móvil de Zoom (celular, tableta, etc.), presione los puntos suspensivos (...), luego "*interpretation*" y luego el idioma.

**AGENDA ESCRITA:** Con contadas excepciones, el Órgano Electo puede tomar medidas únicamente sobre los temas que aparecen en la agenda escrita. Los temas que no aparezcan en la agenda deben aparecer en una agenda subsecuente, a menos que sean de emergencia o urgencia demostrada, y la necesidad de tomar medidas sobre esos temas haya surgido después de haber sido publicada la agenda.

**CALENDARIO DE CONSENTIMIENTO:** Los temas del calendario de consentimiento implican cuestiones de naturaleza rutinaria o no controvertida. Todos los temas de consentimiento se adoptan mediante la aprobación de una sola moción del Concejo Municipal. Antes de la aprobación, cualquier tema puede eliminarse de la parte de consentimiento de la agenda y considerarse aparte, a petición de un concejal, individuo del personal del Ayuntamiento o persona del público.

Previa solicitud, esta agenda puede estar disponible en formatos alternativos apropiados para personas con discapacidades, en observancia de la Ley de Estadounidenses con Discapacidades. Llame al teléfono (619) 336-4228 de la Oficina del Secretario del Ayuntamiento para solicitar una modificación o adaptación de acceso relativa a la discapacidad. Notificar 24 horas antes de la sesión permitirá al Ayuntamiento hacer arreglos razonables para garantizar la accesibilidad a esta junta.

**OPEN TO THE PUBLIC**

**A. CITY COUNCIL**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**PUBLIC COMMENTS (THREE-MINUTE TIME LIMIT)**

**PROCLAMATIONS AND CERTIFICATES**

**AWARDS AND RECOGNITIONS**

**PRESENTATIONS (FIVE-MINUTE TIME LIMIT)**

**INTERVIEWS / APPOINTMENTS**

**REGIONAL BOARDS AND COMMITTEE REPORTS (FIVE-MINUTE TIME LIMIT)**

**CONSENT CALENDAR**

1. [Motion of the City Council of the City of National City, California, approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)
2. [Approval of City Council Meeting Minutes - February 2022. \(City Clerk\)](#)
3. [Adoption of a Resolution Declaring Findings to Continue Teleconference Meetings to May 3, 2022, as required by AB 361. \(City Clerk\)](#)
4. [Resolution of the City Council of the City of National City, California, approving an agreement between the City of National City and the National City Chamber of Commerce for a not to exceed amount of \\$50,000 to assist in addressing the negative impacts of the pandemic to the National City business community and appropriating \\$50,000 from the American Rescue Plan Act funds allocated to General Fund offsets for the agreement. \(City Manager\)](#)
5. [Resolution of the City Council of the City of National City, California, authorizing the issuance of a Request for Qualifications \("RFQ"\) for Employment and Labor Law legal services for the City of National City. \(City Attorney\)](#)

6. [Resolution of the City Council of the City of National City, California, authorizing the Mayor to execute a Common Interest and Mutual Defense Agreement between the San Diego Unified Port District and the City of National City. \(City Attorney\)](#)
7. [Resolution of the City Council of the City of National City, California 1\) accepting the work performed by Perry Electric, Inc. for the Citywide Pedestrian Safety Improvements Project, CIP No. 19-13; 2\) approving the final contract amount of \\$336,625.42; 3\) ratifying the release of retention in the amount of \\$16,831.27; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)
8. [Resolution of the City Council of the City of National City, California 1\) accepting the work performed by Baker Electric for the Citywide Safety Lighting Enhancements Project, CIP No. 19-15; 2\) approving the final contract amount of \\$74,763.84; 3\) ratifying the release of retention in the amount of \\$3,738.19; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)
9. [Resolution of the City Council of the City of National City, California 1\) accepting the work performed by Lekos Electric, Inc. for the E. 4th Street Protected Left Turn Enhancements Project, CIP No. 19-14; 2\) approving the final contract amount of \\$105,934.20; 3\) ratifying the release of retention in the amount of \\$5,296.71; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)
10. [Resolution of the City Council of the City of National City, California 1\) accepting the work performed by Select Electric, Inc. for the Fiber Optic Traffic Signal Interconnect Expansion, Phase 2, CIP 19-08; 2\) approving the final contract amount of \\$383,120.74; 3\) ratifying the release of retention in the amount of \\$19,156.04; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)
11. [Resolution of the City Council of the City of National City, California 1\) accepting the work performed by HMS Construction, Inc. for the Pedestrian ADA Improvements Project, CIP No. 19-09; 2\) approving the final contract amount of \\$234,669.20; 3\) ratifying the release of retention in the amount of \\$11,733.47; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)
12. [Temporary Use Permit - Community Easter sponsored by Heart Revolution Church at 1920 Sweetwater Road on April 17, 2022 from 9 a.m. to 3 p.m. with no waiver of fees. \(Community Development\)](#)
13. [Temporary Use Permit – National Day of Prayer sponsored by Heart Revolution Church at Kimball Park Bowl on May 5, 2022 with no waiver of fees. \(Community Development\)](#)

14. [Temporary Use Permit – 3rd Annual End of Summer Car Show hosted by the San Diego Lowrider Coalition at Kimball Park on Saturday, September 17, 2022 from 11 a.m. to 5 p.m. with no waiver of fees. \(Community Development\)](#)
15. [Investment transactions for the month ended January 31, 2022. \(Finance\)](#)
16. [Warrant Register #34 for the period of 2/18/22 through 2/24/22 in the amount of \\$2,023,377.88 \(Finance\)](#)
17. [Warrant Register #35 for the period of 2/25/22 through 3/3/22 in the amount of \\$454,794.97 \(Finance\)](#)

### **PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS**

18. [Public Hearing and Adoption of an Ordinance of the City Council of the City of National City, California, Repealing and Replacing National City Municipal Code Chapter 2.75, entitled, Election Campaign Regulations. \(City Clerk\)](#)
19. [Public Hearing and Adoption of an Ordinance of the City Council of the City of National City, California, Amending Municipal Code 9.60.230 \(Evidence of a Cannabis Owner\(s\), and Representatives\(s\) Background Check Required\) and 9.60.230\(j\) \(general Operating Requirements for all Commercial Cannabis Businesses. \(City Manager\)](#)

### **NON CONSENT RESOLUTIONS**

### **NEW BUSINESS**

20. [Notice of Decision – Planning Commission approval of a Conditional Use Permit for beer and wine sales at an existing restaurant \(Teriyaki Sun\) located at 4 N. Euclid Avenue, Suite A. \(Applicant: Jose Armando Lua\) \(Case File 2021-24 CUP\) \(Planning\)](#)
21. [Notice of Decision – Planning Commission approval of a Conditional Use Permit for distilled spirits sales \(Type 21\) at a proposed retail outlet \(Tahona Mercado\) to be located at 802 'B' Avenue. \(Applicant: Amar Harrag\) \(Case File 2021-27 CUP\) \(Planning\)](#)
22. [Notice of Decision – Planning Commission approval of a Conditional Use Permit for the operation of a veterinary clinic at an existing Petco store located at 3426 Highland Ave, Suite B. \(Applicant: Pierre Cabral\) \(Case File 2021-29 CUP\) \(Planning\)](#)
23. [Notice of Decision – Planning Commission approval of a Conditional Use Permit for the modification of an existing wireless communications facility located at 700 National City Blvd. \(Applicant: J5 for Dish\) \(Case File 2021-30 CUP\) \(Planning\)](#)



24. [Temporary Use Permit – Cruise Nights hosted by United Lowrider Coalition from May 6, 2022 to October 7, 2022 with no waiver of fees. \(Community Development\)](#)

**B. COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY**

**CONSENT RESOLUTIONS - HOUSING AUTHORITY**

**PUBLIC HEARINGS: RESOLUTIONS - HOUSING AUTHORITY**

25. [Public Hearing and Resolution of the Community Development Commission-Housing Authority of the City of National City, California approving the Streamlined Annual Public Housing Agency Plan \(“Annual PHA Plan”\) for the Housing Choice Voucher Program for Fiscal Year 2022-2023 and authorizing the submittal of the Annual PHA Plan for acceptance by the U.S. Department of Housing and Urban Development. \(Housing Authority\)](#)

**NON CONSENT RESOLUTIONS - HOUSING AUTHORITY**

**NEW BUSINESS - HOUSING AUTHORITY**

**C. REPORTS**

**STAFF REPORTS**

26. [Discussion of Public Meeting Protocols. \(City Clerk\)](#)
27. [Discussion Item: City Council Policy Nos. 104 and 113 regarding City Council Meeting Decorum. \(City Clerk\)](#)
28. [City Manager Report. \(City Manager\)](#)

**MAYOR AND CITY COUNCIL**

**CLOSED SESSION**

**CLOSED SESSION REPORT**

**ADJOURNMENT**

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - April 19, 2022 - 6:00 p.m. - Council Chambers - National City, California.

The following page(s) contain the backup material for Agenda Item: [Motion of the City Council of the City of National City, California, approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)

Please scroll down to view the backup material.

Item # \_\_\_\_

04/05/22

**MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE ORDINANCES OR RESOLUTIONS THAT ARE HAVING A PUBLIC HEARING CONSIDERED AT THIS MEETING AND PROVIDING THAT SUCH ORDINANCES OR RESOLUTIONS SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY.**

(City Clerk)

The following page(s) contain the backup material for Agenda Item: [Approval of City Council Meeting Minutes - February 2022. \(City Clerk\)](#)  
Please scroll down to view the backup material.

## APPROVAL OF MEETING MINUTES

### CITY COUNCIL OF THE CITY OF NATIONAL CITY:

Virtual Regular Meeting Minutes: February 1, 2022 at 6:00 p.m.

Virtual Special Closed Session Meeting Minutes: February 1, 2022 at 3:00 p.m.

Virtual Special Meeting Minutes: February 3, 2022 at 6:00 p.m.

Virtual Special Meeting Community Workshop Meeting Minutes: February 5, 2022 at 10:00 a.m.

Virtual Special Closed Session Meeting Minutes: February 15, 2022 at 3:00 p.m.

Virtual Regular Meeting Minutes: February 15, 2022 at 6:00 p.m.

Virtual Special Meeting Minutes: February 22, 2022 at 3:00 p.m.

(City Clerk)



**MINUTES OF THE VIRTUAL REGULAR MEETING  
OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT  
COMMISSION – HOUSING AUTHORITY  
OF THE CITY OF NATIONAL CITY**

**February 1, 2022**

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Assembly Bill No. 361, approved by Governor Newsom on September 16, 2021.

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda Items can be taken out of order during the meeting. The Agenda Items were considered in the order presented.

**A. CITY COUNCIL**

**CALL TO ORDER**

The meeting was called to order at 6:03 p.m. by Mayor Sotelo-Solis.

**ROLL CALL**

Councilmembers present: Morrison, Rios, Rodriguez, Bush, Sotelo-Solis

Other Elected Officials present: Beauchamp, Molina

Administrative Officials present: Raulston, Winney, Bell Jr., Chapel, Gilman, Torres, Williams, Aguirre, Vergara, Meteau, Valadez, Reeder, Parra, Tellez, Ryan, Brennan, Yano, and Barrera.

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Sotelo-Solis led the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Sotelo-Solis summarized the process for acceptance of live public comment allowing three (3) minute per comment and introduced City Clerk Molina.

Six (6) spoken comments were registered and heard: Barbara Gordon, Becky Rapp, Kelly McCormick, Carol Green, Peggy Walker, and Judith Strang.

No written comments were received.

## PROCLAMATIONS AND CERTIFICATES

Mayor Sotelo-Solis announced that this meeting will be adjourned in memory of Juan Guerrero, long-time resident of National City. Mr. Guerrero's daughter, Anita Brinkley spoke on behalf of the family.

**AWARDS AND RECOGNITIONS** - No agenda items.

## PRESENTATIONS

1. Maritime Clean Air Strategy - Implementation Update and Preliminary Health Risk Assessment (Port of San Diego).

Mayor Sotelo-Solis introduced Sandy Naranjo, Port Commissioner, Port of San Diego and Larry Hofreiter, Program Manager, Port of San Diego, who provided the report and PowerPoint presentation.

Public Comment:

One (1) written comment was received and read: Danny Serrano.  
No verbal comments were received.

Received and filed.

## INTERVIEWS / APPOINTMENTS

2. Appointments: City Boards Commissions and Committees - Mayoral Appointments to Board of Library Trustees, Public Art Committee, Traffic Safety Committee and Veterans & Military Families Advisory Committee.

Mayor Sotelo-Solis introduced City Clerk Molina who provided the report.

ACTION: Motion by Mayor Sotelo-Solis, seconded by Councilmember Rios, to appoint Charles Reilly to the Public Art Committee.  
Motion carried by 5-0 vote.

Public Comment:

One (1) spoken comment was registered and heard: Charles Reilly.  
No written comments were received.

Mayor Sotelo-Solis continued the appointments to the Board of Library Trustees, the Traffic Safety Committee, and the Veterans & Military Families Advisory Committee to a future meeting.

## REGIONAL BOARDS AND COMMITTEE REPORTS

Councilmember Rodriguez announced that the Metro Wastewater Joint Powers Authority (JPA) meeting is forthcoming.

Councilmember Morrison reported on the business of the Regional Solid Waste Association (RSWA).

Councilmember Rios reported on the business of the San Diego County Water Authority, and Sweetwater Authority.

Vice-Mayor Bush reported on the business of the Air Pollution Control District and the South County Economic Development Committee.

Mayor Sotelo-Solis reported on the business of San Diego Metropolitan Transit System (MTS) and San Diego Community Power (SDCP), and San Diego Association of Governments (SANDAG).

### **CONSENT CALENDER**

Public Comment: None

**ACTION:** Motion by Councilmember Rios, seconded by Vice-Mayor Bush, to approve the Consent Calendar Items 3 through 13, with Item 5 pulled for discussion by Councilmember Rodriguez.  
Motion carried by 5-0 vote.

3. Approved Motion of the City Council of the City of National City, California approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only.
4. Approved City Council Meeting Minutes, Parking Authority Meeting Minutes, and Successor Meeting Minutes for Meetings held in November and December 2021.
5. Item pulled for discussion.
6. Adopted Resolution No. 2022-11. Resolution of the City Council of the City of National City, California approving and ratifying the Second Amendment to an Agreement between the City of National City and Kreisberg Law Firm LLP for legal services in the specialized area of labor law to extend the term of the Agreement from January 1, 2022-December 31, 2022.
7. Adopted Resolution No. 2022-12. Resolution of the City Council of the City of National City, California approving the settlement between Madison Blaylock et al. v. the City of National City.
8. Adopted Resolution No. 2022-13. Resolution of the City Council of the City of National City, California approving the settlement between Mario Toledo Bedolla et al. v. the City of National City.
9. Approved Temporary Use Permit – Circus Vargas event sponsored by Circus Vargas from February 4, 2022 to February 14, 2022 at the Westfield Plaza Bonita Mall with no waiver of fees.



10. Approved Temporary Use Permit – Request from Homestead Steaks, LLC to conduct the Homestead Steaks Sale at 1536 Sweetwater Road from February 4, 2022 thru February 20, 2022 with no waiver of fees.
11. Ratified Warrant Register #25 for the period of 12/17/21 through 12/23/21 in the amount of \$0.00.
12. Ratified Warrant Register #26 for the period of 12/24/21 through 12/31/21 in the amount of \$1,092,468.82.
13. Ratified Warrant Register #27 for the period of 1/01/22 through 1/07/22 in the amount of \$1,342,929.64.

#### **ITEMS PULLED FROM CONSENT CALENDER**

5. Adopted Resolution No. 2021-14. Adoption of a Resolution Declaring Findings to Continue Teleconference Meetings to March 1, 2022, as required by AB 361.

Mayor Sotelo-Solis introduced City Attorney Bell who provided remarks and addressed questions from Council.

Public Comment: none.

**ACTION:** Motion by Councilmember Rios, seconded by Vice-Mayor Bush, to adopt Consent Calendar Items 5.

Motion carried by 5-0 vote.

#### **PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS**

14. Adopted Resolution No. 2022-15. Public Hearing and Adoption of a Resolution by the City Council of the City of National City, California establishing Residential Permit Parking District “N” on south side of 300 block E. 27th Street and on both sides of “C” Avenue, south of 27th Street (TSC 2021-19).

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

Mayor Sotelo-Solis introduced Director of Engineering/Public Works Yano who provided the report and PowerPoint presentation.

Mayor Sotelo-Solis declared the Public Hearing open at 7:18 p.m.

Public Comment: None.

**ACTION:** Motion by Councilmember Rios, seconded by Vice-Mayor Bush, to close the Public Hearing at 7:19 p.m.

Motion passed by 5-0 vote.

**ACTION:** Motion by Councilmember Rios, seconded by Councilmember Morrison, to adopt the Resolution.

Motion passed by 5-0 vote.

15. Adopted Ordinance No. 2022-2494. Public Hearing and Adoption of an Ordinance of the City Council of the City of National City, California, amending the National City Municipal Code Title 2 – Administration by adding Section 2.02 – City Attorney.

Motion to Close the Public Hearing Councilmember Morrison, Seconded by Councilmember Rios. Motion carried unanimously.

Motion to Adopt Ordinance Councilmember Rios, Seconded by Councilmember Morrison. Motion carried unanimously.

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

Mayor Sotelo-Solis introduced City Attorney Bell who stated that there was no report.

Mayor Sotelo-Solis declared the Public Hearing open at 7:21 p.m.

Public Comment: None.

ACTION: Motion by Councilmember Morrison, seconded by Councilmember Rios, to close the Public Hearing at 7:21 p.m.

Motion passed by 5-0 vote.

ACTION: Motion by Councilmember Rios, seconded by Councilmember Morrison, to adopt the Ordinance.

Motion passed by 5-0 vote.

16. Introduction and First Reading of an Ordinance of the City Council of the City of National City, California Repealing and Replacing National City Municipal Code Chapter 2.75. entitled, Election Campaign Regulations.

Motion to Introduce the Ordinance. Councilmember Rios, Seconded by Vice-Mayor Bush. Motion carried unanimously.

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

Mayor Sotelo-Solis introduced Deputy City Clerk Chapel who provided the report and addressed questions.

Mayor Sotelo-Solis declared the Public Hearing open at 7:34 p.m.

Public Comment: None.

ACTION: Motion by Councilmember Rios, seconded by Vice-Mayor Bush, to close the Public Hearing at 7:37 p.m.

Motion passed by 5-0 vote.

ACTION: Motion by Councilmember Rios, seconded by Vice-Mayor Bush, to accept the introduction of the Ordinance.

Motion passed by 5-0 vote.

**NON CONSENT RESOLUTIONS**

17. Adopted Resolution No. 2022-16. Resolution of the City Council of the City of National City, California authorizing the establishment of a General Fund appropriation of \$1,000,000 and corresponding revenue budget for the Las Palmas Pool Widening project.

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

Mayor Sotelo-Solis introduced Director Engineering/Public Works Yano and Library and Community Services Ryan who provided the report and PowerPoint Presentation. Dillon Delaney and Diana Thomas were available to address questions from City Councilmembers.

**Public Comment:**

Five (5) written comments were received and read: Grace Kamenides, Pat Sainz, Marilyn Arnold, Donna Eledge, and Jacqueline Ramirez. No spoken comments were received.

**ACTION:** Motion by Councilmember Morrison, seconded by Councilmember Rodriguez, to adopt the Resolution.

Motion passed by 5-0 vote.

18. Adopted Resolution No. 2022-17. Update on the American Rescue Plan Act Final Rule and Resolution of the City Council of the City of National City, California, allocating \$4M of the American Rescue Plan Act funding for General Fund Budget Offsets in Fiscal Year 2022-2023 and Fiscal Year 2023-2024.

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

Mayor Sotelo-Solis introduced Administrative Services Director Brennan who provided the report and PowerPoint presentation.

**Public Comment:** None.

**ACTION:** Motion by Councilmember Morrison, seconded by Vice-Mayor Bush, to adopt the Resolution.

Motion passed by 5-0 vote.

19. Adopted Resolution No. 2022-18. Resolution of the City Council of the City of National City, California, approving the Memorandum of Understanding (MOU) between the City and the National City Municipal Employees' Association (NCMEA) and authorizing a Fiscal Year 2021-2022 budget appropriation of \$350,000 to fund salary and benefit increases.

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

Mayor Sotelo-Solis introduced Administrative Services Director Brennan who was available to address questions.

**Public Comment:** None.

**ACTION:** Motion by Councilmember Rios, seconded by Councilmember Morrison, to adopt the Resolution.

Motion passed by 5-0 vote.

20. Adopted Resolution No. 2022-19. Resolution of the City Council of the City of National City, California, approving salary and benefit changes for the Confidential, Management, and Executive employee groups, effective February 8, 2022, and authorizing a Fiscal Year 2021-2022 budget appropriation of \$159,750 to fund said salary and benefit increases.

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

Mayor Sotelo-Solis introduced Administrative Services Director Brennan who was available to address questions.

Public Comment: None.

ACTION: Motion by Councilmember Rios, seconded by Councilmember Morrison, to adopt the Resolution.

Motion passed by 5-0 vote.

21. Adopted Resolution No. 2022-20. Resolution of the City Council of the City of National City, California, authorizing a two-year Employment Agreement between the City of National City and Jose Tellez for the position of Police Chief with an annual base salary of \$212,263.67, effective March 14, 2022.

Mayor Sotelo-Solis introduced Administrative Services Director Brennan who provided the report.

Public Comment: None.

City Clerk Molina read into the record the title of the Resolution and the summary of the compensation package in compliance with Government Code Section 54953(c)(3).

ACTION: Motion by Councilmember Rios, seconded by Vice-Mayor Bush, to adopt the Resolution.

Motion passed by 5-0 vote.

22. Adopted Resolution No. 2022-21. Resolution of the City Council of the City of National City, California, authorizing a two-year Employment Agreement between the City of National City and Bradford Raulston for the position of City Manager with an annual base salary of \$240,203.96, effective May 22, 2022.

Mayor Sotelo-Solis introduced Administrative Services Director Brennan who provided the report.

Public Comment:

One (1) written comment was received and read: Ted Godshalk. No spoken comments were received.

City Clerk Molina read into the record the title of the Resolution and the summary of the compensation package in compliance with Government Code Section 54953(c)(3).

ACTION: Motion by Vice-Mayor Bush, seconded by Councilmember Rios, to adopt the Resolution.

Motion passed by 5-0 vote.

23. Adopted Resolution No. 2022-22. Resolution of the City Council of the City of National City, California approving City Attorney’s request for authority to participate in the San Diego County Bar Association’s Diversity Fellowship Program.

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

Mayor Sotelo-Solis introduced City Attorney Bell who provided remarks and introduced Bhashini Weerasinghe, Director of San Diego County Bar Association Diversity Fellowship Program, who provided a PowerPoint presentation.

Public Comment: None.

**ACTION:** Motion by Councilmember Rios, seconded by Councilmember Rodriguez, to adopt the Resolution.

Motion passed by 5-0 vote.

## **NEW BUSINESS**

24. District Elections Process and Community Outreach Overview.

City Clerk Molina gave the report. Deputy City Clerk Chapel and Assistant City Manager Winney were available for questions.

City Clerk Molina read the title of the Resolution into the record and provided the report.

Public Comment: None.

Received and filed.

**B. COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY** – No agenda items.

## **C. REPORTS**

### **STAFF REPORTS**

25. City Manager Report.

Assistant City Manager Winney provided the report.

### **MAYOR AND CITY COUNCIL**

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

## CLOSED SESSION

### CLOSED SESSION REPORT

Mayor Sotelo-Solis introduced City Attorney Bell who provided the report.

By a unanimous vote, the direction was given by the City Council in the legal action titled Sheena Sanders v. City of National City. The case arises alleged violation of the Fourth Amendment stemming from an arrest.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Government Code Section 54956.9(d)(1)  
Name of Case: *Sheena Sanders, et al. v. City of National City*  
20CV0085 AJB BLM

City Attorney Bell reported that there was direction given by City Council by unanimous vote.

2. CONFERENCE WITH LABOR NEGOTIATORS  
Government Code Section 54957.6  
Employee Organizations: Municipal Employees' Association (SEIU, Local 221),  
Police Officers Association (POA)  
Unrepresented Groups: Executive, Confidential, and Management  
Agency Designated Representatives: Eddie Kreisberg (Labor Negotiator), Brad Raulston (City Manager), Tony Winney (Assistant City Manager), Jose Tellez (Chief of Police), Molly Brennan (Administrative Services Director), Paul Valadez (Budget Manager - Finance), Lilia Munoz (Human Resources Manager)

No report.

## ADJOURNMENT

Mayor Sotelo-Solis adjourned the meeting in memory of Juan Guerrero.

Mayor Sotelo-Solis adjourned to the Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City, Tuesday, February 15, 2022, 6:00 p.m. via teleconference.

The meeting adjourned at 9:34 p.m.

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Luz Molina, City Clerk

The foregoing minutes were approved at the Regular Meeting of April 5, 2022.

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Alejandra Sotelo-Solis, Mayor



## MINUTES OF A SPECIAL MEETING NATIONAL CITY COUNCIL

February 1, 2022

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Assembly Bill No. 361, approved by Governor Newsom on September 16, 2021.

### **OPEN SESSION**

#### **CALL TO ORDER**

The meeting was called to order at 3:03 p.m. by Mayor Sotelo-Solis.

#### **ROLL CALL**

Councilmembers present: Bush, Morrison, Rios, Rodriguez, and Sotelo-Solis.

Administrative Officials present: Raulston, Winney, Bell Jr., Chapel, Brennan, Gomez, Valadez, and Munoz.

Consultants/Advisors: Eddie Kreisberg.

#### **PUBLIC COMMENT**

None

### **CLOSED SESSION**

*Members retired into Closed Session at 3:07 p.m. and returned at 3:20 p.m. with members present in attendance: Bush, Morrison, Rios, Rodriguez, Sotelo-Solis, Raulston, Winney, and Bell Jr.*

#### 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(d)(1)

Name of Case: *Sheena Sanders, et al. v City of National City*

20CV0085 AJB BLM

*Members retired into Closed Session at 3:21 p.m. and returned at 4:12 p.m. with members present in attendance: Bush, Morrison, Rios, Rodriguez, Sotelo-Solis, Raulston, Winney, Bell Jr., Brennan, Munoz, and Valadez*

*Guest: Eddie Kreisberg*

#### 2. CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section 54957.6

Employee Organizations: Police Officers Association (POA)

Agency Designated Representatives: Eddie Kreisberg (Labor Negotiator), Brad Raulston (City Manager), Tony Winney (Assistant City Manager), Jose Tellez (Chief of Police), Molly

Brennan (Administrative Services Director), Paul Valadez (Budget Manager - Finance), Lilia Munoz (Human Resources Manager)

*Councilmember Morrison left the meeting at 4:12 p.m.*

**CLOSED SESSION REPORT PROVIDED AT END OF REGULAR MEETING**

**ADJOURNMENT**

Mayor Sotelo-Solis adjourned to the Special Meeting to the Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City held Tuesday, February 1, 2022 at 6:00 p.m. via teleconference.

The meeting adjourned at 4:13 p.m.

\_\_\_\_\_  
Shelley Chapel, Deputy City Clerk

The foregoing minutes were approved at the Regular Meeting of April 5, 2022.

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor





## MINUTES OF A SPECIAL MEETING NATIONAL CITY COUNCIL

February 3, 2022

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Assembly Bill No. 361, approved by Governor Newsom on September 16, 2021.

### OPEN TO THE PUBLIC

#### OPEN SESSION

##### **CALL TO ORDER**

The meeting was called to order at 6:05 p.m. by Mayor Sotelo-Solis.

##### **ROLL CALL**

Councilmembers present: Bush, Morrison, Rios, Rodriguez, Sotelo-Solis

Other Elected Officials present: Molina

Administrative Officials present: Raulston, Winney, Bell Jr., Chapel

Interpretation in Spanish provided by Carlos Diaz

Mayor Sotelo-Solis lead the Pledge of Allegiance.

##### **PUBLIC COMMENT**

One (1) speaker registered and provided comment: Cynthia Suero-Gabler.

##### **PUBLIC HEARING: ORDINANCES AND RESOLUTIONS**

1. Public Hearing – City Council Districting.

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

Mayor Sotelo-Solis introduced City Clerk Molina who provided a summary and introduced Matt Rexroad, consultant with Redistricting Insights. Mr. Rexroad provided a PowerPoint Presentation and addressed questions from the City Council.

Mayor Sotelo-Solis declared the Public Hearing open at 6:49 p.m.

Public Comment:

One (1) speaker registered and provided comment: Ken Seaton-Msemaji.

Three (3) written comments were received and read: Rocina Lizarraga, Joan Rincon, and Evangeline Meneses.

**ACTION:** Motion by Councilmember Rios, seconded by Vice-Mayor Bush, to close the Public Hearing at 6:56 p.m.

Motion carried by unanimous vote.

Mayor Sotelo-Solis provided closing remarks.

**ADJOURNMENT**

Mayor Sotelo-Solis adjourned to the Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City, Tuesday, February 15, 2022, 6:00 p.m. via teleconference.

The meeting adjourned at 6:58 p.m.

\_\_\_\_\_  
Luz Molina, City Clerk

The foregoing minutes were approved at the Regular Meeting of April 5, 2022.

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor



**MINUTES OF A SPECIAL MEETING  
NATIONAL CITY COUNCIL  
COMMUNITY WORKSHOP**

**February 5, 2022**

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Assembly Bill No. 361, approved by Governor Newsom on September 16, 2021.

**COMMUNITY WORKSHOP / INFORMATIONAL SESSION**

**OPEN TO THE PUBLIC**

**OPEN SESSION**

**CALL TO ORDER**

The meeting was called to order at 10:03 a.m. by Assistant City Manager Winney.

**ROLL CALL**

Administrative Officials present: Winney, Bell Jr., Chapel

Other Elected Officials present: Molina

Guests: Matt Rexroad and Fabian Valdez Jr., consultants with Redistricting Insights  
Interpretation in Spanish provided by Carlos Diaz (arrived at 10:30 a.m.)

1. Districting – City Council District Elections.  
Presentation: Redistricting Insights

City Clerk Molina provided a summary and introduced Matt Rexroad who provided a PowerPoint presentation on the districting process. Mr. Rexroad introduced Fabian Valdez Jr. who provided a demonstration of the online mapping tool for drawing district maps.

**PUBLIC COMMENT**

Four (4) speakers registered and provided comment: Cynthia Suero-Gabler, Gloria Cooper, Ken Seaton-Msemaji, Mitz Lee.

One (1) written comment was received and read: Thelma De Castro.

Assisting City Manager Winney provided closing comments.

**ADJOURNMENT**

The meeting adjourned at 11:26 a.m.

\_\_\_\_\_  
Luz Molina, City Clerk

The foregoing minutes were approved at the Regular Meeting of April 5, 2022.

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor



## MINUTES OF A SPECIAL MEETING NATIONAL CITY COUNCIL

February 15, 2022

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Assembly Bill No. 361, approved by Governor Newsom on September 16, 2021.

### **OPEN SESSION**

#### **CALL TO ORDER**

The meeting was called to order at 3:04 p.m. by Mayor Sotelo-Solis.

#### **ROLL CALL**

Councilmembers present: Bush, Morrison, Rios, Rodriguez, and Sotelo-Solis.

Administrative Officials present: Raulston, Winney, Chapel, Bell Jr., Torres, Brennan, Gomez, Yano, Valadez, and Munoz.

Consultants/Advisors: Matt Barreto, Tim Sloan, and Eddie Kreisberg.

#### **PUBLIC COMMENT**

None

### **CLOSED SESSION**

*Members retired into Closed Session at 3:07 p.m. and returned at 3:35 p.m. with all members present in attendance: Bush, Morrison, Rios, Rodriguez, Sotelo-Solis, Raulston, Winney, Bell Jr., and Matt Barreto.*

#### 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Government Code Section 54956.9(d)(2)

One (1) Potential Case

*Members retired into Closed Session at 3:35 p.m. and returned at 4:05 p.m. with all members present in attendance: Bush, Morrison, Rios, Rodriguez, Sotelo-Solis, Raulston, Winney, Bell Jr., Torres, Gomez, Yano, and outside Counsel Tim Sloan.*

#### 2. LIABILITY CLAIM AGAINST CITY OF NATIONAL CITY

Government Code Section 54956.95

One (1) Claim

United States Department of Interior – Fish and Wildlife Services

**ACTION:** Motion by Councilmember Rios, seconded by Vice-Mayor Bush.

By a unanimous vote, the direction was given by the City Council in the claim titled United States Department of Interior – Fish and Wildlife Services. The case arises from an alleged violation of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”).

*Members retired into Closed Session at 4:05 p.m. and returned at 4:40 p.m. with all members present in attendance: Bush, Morrison, Rios, Rodriguez, Sotelo-Solis, and Bell Jr. (left meeting at 4:44 p.m.)*

3. PUBLIC EMPLOYMEE EMPLOYMENT

Government Code Section 54957

Employment Agreement: City Attorney

ACTION: Did not advise on motion and second.

By a four-to-one (4-1) vote, the direction was given by the City Council. The votes were as follows: Yes – Bush, Rios, Rodriguez, Sotelo-Solis, and No – Morrison.

*Members retired into Closed Session at 4:44 p.m. and returned at 5:04 p.m. with all members present in attendance: Bush, Morrison, Rios, Rodriguez, Sotelo-Solis, Raulston, Winney, Brennan, and Eddie Kreisberg*

4. CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section 54957.6

Employee Organizations: Police Officers Association (POA), National City Firefighters Association (Local 2744)

Agency Designated Representatives: Eddie Kreisberg (Labor Negotiator), Brad Raulston (City Manager), Tony Winney (Assistant City Manager), Jose Tellez (Chief of Police), Molly Brennan (Administrative Services Director), Paul Valadez (Budget Manager - Finance), Lilia Munoz (Human Resources Manager)

**CLOSED SESSION REPORT PROVIDED AT END OF REGULAR MEETING**

**ADJOURNMENT**

Mayor Sotelo-Solis adjourned to the Special Meeting to the Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City held Tuesday, February 15, 2022 at 6:00 p.m. via teleconference.

The meeting adjourned at 5:05 p.m.

\_\_\_\_\_  
Shelley Chapel, Deputy City Clerk

The foregoing minutes were approved at the Regular Meeting of April 5, 2022.

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor



**MINUTES OF THE VIRTUAL REGULAR MEETING  
OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT  
COMMISSION – HOUSING AUTHORITY  
OF THE CITY OF NATIONAL CITY**

**February 15, 2022**

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Assembly Bill No. 361, approved by Governor Newsom on September 16, 2021.

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda Items can be taken out of order during the meeting. The Agenda Items were considered in the order presented.

**A. CITY COUNCIL**

**CALL TO ORDER**

The meeting was called to order at 6:03 p.m. by Mayor Sotelo-Solis.

**ROLL CALL**

Councilmembers present: Morrison, Rios, Rodriguez, Bush, Sotelo-Solis

Other Elected Officials present: Beauchamp, Molina

Administrative Officials present: Raulston, Winney, Bell Jr., Chapel, Hussain, Gilman, Aguirre, Vergara, Meteau, Parra, Tellez, Ryan, Brennan, Yano, and Barrera.

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Vice-Mayor Bush led the Pledge of Allegiance.

**PUBLIC COMMENTS**

Mayor Sotelo-Solis summarized the process for acceptance of live public comment allowing three (3) minute per comment and introduced City Clerk Molina.

No verbal or written comments were received.

**PROCLAMATIONS AND CERTIFICATES**

1. National City Celebrates Black History month recognizing Secretary of State Dr. Shirley Weber and National City's first African American Councilmember Fred Pruitt.

Mayor Sotelo-Solis presented Dr. Shirley Weber's resume, and introduced Mrs. Allie Pruitt, spouse of former Councilmember Fred Pruitt. Mrs. Pruitt received the honor and provided remarks.

Received and filed.

**AWARDS AND RECOGNITIONS** - No agenda items.

**PRESENTATIONS**

2. SUHI Mock Trial Team Presentation.

Mayor Sotelo-Solis introduced City Attorney Bell Jr. who introduced Federal Attorney Corina Pandeli, SUHI Alumni, and participant Destiny Perez Orozco, student of Sweetwater High School.

Public Comment: One (1) verbal comment: Michelle Reynoso. No written comment was received.

Received and filed.

3. Kimball Highland Master Plan Project Update.

Mayor Sotelo-Solis introduced Carlos Aguirre, Director of Housing Authority, who provided a report. Director Aguirre introduced the Community HousingWorks project team: Tim Parham, Vice- President of Development, Chris Bloom, Project Manager, and Mary Jane Jagodzinski who provided an overview of the project with a PowerPoint Presentation.

The discussion was joined by Terry Whitaker and Ana Melgoza of San Ysidro Health.

Public Comment: No verbal or written comments were received.

Received and filed.

**INTERVIEWS / APPOINTMENTS**

4. Appointments: City Boards Commissions and Committees - Mayoral Appointments.

Mayor Sotelo-Solis introduced City Clerk Molina who provided a report.

ACTION: Motion by Mayor Sotelo-Solis, seconded by Councilmember Rios, to appoint David Pasquini to the Traffic Safety Committee for a term ending September 30, 2022.

Motion carried by unanimous vote.

City Council directed Staff to provide the Mayor's office with an exhaustive list of applicants and to reopen the application process for the Board of Library Trustees.

Public Comment: No verbal or written comments were received.

**REGIONAL BOARDS AND COMMITTEE REPORTS**

No reports.

## CONSENT CALENDER

Public Comment: No verbal or written comments were received.

**ACTION:** Motion by Councilmember Rios, seconded by Vice-Mayor Bush, to approve the Consent Calendar Items 5 – 15.

Motion carried by 5-0 vote.

5. Approved Motion of the City Council of the City of National City, California approving the waiving of the reading of the text of the Ordinances or Resolutions that are having a Public Hearing considered at this meeting and providing that such Ordinances or Resolutions shall be introduced and/or adopted after a reading of the title only.
6. Adopted Resolution No. 2022-23. Resolution of the City Council of the City of National City, California, approving a Fifth Amendment to the 2017 Agreement with Liebert Cassidy Whitmore, a Professional Law Corporation, by increasing the annual not-to-exceed amount of Article 3.C by \$100,000.00, for a not-to-exceed amount of \$150,000.00.
7. Adopted Resolution No. 2022-24. Resolution of the City Council of the City of National City, California approving the settlement in the litigation titled, Sheena Sanders v. the City of National City, et al.
8. Adopted Resolution No. 2022-25. Resolution of the City Council of the City of National City, California approving the settlement in the litigation titled, Ali Mendoza v. the City of National City, et al.
9. Adopted Resolution No. 2022-26. Resolution of the City Council of the City of National City, California: 1) authorizing the Mayor to execute an Agreement with Omni Enclosures, Inc. dba Omni Pacific to purchase and install office furniture for the Police Department Records Division in a not-to-exceed amount of \$70,493.98; and 2) authorizing the establishment of an Asset Forfeiture Fund appropriation of \$20,493.98 and use of Asset Forfeiture fund balance for said expenditure.
10. Adopted Resolution No. 2022-27. Resolution of the City Council of the City of National City, California, 1) approving the 341 E. 30th Street Subdivision Map, Case File Number 2016-23-S; 2) authorizing the Mayor and City Clerk to sign the subdivision map; and 3) accepting a portion of “D” Avenue dedication thereon.
11. Adopted Resolution No. 2022-28. Resolution of the City Council of the City of National City, California, approving an amendment to the salary schedule for the National City Municipal Employees Association (NCMEA) to add the classification of Food Services Worker and approving an amendment to the part-time salary schedule to update the classification of Food Services Worker.
12. Adopted Resolution No. 2022-29. Resolution of the City Council of National City, California approving proposed amendments to the Community and Police Relations Commission (CPRC) Operating Procedures and Bylaws.
13. Approved Investment transactions for the month ended October 31, 2021.



14. Ratified Warrant Register #28 for the period of 1/08/22 through 1/13/22 in the amount of \$1,240,282.22.
15. Ratified Warrant Register #29 for the period of 1/14/22 through 1/20/22 in the amount of \$1,053,704.34.

### **PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS**

16. Item Continued – Public Hearing and Adoption of an Ordinance of the City Council of the City of National City Repealing and Replacing National City Municipal Code Chapter 2.75, entitled, Election Campaign Regulations.

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

Deputy City Clerk Chapel addressed questions from the City Council.

**ACTION:** Motion by Councilmember Morrison, Vice-Mayor Bush, to continue the item to a future meeting.

Motion passed by unanimous vote.

Councilmember Rios suggested the motion to direct Staff to bring back information, updated from 2020, including a recommendation for lowering the \$2,000 campaign contribution limit for city councilmembers within districted election. Also, to bring back information from FPPC for allowance of contributions in existing campaign committees that remain open and the carryover of those contributions to 2022 campaigns.

Mayor Sotelo Solis bifurcated the motion.

**ACTION:** Motion by Councilmember Rios, seconded by Vice-Mayor Bush, to direct Staff to bring back information, updated from 2020, including a recommendation for lowering the \$2,000 campaign contribution limit for City Councilmembers within districted elections.

Motion passed by unanimous vote.

**ACTION:** Motion by Councilmember Rios, seconded by Mayor Sotelo-Solis, to direct Staff to bring back information from FPPC for allowance of contributions in existing campaign committees that remain open and the carryover of those contributions to 2022 campaigns.

Ayes: Rios, Sotelo-Solis

Nays: Morrison, Rodriguez, Bush

Motion fails by 2-3 vote.

Public Comment: No verbal or written comments were received.

### **NON CONSENT RESOLUTIONS**

17. Adopted Resolution No. 2022-30. Resolution of the City Council of the City of National City, California, allocating and appropriating \$4.5M from the American Rescue Plan Act funds for the Las Palmas Wellness Center/Pool Building and Restrooms at Las Palmas Park, and \$1M from the State Budget Allocation Grant for the Las Palmas Wellness Center/Pool Building, and authorizing corresponding revenue budgets for the projects.

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

Mayor Sotelo-Solis introduced Director Engineering/Public Works Yano who provided the report and PowerPoint Presentation. City Manager Raulston, and Director Ryan were available to address questions from the City Council.

Public Comment: No verbal comment. Two (2) written comments: Charlie Mujica, Ted Godshalk.

ACTION: Motion by Vice-Mayor Bush, seconded by Councilmember Rodriguez, to pause on this decision and continue the item until after budget discussions.

Substitute motion by Mayor Sotelo-Solis, seconded by Councilmember Rios, to accept Staff's recommendation to adopt the Resolution.

Ayes: Morrison, Rios, Sotelo-Solis

Nays: Rodriguez, Bush

Motion passed by 3-2 vote.

## **NEW BUSINESS**

18. Overview of the Public Outreach Process and Participatory Budget Survey for uncommitted American Rescue Plan Act (ARPA) funds.

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

Mayor Sotelo-Solis introduced City Manager Raulston who provided the report. Mr. Raulston introduced Susy Villegas, Consultant with SVPR Communications, who provided a PowerPoint presentation. They addressed questions from the City Council.

Public Comment: No verbal comment. One (1) written comment: Silvia Calzada.

**B. COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY** – No agenda items.

## **C. REPORTS**

### **STAFF REPORTS**

19. City Manager Report.

City Manager Raulston provided the report.

### **MAYOR AND CITY COUNCIL**

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

### **CLOSED SESSION**

## CLOSED SESSION REPORT

Mayor Sotelo-Solis introduced City Attorney Bell Jr. who provided the report.

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Government Code Section 54956.9(d)(2)  
One (1) Potential Case

No report.

2. LIABILITY CLAIM AGAINST CITY OF NATIONAL CITY  
Government Code Section 54956.95  
One (1) Claim  
United States Department of Interior – Fish and Wildlife Services

ACTION: Motion by Councilmember Rios, seconded by Vice-Mayor Bush.

By a unanimous vote, the direction was given by the City Council in the claim titled United States Department of Interior – Fish and Wildlife Services. The case arises from an alleged violation of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”).

3. PUBLIC EMPLOYMEE EMPLOYMENT  
Government Code Section 54957  
Employment Agreement: City Attorney

ACTION: Did not advise on motion and second.

By a (4-1) vote, the direction was given by the City Council. The votes were as follows: Yes – Bush, Rios, Rodriguez, Sotelo-Solis, and No – Morrison.

4. CONFERENCE WITH LABOR NEGOTIATORS  
Government Code Section 54957.6  
Employee Organizations: Police Officers Association (POA), National City Firefighters Association (Local 2744)  
Agency Designated Representatives: Eddie Kreisberg (Labor Negotiator), Brad Raulston (City Manager), Tony Winney (Assistant City Manager), Jose Tellez (Chief of Police), Molly Brennan (Administrative Services Director), Paul Valadez (Budget Manager - Finance), Lilia Munoz (Human Resources Manager)

No report.

## ADJOURNMENT

Mayor Sotelo-Solis adjourned to the Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City, Tuesday, March 1, 2022, 6:00 p.m. via teleconference.

The meeting adjourned at 9:46 p.m.

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Luz Molina, City Clerk

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

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Alejandra Sotelo-Solis, Mayor

DRAFT



## MINUTES OF A SPECIAL MEETING NATIONAL CITY COUNCIL

February 22, 2022

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Assembly Bill No. 361, approved by Governor Newsom on September 16, 2021.

### OPEN TO THE PUBLIC

#### OPEN SESSION

##### **CALL TO ORDER**

The meeting was called to order at 3:03 p.m. by Mayor Sotelo-Solis.

##### **ROLL CALL**

Councilmembers present: Bush, Morrison, Rios, Rodriguez, Sotelo-Solis

Other Elected Officials present: Molina

Administrative Officials present: Raulston, Winney, Bell Jr., Hussain

Guests: Matt Rexroad, Eddy Harranty

Interpretation in Spanish provided by Carlos Diaz

##### **PLEDGE OF ALLEGIANCE TO THE FLAG**

Councilmember Morrison led the Pledge of Allegiance.

##### **PUBLIC COMMENT**

Received within Item 1 of the agenda.

##### **PUBLIC HEARING: ORDINANCES AND RESOLUTIONS**

1. Public Hearing to Consider District Elections and Introduction of Five (5) Maps.

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

Mayor Sotelo-Solis introduced City Clerk Molina who provided a summary. Matt Rexroad and Eddy Harranty, consultants with Redistricting Insights, provided a PowerPoint presentation and addressed questions from Council.

Mayor Sotelo-Solis declared the Public Hearing open at 3:54 p.m.

Cynthia Suero-Gabler, a representative of Asian Pacific American Coalition (APAC), provided a ten (10) minute presentation of two (2) maps submitted for consideration.

**Public Comment:**

Eight (8) speakers registered and provided comment: Kandi Custodio-Tan, Alicia Sanchez, Monserrat Hernandez, Margarita Moreno, Silvia Calzada, Ken Seaton-Msemaji, JoAnn Fields, Ditas Yamane.

Nineteen (19) written comments were received and read: Kirin Macapugay, Thelma Virata de Castro, DJ Kuttin Kandi, Tony Olaes, Ted Godshalk, Nicole, Shawn Chua, Mark Leo, Czeska Cabuhat, Khue Tran, Marianne Delatorre, Andrew Amorao, Kristina Mananquil, Jose Ceja, Myleen Abuan, Alicia Ricafrente, Wendy Aragon-Mills, Salvador B. Flor, and Debbie Discar-Espe.

Twenty-eight (28) signed maps were received in support of the Asian Pacific American Coalition Proposed Map #1.

**ACTION:** Motion by Vice-Mayor Bush, seconded by Councilmember Rios, to close the Public Hearing at 4:46 p.m.

Motion carried by unanimous vote.

Mayor Sotelo-Solis provided closing remarks.

**ADJOURNMENT**

Mayor Sotelo-Solis adjourned to the Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City, Tuesday, March 1, 2022, 6:00 p.m. via teleconference.

The meeting adjourned at 4:54 p.m.

\_\_\_\_\_  
Luz Molina, City Clerk

The foregoing minutes were approved at the Regular Meeting of April 5, 2022.

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

The following page(s) contain the backup material for Agenda Item: [Adoption of a Resolution Declaring Findings to Continue Teleconference Meetings to May 3, 2022, as required by AB 361. \(City Clerk\)](#)

Please scroll down to view the backup material.





**RESOLUTION NO. 2022-****RESOLUTION OF CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, MAKING THE FINDINGS REQUIRED BY AB 361 TO CONTINUE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND THE CITY BOARDS, COMMISSIONS, AND COMMITTEES AFTER APRIL 5, 2022 FOR A PERIOD OF 30 DAYS**

**WHEREAS**, the World Health Organization has declared the COVID-19 outbreak a global pandemic and local and state emergencies have been declared providing reprieve from certain public meeting laws such as the Brown Act; and

**WHEREAS**, beginning March 2020, California Governor Newsom executed Executive Order N-29-20 including additional updates as the pandemic progressed and extending into 2021. The most recent Executive Order N-08-21, issued June 11, 2021 waived all physical presence requirements under the Ralph M. Brown Act as a means of limiting the spread of COVID-19; and

**WHEREAS**, Executive Order N-08-21 is set to expire on September 30, 2021. The date was predicted as a time when hopes were that agencies could begin to transition back to public meetings held in full compliance with the Ralph M. Brown Act; and

**WHEREAS**, on September 16, 2021, California Governor Newsom signed into law Assembly Bill (AB) 361, which extends the authority of public agencies to conduct meetings by teleconference, including video conference, while the state of emergency resulting from the COVID-19 pandemic and accompanying recommendations for social distancing remain in place.

**WHEREAS**, on October 5, 2021, City Council adopted Resolution No. 2021-147 was adopted declaring findings to continue to teleconference for an additional 30 days.

**WHEREAS**, on November 2, 2021, City Council adopted Resolution No. 2021-164 was adopted declaring findings to continue to teleconference for an additional 30 days.

**WHEREAS**, on December 7, 2021, City Council adopted Resolution No. 2021-183 was adopted declaring findings to continue to teleconference for an additional 30 days.

**WHEREAS**, on January 4, 2022, City Council adopted Resolution No. 2022-01 was adopted declaring findings to continue to teleconference for an additional 30 days.

**WHEREAS**, on February 1, 2022, City Council adopted Resolution No. 2022-11 was adopted declaring findings to continue to teleconference for an additional 30 days.

**WHEREAS**, on March 1, 2022, City Council adopted Resolution No. 2022-31 was adopted declaring findings to continue to teleconference for an additional 30 days.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** Makes the findings required by AB 361 to continue teleconference meetings of the Legislative Body and its appointed Boards, Commissions, and Committees:

**Section 2.** Makes the findings that the City of National City meets the requirements to continue holding meeting remotely in order to ensure the health and safety of its staff and the public:

**Section 3.** That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED and ADOPTED** this 5th day of April 2022, by the following vote:

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

ATTEST:

\_\_\_\_\_  
Luz Molina, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney

**RESOLUTION NO. 2022 -**

**RESOLUTION OF CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, MAKING THE FINDINGS REQUIRED BY AB 361 TO CONTINUE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND THE CITY BOARDS, COMMISSIONS, AND COMMITTEES AFTER APRIL 5, 2022 FOR A PERIOD OF 30 DAYS**

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**Section 3.** That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED and ADOPTED this 5th day of April, 2022.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California, approving an agreement between the City of National City and the National City Chamber of Commerce for a not to exceed amount of \\$50,000 to assist in addressing the negative impacts of the pandemic to the National City business community and appropriating \\$50,000 from the American Rescue Plan Act funds allocated to General Fund offsets for the agreement. \(City Manager\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.**

**ITEM TITLE:**

A Resolution of the City Council of the City of National City, California, approving an agreement between the City of National City and the National City Chamber of Commerce for a not to exceed amount of \$50,000 to assist in addressing the negative economic impacts of the pandemic to the National City business community and appropriating \$50,000 from the American Rescue Plan Act funds allocated to General Fund offsets for the agreement.

**PREPARED BY:**

Megan Gamwell, Community Development Specialist II

**PHONE:** 619-336-4216

**DEPARTMENT:** City Manager's Office

**APPROVED BY:** 

**EXPLANATION:**

On October 19, 2021 the City Council adopted a spending plan for the first half of the American Rescue Plan Act (ARPA) funding. One of the outlined objectives for use of funds include "responding to the negative economic impacts of the pandemic, including assistance to households, small businesses, and non-profits, and aid to impacted industries."

City Staff is returning to the City Council with a contract between the City of National City and the National City Chamber of Commerce to assist in addressing the negative economic impacts of the pandemic to the National City business community through workforce development, small business development and tourism marketing and attraction. The full scope of services as outlined in Exhibit A of the agenda packet will be funded by the City's ARPA funding that was previously allocated to General Fund offsets.

**FINANCIAL STATEMENT:**

**APPROVED:**  Finance

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ MIS

Expenditure: General Fund 001-409-000-264-0000 (Non-Departmental Promotional Activities)

**ENVIRONMENTAL REVIEW:**

n/a

**ORDINANCE:** INTRODUCTION:

FINAL ADOPTION:

**STAFF RECOMMENDATION:**

Staff recommends approving the agreement between the City of National City and the National City Chamber of Commerce and appropriating American Rescue Plan Act funds from the General Fund for the agreement.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

1. City Staff Report
2. Agreement
3. Exhibit A. Scope of Service



## City Council Staff Report

April 5, 2022

### AGENDA ITEM:

A Resolution of the City Council of the City of National City, California, approving an agreement between the City of National City and the National City Chamber of Commerce for a not to exceed amount of \$50,000 to assist in addressing the negative economic impacts of the pandemic to the National City business community and allocating and appropriating \$50,000 from the American Rescue Plan Act funds for the agreement.

### EXPLANATION:

March 20, 2021- During the city's annual budget workshop the City Council voted to add Economic Development/Recovery Program with the National City Chamber of Commerce to the 2021-2022 budget. Staff was directed to return to the City Council with a \$50,000 proposal and scope of services from the National City Chamber of Commerce.

June 1, 2021- The National City Chamber of Commerce presented a COVID-19 Economic Recovery Proposal to the City Council. The City Council directed staff to return with a contract.

October 19, 2021- The City Council adopted a spending plan for the first half of the American Rescue Plan Act (ARPA) funding. One of the outlined objectives for use of funds include "responding to the negative economic impacts of the pandemic, including assistance to households, small businesses, and non-profits, and aid to impacted industries." The City Council voted to use ARPA funds to assist in funding the National City Chamber of Commerce COVID-19 Economic Recovery Proposal.

City staff is now returning to the City Council for approval of a contract with the National City Chamber of Commerce for a not to exceed amount of \$50,000 for marketing, advertising, public relations, technology assistances, and outreach to the businesses and community of National City. The agreement will assist in addressing the negative economic impacts of the pandemic to the National City business community through workforce development, small business development and tourism marketing and attraction. Attached as Exhibit A is the full proposed Scope of Services.

**AGREEMENT  
BY AND BETWEEN  
THE CITY OF NATIONAL CITY  
AND  
NATIONAL CITY CHAMBER OF COMMERCE**

THIS AGREEMENT is entered into on this 5th day of April, 2022, by and between the CITY OF NATIONAL CITY, a municipal corporation (the "CITY"), and NATIONAL CITY CHAMBER OF COMMERCE (the "CONSULTANT").

**RECITALS**

**WHEREAS**, the CITY desires to employ the CONSULTANT to provide economic development services for businesses located in the City of National City, California.

**WHEREAS**, the CITY has determined that the CONSULTANT is a non-profit organization and is qualified by experience and ability to perform the services desired by the CITY, and the CONSULTANT is willing to perform such services.

**NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY AGREE AS FOLLOWS:**

1. **ENGAGEMENT OF CONSULTANT.** The CITY agrees to engage the CONSULTANT and the CONSULTANT agrees to perform the services set forth here in accordance with all terms and conditions contained herein.

The CONSULTANT represents that all services shall be performed directly by the CONSULTANT or under direct supervision of the CONSULTANT.

2. **EFFECTIVE DATE AND LENGTH OF AGREEMENT.** This Agreement will become effective on April 5, 2022. The duration of this Agreement is for the period of April 5, 2022 through April 5, 2023. Completion dates or time durations for specific portions of the project are set forth in Exhibit "A".

3. **SCOPE OF SERVICES.** The CONSULTANT will perform services as set forth in the attached Exhibit "A".

The CONSULTANT shall be responsible for all research and reviews related to the work and shall not rely on personnel of the CITY for such services, except as authorized in advance by the CITY. The CONSULTANT shall appear at meetings specified in Exhibit "A" to keep staff and City Council advised of the progress on the project.

The CITY may unilaterally, or upon request from the CONSULTANT, from time to time reduce or increase the Scope of Services to be performed by the CONSULTANT under this Agreement. Upon doing so, the CITY and the CONSULTANT agree to meet in good faith and confer for the purpose of negotiating a corresponding reduction or increase in the compensation associated with said change in services.

4. **PROJECT COORDINATION AND SUPERVISION.** City Manager's Office hereby is designated as the Project Coordinator for the CITY and will monitor the progress and



execution of this Agreement. The CONSULTANT shall assign a single Project Director to provide supervision and have overall responsibility for the progress and execution of this Agreement for the CONSULTANT. Chad Matkowski President and CEO of the National City Chamber of Commerce hereby is designated as the Project Director for the CONSULTANT.

5. **COMPENSATION AND PAYMENT.** The compensation for the CONSULTANT shall be based on monthly billings covering actual work performed. Billings shall include labor classifications, respective rates, hours worked and also materials, if any. The total cost for all work described in Exhibit "A" shall not exceed the rates set forth in Exhibit "A". Monthly invoices will be processed for payment and remitted within thirty (30) days from receipt of invoice, provided that work is accomplished consistent with Exhibit "A", as determined by the CITY.

The CONSULTANT shall maintain all books, documents, papers, employee time sheets, accounting records, and other evidence pertaining to costs incurred, and shall make such materials available at its office at all reasonable times during the term of this Agreement and for three (3) years from the date of final payment under this Agreement, for inspection by the CITY, and for furnishing of copies to the CITY, if requested.

6. **ACCEPTABILITY OF WORK.** The CITY shall decide any and all questions which may arise as to the quality or acceptability of the services performed and the manner of performance, the acceptable completion of this Agreement, and the amount of compensation due. In the event the CONSULTANT and the CITY cannot agree to the quality or acceptability of the work, the manner of performance and/or the compensation payable to the CONSULTANT in this Agreement, the CITY or the CONSULTANT shall give to the other written notice. Within ten (10) business days, the CONSULTANT and the CITY shall each prepare a report which supports their position and file the same with the other party. The CITY shall, with reasonable diligence, determine the quality or acceptability of the work, the manner of performance and/or the compensation payable to the CONSULTANT.

7. **DISPOSITION AND OWNERSHIP OF DOCUMENTS.** The Memoranda, Reports, Maps, Drawings, Plans, Specifications, and other documents prepared by the CONSULTANT for this project, whether paper or electronic, shall: (1) be free from defects; (2) become the property of the CITY for use with respect to this project; and (3) shall be turned over to the CITY upon completion of the project, or any phase thereof, as contemplated by this Agreement.

Contemporaneously with the transfer of documents, the CONSULTANT hereby assigns to the CITY, and CONSULTANT hereby expressly waives and disclaims any copyright in, and the right to reproduce, all written material, drawings, plans, specifications, or other work prepared under this Agreement, except upon the CITY's prior authorization regarding reproduction, which authorization shall not be unreasonably withheld. The CONSULTANT shall, upon request of the CITY, execute any further document(s) necessary to further effectuate this waiver and disclaimer.

The CONSULTANT agrees that the CITY may use, reuse, alter, reproduce, modify, assign, transfer, or in any other way, medium, or method utilize the CONSULTANT's written work product for the CITY's purposes, and the CONSULTANT expressly waives and disclaims any residual rights granted to it by Civil Code Sections 980 through 989 relating to intellectual property and artistic works.

Any modification or reuse by the CITY of documents, drawings, or specifications prepared by the CONSULTANT shall relieve the CONSULTANT from liability under Section 14, but only with respect to the effect of the modification or reuse by the CITY, or for any liability to the CITY should the documents be used by the CITY for some project other than what was expressly agreed upon within the Scope of Services of this project, unless otherwise mutually agreed.

8. **INDEPENDENT CONTRACTOR.** Both parties hereto in the performance of this Agreement will be acting in an independent capacity and not as agents, employees, partners, or joint venturers with one another. Neither the CONSULTANT nor the CONSULTANT's employees are employees of the CITY, and are not entitled to any of the rights, benefits, or privileges of the CITY's employees, including but not limited to retirement, medical, unemployment, or workers' compensation insurance.

This Agreement contemplates the personal services of the CONSULTANT and the CONSULTANT's employees, and it is recognized by the parties that a substantial inducement to the CITY for entering into this Agreement was, and is, the professional reputation and competence of the CONSULTANT and its employees. Neither this Agreement, nor any interest herein, may be assigned by the CONSULTANT without the prior written consent of the CITY. Nothing herein contained is intended to prevent the CONSULTANT from employing or hiring as many employees, or subcontractors, as the CONSULTANT may deem necessary for the proper and efficient performance of this Agreement. All agreements by CONSULTANT with its subcontractor(s) shall require the subcontractor(s) to adhere to the applicable terms of this Agreement.

9. **CONTROL.** Neither the CITY, nor its officers, agents, or employees shall have any control over the conduct of the CONSULTANT or any of the CONSULTANT's employees, except as set forth in this Agreement. The CONSULTANT, or the CONSULTANT's agents, servants, or employees are not in any manner agents, servants, or employees of the CITY. The CONSULTANT and its agents, servants, and employees are wholly independent from the CITY and CONSULTANT's obligations to the CITY are solely prescribed by this Agreement.

10. **COMPLIANCE WITH APPLICABLE LAW.** The CONSULTANT in the performance of the services to be provided herein, shall comply with all applicable state and federal statutes and regulations, and all applicable ordinances, rules, and regulations of the City of National City, whether now in force or subsequently enacted. The CONSULTANT and each of its subcontractors, shall obtain and maintain a current City of National City business license prior to and during performance of any work pursuant to this Agreement.

11. **LICENSES, PERMITS, ETC.** The CONSULTANT represents and covenants that it has all licenses, permits, qualifications, and approvals of whatever nature that are legally required to practice its profession. CONSULTANT must promptly produce a copy of any such license, permit, or approval to CITY upon request. The CONSULTANT represents and covenants that the CONSULTANT shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any license, permit, or approval which is legally required for the CONSULTANT to practice its profession.

12. **STANDARD OF CARE.**

A. The CONSULTANT, in performing any services under this Agreement, shall perform in a manner consistent with that level of care and skill ordinarily exercised by members of the CONSULTANT'S trade or profession currently practicing under similar conditions and in similar locations. The CONSULTANT shall take all special precautions necessary to protect the CONSULTANT'S employees and members of the public from risk of harm arising out of the nature of the work and/or the conditions of the work site.

B. Unless disclosed in writing prior to the date of this Agreement, the CONSULTANT warrants to the CITY that it is not now, nor has it for the five (5) years preceding, been debarred by a governmental agency or involved in debarment, arbitration or litigation proceedings concerning the CONSULTANT's professional performance or the furnishing of materials or services relating thereto.

C. The CONSULTANT is responsible for identifying any unique products, treatments, processes or materials whose availability is critical to the success of the project the CONSULTANT has been retained to perform, within the time requirements of the CITY, or, when no time is specified, then within a commercially reasonable time. Accordingly, unless the CONSULTANT has notified the CITY otherwise, the CONSULTANT warrants that all products, materials, processes or treatments identified in the project documents prepared for the CITY are reasonably commercially available. Any failure by the CONSULTANT to use due diligence under this sub-section will render the CONSULTANT liable to the CITY for any increased costs that result from the CITY's later inability to obtain the specified items or any reasonable substitute within a price range that allows for project completion in the time frame specified or, when not specified, then within a commercially reasonable time.

13. **NON-DISCRIMINATION PROVISIONS.** The CONSULTANT shall not discriminate against any employee or applicant for employment because of age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. The CONSULTANT will take positive action to insure that applicants are employed without regard to their age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The CONSULTANT agrees to post in conspicuous places available to employees and applicants for employment any notices provided by the CITY setting forth the provisions of this non-discrimination clause.

14. **CONFIDENTIAL INFORMATION.** The CITY may from time to time communicate to the CONSULTANT certain confidential information to enable the CONSULTANT to effectively perform the services to be provided herein. The CONSULTANT shall treat all such information as confidential and shall not disclose any part thereof without the prior written consent of the CITY. The CONSULTANT shall limit the use and circulation of such information, even within its own organization, to the extent necessary to perform the services to be provided herein. The foregoing obligation of this Section 14, however, shall not apply to any part of the information that (i) has been disclosed in publicly available sources of information; (ii) is, through no fault of the CONSULTANT, hereafter disclosed in publicly available sources of information; (iii) is already in the possession of the CONSULTANT without any obligation of confidentiality; or (iv) has been or is hereafter rightfully disclosed to the CONSULTANT by a

third party, but only to the extent that the use or disclosure thereof has been or is rightfully authorized by that third party.

The CONSULTANT shall not disclose any reports, recommendations, conclusions or other results of the services or the existence of the subject matter of this Agreement without the prior written consent of the CITY. In its performance hereunder, the CONSULTANT shall comply with all legal obligations it may now or hereafter have respecting the information or other property of any other person, firm or corporation.

CONSULTANT shall be liable to CITY for any damages caused by breach of this condition, pursuant to the provisions of Section 15.

15. **INDEMNIFICATION AND HOLD HARMLESS.** To the maximum extent provided by law, the CONSULTANT agrees to defend, indemnify and hold harmless the City of National City, its officers, officials, agents, employees, and volunteers against and from any and all liability, loss, damages to property, injuries to, or death of any person or persons, and all claims, demands, suits, actions, proceedings, reasonable attorneys' fees, and defense costs, of any kind or nature, including workers' compensation claims, of or by anyone whomsoever, resulting from or arising out of the CONSULTANT's performance or other obligations under this Agreement; provided, however, that this indemnification and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the CITY, its agents, officers, employees or volunteers. CITY will cooperate reasonably in the defense of any action, and CONSULTANT shall employ competent counsel, reasonably acceptable to the City Attorney.

The indemnity, defense, and hold harmless obligations contained herein shall survive the termination of this Agreement for any alleged or actual omission, act, or negligence under this Agreement that occurred during the term of this Agreement.

16. **EMPLOYEE PAYMENTS AND INDEMNIFICATION.**

16.1 **PERS Eligibility Indemnification.** If CONSULTANT's employee(s) providing services under this Agreement claims, or is determined by a court of competent jurisdiction or the California Public Employees Retirement System ("PERS") to be eligible for enrollment in PERS of the CITY, CONSULTANT shall indemnify, defend, and hold harmless CITY for the payment of any employer and employee contributions for PERS benefits on behalf of the employee as well as for payment of any penalties and interest on such contributions which would otherwise be the responsibility of the CITY.

CONSULTANT's employees providing service under this Agreement shall not: (1) qualify for any compensation and benefit under PERS; (2) be entitled to any benefits under PERS; (3) enroll in PERS as an employee of CITY; (4) receive any employer contributions paid by CITY for PERS benefits; or (5) be entitled to any other PERS-related benefit that would accrue to a CITY employee. CONSULTANT's employees hereby waive any claims to benefits or compensation described in this Section 16. This Section 16 applies to CONSULTANT notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary.

16.2 **Limitation of CITY Liability.** The payment made to CONSULTANT under this Agreement shall be the full and complete compensation to which CONSULTANT and CONSULTANT's officers, employees, agents, and subcontractors are entitled for performance of any work under this Agreement. Neither CONSULTANT nor CONSULTANT's officers,

employees, agents, and subcontractors are entitled to any salary or wages, or retirement, health, leave or other fringe benefits applicable to CITY employees. The CITY will not make any federal or state tax withholdings on behalf of CONSULTANT. The CITY shall not be required to pay any workers' compensation insurance on behalf of CONSULTANT.

16.3 Indemnification for Employee Payments. CONSULTANT agrees to defend and indemnify the CITY for any obligation, claim, suit, or demand for tax, retirement contribution including any contribution to PERS, social security, salary or wages, overtime payment, or workers' compensation payment which the CITY may be required to make on behalf of (1) CONSULTANT, (2) any employee of CONSULTANT, or (3) any employee of CONSULTANT construed to be an employee of the CITY, for work performed under this Agreement. This is a continuing obligation that survives the termination of this Agreement.

17. WORKERS' COMPENSATION. The CONSULTANT shall comply with all of the provisions of the Workers' Compensation Insurance and Safety Acts of the State of California, the applicable provisions of Division 4 and 5 of the California Labor Code and all amendments thereto; and all similar State or federal acts or laws applicable; and shall indemnify, and hold harmless the CITY and its officers, employees, and volunteers from and against all claims, demands, payments, suits, actions, proceedings, and judgments of every nature and description, including reasonable attorney's fees and defense costs presented, brought or recovered against the CITY or its officers, employees, or volunteers, for or on account of any liability under any of said acts which may be incurred by reason of any work to be performed by the CONSULTANT under this Agreement.

18. INSURANCE. The CONSULTANT, at its sole cost and expense, shall purchase and maintain, and shall require its subcontractor(s), when applicable, to purchase and maintain throughout the term of this Agreement, the following insurance policies:

A.  If checked, **Professional Liability Insurance** (errors and omissions) with minimum limits of \$1,000,000 per occurrence.

B. **Automobile Insurance** covering all bodily injury and property damage incurred during the performance of this Agreement, with a minimum coverage of \$1,000,000 combined single limit per accident. Such automobile insurance shall include owned, non-owned, and hired vehicles. The policy shall name the CITY and its officers, agents, employees, and volunteers as additional insureds, and a separate additional insured endorsement shall be provided.

C. **Commercial General Liability Insurance**, with minimum limits of either \$2,000,000 per occurrence and \$4,000,000 aggregate, or \$1,000,000 per occurrence and \$2,000,000 aggregate with a \$2,000,000 umbrella policy, covering all bodily injury and property damage arising out of its operations, work, or performance under this Agreement. The policy shall name the CITY and its officers, agents, employees, and volunteers as additional insureds, and a separate additional insured endorsement shall be provided. The general aggregate limit must apply solely to this "project" or "location". The "project" or "location" should be noted with specificity on an endorsement that shall be incorporated into the policy.

D. **Workers' Compensation Insurance** in an amount sufficient to meet statutory requirements covering all of CONSULTANT's employees and employers' liability insurance with limits of at least \$1,000,000 per accident. In addition, the policy shall be endorsed with a waiver of subrogation in favor of the CITY. Said endorsement shall be provided prior to commencement of work under this Agreement.

If CONSULTANT has no employees subject to the California Workers' Compensation and Labor laws, CONSULTANT shall execute a Declaration to that effect. Said Declaration shall be provided to CONSULTANT by CITY.

E. The aforesaid policies shall constitute primary insurance as to the CITY, its officers, officials, employees, and volunteers, so that any other policies held by the CITY shall not contribute to any loss under said insurance. Said policies shall provide for thirty (30) days prior written notice to the CITY's Risk Manager, at the address listed in subsection G below, of cancellation or material change.

F. If required insurance coverage is provided on a "claims made" rather than "occurrence" form, the CONSULTANT shall maintain such insurance coverage for three years after expiration of the term (and any extensions) of this Agreement. In addition, the "retro" date must be on or before the date of this Agreement.

G. The Certificate Holder for all policies of insurance required by this Section shall be:

City of National City  
c/o Risk Manager  
1243 National City Boulevard  
National City, CA 91950-4397

H. Insurance shall be written with only insurers authorized to conduct business in California that hold a current policy holder's alphabetic and financial size category rating of not less than A:VII according to the current Best's Key Rating Guide, or a company of equal financial stability that is approved by the CITY'S Risk Manager. In the event coverage is provided by non-admitted "surplus lines" carriers, they must be included on the most recent List of Approved Surplus Line Insurers ("LASLI") and otherwise meet rating requirements.

I. This Agreement shall not take effect until certificate(s) or other sufficient proof that these insurance provisions have been complied with, are filed with and approved by the CITY'S Risk Manager. If the CONSULTANT does not keep all insurance policies required by this Section 18 in full force and effect at all times during the term of this Agreement, the CITY may treat the failure to maintain the requisite insurance as a breach of this Agreement and terminate the Agreement as provided herein.

J. All deductibles and self-insured retentions in excess of \$10,000 must be disclosed to and approved by the CITY. CITY reserves the right to modify the insurance requirements of this Section 18, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

K. If the CONSULTANT maintains broader coverage or higher limits (or both) than the minimum limits shown above, the CITY shall be entitled to the broader coverage or higher limits (or both) maintained by the CONSULTANT. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the CITY.

19. **LEGAL FEES.** If any party brings a suit or action against the other party arising from any breach of any of the covenants or agreements or any inaccuracies in any of the representations and warranties on the part of the other party arising out of this Agreement, then in that event, the prevailing party in such action or dispute, whether by final judgment or out-of-court settlement, shall be entitled to have and recover of and from the other party all costs and expenses of suit, including attorneys' fees.

For purposes of determining who is to be considered the prevailing party, it is stipulated that attorney's fees incurred in the prosecution or defense of the action or suit shall not be considered in determining the amount of the judgment or award. Attorney's fees to the prevailing party if other than the CITY shall, in addition, be limited to the amount of attorney's fees incurred by the CITY in its prosecution or defense of the action, irrespective of the actual amount of attorney's fees incurred by the prevailing party.

20. **TERMINATION.**

A. This Agreement may be terminated with or without cause by the CITY. Termination without cause shall be effective only upon 60-day's written notice to the CONSULTANT. During said 60-day period the CONSULTANT shall perform all services in accordance with this Agreement.

B. This Agreement may also be terminated immediately by the CITY for cause in the event of a material breach of this Agreement, misrepresentation by the CONSULTANT in connection with the formation of this Agreement or the performance of services, or the failure to perform services as directed by the CITY.

C. Termination with or without cause shall be effected by delivery of written Notice of Termination to the CONSULTANT as provided for herein.

D. In the event of termination, all finished or unfinished Memoranda Reports, Maps, Drawings, Plans, Specifications and other documents prepared by the CONSULTANT, whether paper or electronic, shall immediately become the property of and be delivered to the CITY, and the CONSULTANT shall be entitled to receive just and equitable compensation for any work satisfactorily completed on such documents and other materials up to the effective date of the Notice of Termination, not to exceed the amounts payable hereunder, and less any damages caused the CITY by the CONSULTANT's breach, if any. Thereafter, ownership of said written material shall vest in the CITY all rights set forth in Section 7.

E. The CITY further reserves the right to immediately terminate this Agreement upon: (1) the filing of a petition in bankruptcy affecting the CONSULTANT; (2) a reorganization of the CONSULTANT for the benefit of creditors; or (3) a business reorganization, change in business name or change in business status of the CONSULTANT.

21. **NOTICES.** All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered; or sent by overnight mail (Federal Express or the like); or sent by registered or certified mail, postage prepaid, return receipt requested; or sent by ordinary mail, postage prepaid; or telegraphed or cabled; or delivered or sent by telex, telecopy, facsimile or fax; and shall be deemed received upon the earlier of (i) if personally delivered, the date of delivery to the address of the person to receive such notice, (ii) if sent by overnight mail, the business day following its deposit in such overnight mail facility, (iii) if mailed by registered, certified or ordinary mail, five (5) days (ten (10) days if the address is outside the State of California) after the date of deposit in a post office, mailbox, mail chute, or other like facility regularly maintained by the United States Postal Service, (iv) if given by telegraph or cable, when delivered to the telegraph company with charges prepaid, or (v) if given by telex, telecopy, facsimile or fax, when sent. Any notice, request, demand, direction or other communication delivered or sent as specified above shall be directed to the following persons:

To CITY: Tony Winney

Assistant City Manager  
 Office of the City Manager  
 City of National City  
 1243 National City Boulevard  
 National City, CA 91950-4397

To CONSULTANT:

Chad Matkowski  
 President and CEO  
 National City Chamber of Commerce  
 City Of National City  
 901 National City Boulevard  
 National City, CA 91950-4397

Notice of change of address shall be given by written notice in the manner specified in this Section. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to constitute receipt of the notice, demand, request or communication sent. Any notice, request, demand, direction or other communication sent by cable, telex, telecopy, facsimile or fax must be confirmed within forty-eight (48) hours by letter mailed or delivered as specified in this Section.

22. **CONFLICT OF INTEREST AND POLITICAL REFORM ACT OBLIGATIONS.** During the term of this Agreement, the CONSULTANT shall not perform services of any kind for any person or entity whose interests conflict in any way with those of the City of National City. The CONSULTANT also agrees not to specify any product, treatment, process or material for the project in which the CONSULTANT has a material financial interest, either direct or indirect, without first notifying the CITY of that fact. The CONSULTANT shall at all times comply with the terms of the Political Reform Act and the National City Conflict of Interest Code. The CONSULTANT shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the CITY in which the CONSULTANT has a financial interest as defined in Government Code Section 87103. The CONSULTANT represents that it has no knowledge of any financial interests that would require it to disqualify itself from any matter on which it might perform services for the CITY.

If checked, the CONSULTANT shall comply with all of the reporting requirements of the Political Reform Act and the National City Conflict of Interest Code. Specifically, the CONSULTANT shall file a Statement of Economic Interests with the City Clerk of the City of National City in a timely manner on forms which the CONSULTANT shall obtain from the City Clerk.

The CONSULTANT shall be strictly liable to the CITY for all damages, costs or expenses the CITY may suffer by virtue of any violation of this Section 22 by the CONSULTANT.

23. **PREVAILING WAGES.** State prevailing wage rates may apply to work performed under this Agreement. State prevailing wages rates apply to all public works contracts as set forth in California Labor Code, including but not limited to, Sections 1720, 1720.2, 1720.3, 1720.4, and 1771. CONSULTANT is solely responsible to determine if State prevailing wage rates



apply and, if applicable, pay such rates in accordance with all laws, ordinances, rules, and regulations.

24. **ADMINISTRATIVE PROVISIONS.**

A. *Computation of Time Periods.* If any date or time period provided for in this Agreement is or ends on a Saturday, Sunday or federal, state or legal holiday, then such date shall automatically be extended until 5:00 p.m. Pacific Time of the next day which is not a Saturday, Sunday or federal, state, or legal holiday.

B. *Counterparts.* This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute but one and the same instrument.

C. *Captions.* Any captions to, or headings of, the sections or subsections of this Agreement are solely for the convenience of the parties hereto, are not a part of this Agreement, and shall not be used for the interpretation or determination of the validity of this Agreement or any provision hereof.

D. *No Obligations to Third Parties.* Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, or obligate any of the parties hereto, to any person or entity other than the parties hereto.

E. *Exhibits and Schedules.* The Exhibits and Schedules attached hereto are hereby incorporated herein by this reference for all purposes. To the extent any exhibits, schedules, or provisions thereof conflict or are inconsistent with the terms and conditions contained in this Agreement, the terms and conditions of this Agreement shall control.

F. *Amendment to this Agreement.* The terms of this Agreement may not be modified or amended except by an instrument in writing executed by each of the parties hereto.

G. *Assignment & Assumption of Rights.* CONSULTANT shall not assign this Agreement, in whole or in part, to any other party without first obtaining the written consent of CITY.

H. *Waiver.* The waiver or failure to enforce any provision of this Agreement shall not operate as a waiver of any future breach of any such provision or any other provision hereof.

I. *Applicable Law.* This Agreement shall be governed by and construed in accordance with the laws of the State of California. The venue for any legal action arising under this Agreement shall be in either state or federal court in the County of San Diego, State of California.

J. *Audit.* If this Agreement exceeds ten-thousand dollars (\$10,000), the parties shall be subject to the examination and audit of the State Auditor for a period of three (3) years after final payment under the Agreement, per Government Code Section 8546.7.

K. *Entire Agreement.* This Agreement supersedes any prior agreements, negotiations and communications, oral or written, and contains the entire agreement between the parties as to the subject matter hereof. No subsequent agreement, representation, or promise made by either party hereto, or by or to an employee, officer, agent or representative of any party hereto shall be of any effect unless it is in writing and executed by the party to be bound thereby.

L. *Successors and Assigns.* This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

M. *Subcontractors or Subconsultants.* The CITY is engaging the services of the CONSULTANT identified in this Agreement. The CONSULTANT shall not subcontract any portion of the work, unless such subcontracting was part of the original proposal or is allowed by

the CITY in writing. In the event any portion of the work under this Agreement is subcontracted, the subconsultant(s) shall be required to comply with and agree to, for the benefit of and in favor of the CITY, both the insurance provisions in Section 18 and the indemnification and hold harmless provision of Section 15 of this Agreement.

N. *Construction.* The parties acknowledge and agree that (i) each party is of equal bargaining strength, (ii) each party has actively participated in the drafting, preparation and negotiation of this Agreement, (iii) each such party has consulted with or has had the opportunity to consult with its own, independent counsel and such other professional advisors as such party has deemed appropriate, relative to any and all matters contemplated under this Agreement, (iv) each party and such party's counsel and advisors have reviewed this Agreement, (v) each party has agreed to enter into this Agreement following such review and the rendering of such advice, and (vi) any rule or construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement, or any portions hereof, or any amendments hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first above written.

**CITY OF NATIONAL CITY**

**NATIONAL CITY CHAMBER OF COMMERCE**

*(Corporation – signatures of two corporate officers required)  
(Partnership or Sole proprietorship – one signature)*

By: \_\_\_\_\_  
Alejandra Sotelo Solis, Mayor

By: *[Signature]*  
(Name)

Chad Matkowski  
(Print)

President & CEO  
(Title)

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Charles E. Bell Jr.  
City Attorney

By: *[Signature]*  
(Name)

Brian Clapper  
(Print)

Chairman  
(Title)



**WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT-CALIFORNIA**

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

You must maintain payroll records accurately segregating the remuneration of your employees while engaged in the work described in the Schedule.

The additional premium for this endorsement shall be 2 % of the California workers' compensation premium otherwise due on such remuneration.

Schedule

**Person or Organization**

**Job Description**

With respect to all employees subject to the workers' compensation laws of the state of California, any person or organization for whom the Named Insured has agreed by written contract to furnish this waiver.

**This policy is subject to a minimum charge of \$250 for the issuance of waivers of subrogation**

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.  
(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

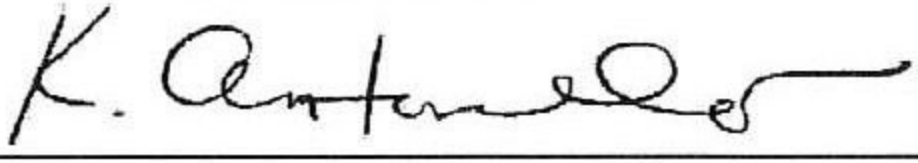
This endorsement, effective 12/29/2021 at 12:01 AM standard time, forms a part of  
Policy No. EIG 2584771 04 Of the EMPLOYERS PREFERRED INS. CO.  
Carrier Code 00920

Issued to NATIONAL CITY CHAMBER OF COMME

Endorsement No.

Premium

Countersigned at \_\_\_\_\_ on \_\_\_\_\_

By: 

Authorized Representative

## EXHIBIT A

### SCOPE OF SERVICES

<b>National City Chamber of Commerce Economic Development Partnership with National City</b>
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#### **Introduction**

National City Chamber of Commerce (NCCC or The Chamber) is pleased to provide this Scope of Services to the City of National City (City) for marketing, advertising, public relations, technology assistances, and outreach to the businesses and community of National City. The agreement has two sections, Economic Development Opportunities (Section 1) and a DiscoverNationalCity.org based approach leveraging the newly developed website (Section 2). All scheduled items below assume a funding start period of April 2022.

#### **Background and Findings**

During the 2020/2021 pandemic years small businesses in the service industry were heavily hit in National City. With National City having about 250 restaurants. The average National City restaurant establishment employs 8 people and about 65% of them being minority owned. The NCCC is focused on helping these service-based industries recover. This is an opportune time for such promotions and programs with the Market on 8<sup>th</sup> Street and Parco giving National City so much attention.

National City has recovered well from COVID-19, but the effects of the pandemic and shutdowns are still on going. In the below proposal to the city, the NCCC is focusing on helping with economic recovery efforts through education, technology development, promotions, and programs the NCCCC can help improve these conditions for our local service establishment.

Currently the biggest needs in our community are aid, education, and resources. The national average for restaurants to have an online presence is 68.5%. Currently with the development of DiscoverNationalCity.org the NCCC has discovered that only 39% of restaurants have a controlled online presence. Many of our local establishments do not have the technical knowledge to even be found on Google, Yelp, or Bing.

During the pandemic, the NCCC helped connect many businesses to funding resources such as the Paycheck Protection Program (PPP) and Economic Injury Disaster Loan (EIDL) program to help its members continue owning and operating local businesses. With resources being stretched so thin our local businesses have not been able to invest in advertising and promotion opportunities. Instead, primarily focusing resource on payroll and other essential operations for their businesses. The NCCC hopes to partner with the city to promote these industries across the city drawing in more business into the city.

## Section 1

### Economic Development

The NCCC is dedicated to helping National City businesses and the local economy rebound from the COVID pandemic and return to even stronger growth. The two below items work in concert with the city's current efforts and will provide both the city and the residents of National City additional resources.

#### Approach

- Task 1: Directory and Technology Assistance to National City businesses.
- Task 2: Live and work local.

#### Approach

##### **Task 1: Directory and Technology Assistance to National City Businesses**

The Chamber is working to collect information for National City to provide the city and residents a directory of National City businesses. The below items would be in addition to the creation of this directory. The NCCC would then provide hardcopies to be able to give to residents upon request.

The city will also be provided 4 pages to share any information it wishes to promote about National City. The city will also be provided the most relevant and up to date demographics for the city. These will be found on two additional pages.

NCCC proposes the following approach for DiscoverNationalCity.org, National City Directory (hard copy), and NationalCityChamber.org:

- a. Review all business licenses for National City.
  - a. Review National City business license list compared to list of businesses compiled by the NCCC for the Chamber Directory and DiscoverNationalCity.org. Should any business license not be up to date or missing the Chamber will provide the following:
    1. Provide company with the correct information to apply for a license.
    2. Should company not follow up, Chamber will notify the city of the discrepancy for them to follow up on.
- b. Educate local businesses on the importance of ensuring their information online is accurate.
- c. Assess businesses with missing information and their technological capabilities then:
  - a. Connect to proper resources
  - b. Apply to the NCCC website development program
- d. If business needs additional resources they will be referred to the NCCC Business Resource Consultation (BRC) program. This will include:
  - a. Technology Assessment
  - b. Energy Assessment and referrals to SDG&E programs
  - c. Online resources to promote business
  - d. Social media strategy review
  - e. Provide a free website for the business with three months of hosting (For qualifying businesses only as this is covered by a separate grant)
  - f. Access to online workshops

Goals:

- To help city ensure all operating businesses have a valid license to operate within the city.
- To help make sure that all National City businesses can be found online and have a minimal web presence.
- To work with the city to promote proper licensing.
- City will be provided copies of the National City Business Directory.

Timeline:

- Directory will be published fall 2022
  - o This will include the business permit and license component.
- BRC will be an ongoing project over 2 years to reach out to over 375 local businesses.

**Task 2: Live and Work Local**

Working with the city to help promote living and working local, the NCCC would like to propose the following program open to all National City business.

- a. Create on NationalCityChamber.org website which would be a space for local businesses to post openings for local positions for free.
  - a. Encourage all local business to post online.
  - b. Chamber reaches out to members and non-members to post online.
- b. Resume an in person Annual Career’s Pathway to success job fair, include a virtual component for job seekers to utilize.
- c. Promote a “Finding a job locally” campaign.
  - a. Leverage use of freeway signs
  - b. Digital marketing.
  - c. Linking with current job search websites.
- d. Track the job categories below and provide report to the city:
  - a. Report total number of job postings for each quarter including
    - i. Number of minimum wage jobs.
    - ii. Number of jobs that meet the agreed upon “living wage” mark.
    - iii. Number of jobs that include paid training.
  - b. Turnover of jobs posted on the website.
  - c. Track ratio of locals and non-locals utilizing website.

Goals:

- Post over 100 jobs that can be found local within National City each quarter.
- Receive 10,000 hits on job searching website on NationalCityChamber.org

Timeline:

- First round of jobs will be posted by the end of the 2<sup>nd</sup> month after funding.
- Quarterly reports on the above tracked items will be reported 1 month after the close of that quarter.
- An annual presentation will be made upon the city’s request on what the NCCC has seen in trends within the city on searched job postings.

## Section 2

### DiscoverNationalCity.org

The overall goal for the DiscoverNationalCity.org website is to increase and promote recreation, tourism, restaurant, and retail industries in National City. Below are simple measurable goals for the website. These goals will be further defined with the creation and consultation of a Tourism and Marketing Committee that will be created and hosted by the National City Chamber of Commerce. Additional tasks and goals are worked into the “Approach” Section.

#### Major Goals and Metrics for DiscoverNationalCity.org annually for 2022/2023:

1. Aid Restaurants, Retail, and Hotels recover from pandemic related issues.
2. Increase traffic to hotelier websites by 20,000 hits.
3. Increase traffic to local restaurants by 50,000 hits.
4. Increase traffic to local retailers by 20,000 hits.
5. Increase traffic for events by 20,000 hits.
6. Create and execute a shop local promotion.
7. Create and execute a local restaurant week.
8. Create a sustainable model that will support:
  - o Expansion
  - o Increase Impact and continual marketing
  - o Fund expansion for an App
  - o Maintain and update content

#### Proposal Outline of Tasks to Be Completed:

- Task 1 – Creation of a Marketing and Tourism Committee
- Task 2 – Comprehensive Strategy Plan
- Task 3 – Manage, promote, and updated discovernationalcity.org
- Task 4 – Search Engine Optimization (SEO)
- Task 5 – Social media
- Task 6 – Local Event Promotions for City and Resource for Residents

#### Project Tasks, Goals, and Completion Dates:

##### Task 1: Creation of a Marketing and Tourism Committee:

The goal of the Marketing and Tourism committee is to provide guidance, direction, feedback, and cooperation for the goals for the DiscoverNationalCity.org website and other local programs to boost and promote the served industries with the website. The Marketing and Tourism committee in its inaugural meetings will review the overarching goals described above; create a needs analysis for National City and will give guidance and review the comprehensive strategy described in task two.

Meeting will meet monthly during its foundation stage for 1 year. The committee will then review schedules at the end of 2022 and propose a new schedule for 2023. Founding committee members will discuss the schedule for these monthly meetings. First meeting will be held in March or the month after funding is approved by City Council.



Tourism committee of at least 10 members consisting of at least one representative from:

- a. City of National City
- b. Retail
- c. Hotels
- d. Food Service

Goals for Committee:

- Create, plan and execute strategies and plans to increase tourism and bring in new business to National City.
- Boost attendance at all National City events.
  - o Increase attendance from participants that live outside of National City.
- Report and issue recommendations to the Economic Development Committee. This is to create a consensus among all National City business and give a forum to give updates to City representatives.
- Supervise, support, and consult on the newly proposed restaurant week (see task 6 for more details)
- Supervise, support, and consult the shop local initiatives (see task 6 for more details)

Timelines:

- Creation of Committee and first meeting by March 31, 2022.
  - o Create schedule of meeting and publish on NCCC website.
- Goals of committee are finalized and reported to NCCC board by April 19, 2022.
- Presentation of recommendations and strategies for Marketing and Tourism to Economic Development Committee by May 5, 2022. Details will be reported and collected from Comprehensive Strategy (Task 2).
- Plan and execute proposed programs:
  - o Local Restaurant Week: By end of August 2022
  - o Shop Local Initiatives: From November 2022 – December 2022

**Task 2: Comprehensive Strategy Plan for website**

Under the guidance of the Marketing and Tourism Committee the NCCC will create a comprehensive strategy with additional metrics and goals based on the needs of the community. This strategy and goals will be approved by The Chamber Board of Directors, Economic Development Committee, and will be reported to the city.

NCCC proposes the following approach:

- a. Conduct area/business/partner research/SEO Analysis
  - i) Metrics to be collected for SEO analysis
    - (1) Where are people searching from?
    - (2) What people are searching for in National City?
    - (3) Demographics of people searching in National City.
    - (4) What are the most relevant searches for National City?
    - (5) Tourism and Recreation SWOT Analysis.
    - (6) Create list of top websites displaying marketing and tourism information for city.

Goals:

- Create a strategy that drives participants and traffic to the areas of industry that Marketing and Tourism wishes to highlight.
- Create SEO criteria that will drive the most traffic. This will compliment what people are searching for in National City.
- Create a strategy that will improve National City's presence on the internet. Highlight all the events and programs the city has to offer.
- Strategy will include how to make sure top websites are displaying relevant information for National City.

Timeline:

- Analysis will be completed by end of February 2022
- Findings will be reported to Marketing and Tourism Committee for March meeting.
- Comprehensive Strategy will be reported, completed, and approved by April 19 Chamber Board Meeting.

**Task 3: Manage, promote, and update [www.discovernationalcity.org](http://www.discovernationalcity.org)**Management:

The DiscoverNationalCity.org website was created and owned by the National City Chamber of Commerce. The city partners on the promotions and programs offered through the website and will have access to all data from the site. The Chamber will promote any city events and programs that will be received by the National City Library and Community Services Director. The Chamber does reserve the right not to promote certain city functions that could be viewed as a "political promotion." It also reserves the right to select events that do not fall under these criteria and are a community benefit. These benefits must agree with the brand of the website and its goal to promote and improve the tourism and recreation brand of the website. The city may also request that certain events that do not align with its current plans to be removed. The Chamber is responsible and gets all final decisions on the structure, population of information, tags, and offerings within the site.

All events that are considered to fall under tourism and recreation are allowed to be promoted on the website. This is a resource for all business located in National City and are servicing National City. The Chamber will be responsible for collecting this information and posting the information online.

The directory on the website will also be managed by the NCCC. This will be done in partnership with the city that will provide updated business licenses and permit information to the NCCC so the Chamber can ensure that all events and businesses can be located on the site that fall under the following categories: Tourism, Recreation, Food, Events, and Retail. All National City businesses can be listed on the website including National City Chamber members that are located outside of National City but provided services within National City.

Promotion and Updates:

The below approach will utilize all the research and discuss from Task 1 & 2 to give direction on what and how we update the site information to create a more effective site.

NCCC proposes the following approach:

- a. Manage all photography and copywriting
- b. Creation of SEO-friendly blog entries monthly
- c. Ensure all copywriting is SEO-friendly
- d. Manage plugins for all social media platforms and real-time feeds on the homepage
- e. Manage custom blog
- f. Maintain ongoing integration with social media platforms
- g. Program infrastructure to include Content Management System
- h. Program infrastructure to be sustainable with considerations for future growth
- i. Develop website to have a mobile display
- j. Provide outreach to National City businesses for:
  - a. Awareness of website
  - b. Accurate business information
- k. Create an accurate and live directory of services available in National City
- l. Invest additional funds received through advertising revenue, applicable grants, and direct funds from The Chamber to continue additional promotion and advertising for the website

**Timeline:**

- Updates for content within the website will be updated monthly. Updates must be received by the Chamber by the last Monday of each month. Updates will be completed by the second Thursday of each month. This includes blogs, events, directory information, promotions, and any other contact on the website.
- All other items in Task 3 will be updated by the End of March 2022. This will include all technical details above.

**Task 4: Search Engine Optimization DiscoverNationalCity.org**

Below is the technical information on how the NCCC plans to manage the Search Engine Optimization (SEO) for the website. This will heavily rely on the guidance and research and developed from Task 1 & 2. This will ensure the sites ongoing relevance and will help the site populate high on search engines such as Google and Bing.

NCCC proposes the following approach:

- a. Ensure onsite optimization
  - i. Conduct website and competitor analysis
  - ii. Ensure all keywords are optimized/find most profitable keyword
  - iii. Incorporate SEO suggestions of City, Hoteliers, and local Businesses for DiscoverNationalCity.org
  - iv. Optimize title and meta tags
  - v. Optimize content and keyword placement
  - vi. Create HTML & XML sitemap creation
  - vii. Optimize images
  - viii. Manage Google Analytics
  - ix. Manage Google, Yahoo & Bing link submissions
  - x. Validate W3C
  - xi. Submit to Robot.txt
- b. Ensure offsite optimization
  - i. Develop new backlinks monthly
  - ii. Develop one blog write-up with 5 profile creations

- iii. Manage accounts on social networking sites
- iv. Submit website to social bookmarking sites
- v. Submit articles to online directories
- vi. Submit press releases to directories
- c. Maintain reporting
  - i. Submit initial rank report
  - ii. Submit monthly work report
  - iii. Submit progress rank report
  - iv. Submit traffic report
  - v. Schedule 1 hour consultation with City- quarterly

Goals:

- Have DiscoverNationalCity.org be the number one site in National City for content on local event, hotels, and restaurant's.
- Have the site has over 80,000 hits in its first complete year after funding date.

Timeline:

- Basic SEO parameters have already been created for the website. The additional updates, and work will be completed at the end of May 2022.
- Updates for SEO will be ongoing and will be completed on a quarterly basis.

**Task 5: Social Media**

Social Media is critical to the success of the website. The city and the NCCC will share content on the website. The Chamber will manage the DiscoverNationalCity.org accounts. The city will provide content and imagery for local events by tagging DiscoverNationalCity.org accounts. The Chamber will ensure that content shared conforms to the criteria described in Task 3.

Images that are shared with the NCCC will be allowed to be used at the discretion of the NCCC to promote the website and the industries the site promotes. The city can request at any time to remove images that it has tagged from further marketing efforts or that have been shared in its social media platforms.

NCCC proposes the following approach:

- a. Complete social media audit for discovernationalcity.org
- b. Conduct competitive analysis
- c. Develop strategy map
- d. Plan, implement and monitor content
- e. Report and revise strategy
- f. Development and distribution of a monthly e-newsletter (template already established)
  - i. Includes relevant information from City.
- g. Manage social media campaigns
  - i. Manage social networks (Facebook, Twitter, LinkedIn, Pinterest)
    - i. Provide partnering agencies with information on how to share imagery with DiscoverNationalCity.org channels
  - ii. Manage local business listings
  - iii. Manage hotel listings on Google

- iv. Submit social bookmarking posts monthly

Goals:

- DiscoverNationalCity.org gains a following of 1,000 active followers.
- Partner with local influencers on a regular basis, both English and Spanish Speaking.

Timeline:

- Content will be updated on weekly basis and scheduling of content from The Chamber. City will provide content on an as needed basis within its own events.
- Management of resources will be updated on a weekly basis.

**Task 6: Local Event Promotions for City and Resource for Residents**

Two events that The Chamber puts forth to promote and execute within the scope of the Discovernationalcity.org is the Local Restaurant Week and a Shop Local Initiative. Additional events, programs, and resources can be added with guidance from the Marketing and Tourism Committee. The Committee will also participate in the planning execution of the event.

Approach for the certification and promotion Local Restaurant Week:

- a. Schedule a week for event, The Chamber recommends summer 2022.
- b. Create parameter for the event for participating restaurants.
- c. Create and plan to get feedback from customers and participating restaurants to vote. Awards will be announced and awarded at the 2023 annual for the criteria selected by the Marketing and Tourism committee.
- d. Recruit local restaurants to participate that will offer specials during this time to the community and customers that match the parameters created by the Marketing and Tourism Committee.
- e. Create marketing plan and strategy to include:
  - a. Street Banners
  - b. Online marketing
  - c. Collateral for participating restaurants.
  - d. Partner with Chamber and local media partners to promote.
- f. Manage a social media campaign during the week with special videos, interviews, and news will be provided by the owners and local media.

Goals:

- Have over 50 participating restaurants in National City.
- Have over 2,000 confirmed participants in the restaurant week. This will be collected by confirming number of special orders made during the given period. These will be reported by the participating restaurants.

Timelines:

- Detailed event timeline will be created by the NCCC and the Marketing and Tourism Committee by end of March 2022 and will be reported to the Economic Development Committee in April 2022.

- Event will be scheduled, and all collateral will be created by May 2022.
- Promotions for the event will begin 8 weeks prior to the start date of the restaurant week.
- Data from the event will be compiled and reported one month after the events conclusion.

**Event Sponsorships: See attached “See City of National Sponsorships 2022”**

**Assumptions**

The following are assumptions under this Scope of Work:

1. The total investment stated at the end of this document reflects the budget for one year starting on the date of funding.
2. The funding for sponsorships is for the calendar year of 2022.
3. All prices listed in projected fees are in U.S. dollars and are payable in U.S. dollars

**Fees & Expenses**

The following are the fees for this Statement of Work:

<b>Task</b>	<b>Description</b>	<b>Duration/Times</b>	<b>Fee</b>
1-10	Economic Development	<b>3/1/2022-12/31/2022</b>	\$40,000
Event	Sponsorship – SP Package	See “Event Sponsorship”	\$10,000
	<b>Total Grant</b>		<b>\$50,000</b>

**Acceptance:**

National City Chamber of Commerce

City of National City

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Chad Matkowski

Name: \_\_\_\_\_

Title: President/ CEO

Title: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_





## NCCC PROPOSED Sponsorship Package for City of National City- YR 2022

### Event: 112<sup>th</sup> Annual Installation Dinner

Date: March 11, 2022

*The City of NC will provide:*

- ❖ Corporate Sponsor-\$1,500

*NCCC will honor following promotional benefits:*

- Reserved table for 10
- Sponsor sign on your table
- Host VIP Guest
- Display banner in banquet room
- Recognition from Podium
- Logo & hyperlink on website
- Logo in Power Point display and program
- Introduce Award Recipient

### Event: Annual Chamber Golf Tournament

Date: June 24, 2022

*The City of NC will provide:*

- ❖ Gold Sponsor- \$1000

- 1 Display Table
- Logo in marketing materials
- Logo in Program & Power Point
- One Table at one Golf Hole (optional)

*NCCC will honor following promotional benefits:*

### Event: 9<sup>th</sup> Annual Career Pathways for Success Job Fair

Date: April 2022

*The City of NC will provide:*

- ❖ Equipment Sponsor- \$1,500

*NCCC will honor following promotional benefits:*

- Logo on PowerPoint
- Logo on Distribution materials to Job Seekers
- Live Acknowledgement
- 1 Employer Recruiting Table (includes breakfast & lunch for 2 reps)

### Event: 65<sup>th</sup> Annual Salute to Navy Luncheon

Date: October 2022

*The City of NC will provide:*

- ❖ Lieutenant Sponsor- \$1,500

*NCCC will honor following promotional benefits:*

- Lunch for 3 guests + 3 sailors
- Banner on Stage
- Logo on Program & Power Point
- Live Acknowledgement

### Event: I'm Ready Educational and Leadership Program

Date: TBD, 2022

*The City of NC will provide:*

**Sponsorship at - \$1,500**

- Booth at event to promote City programs
- Logo on all marketing outreach
- Stage mentions as sponsor
- Banner placement at event
- Logo in event program



**Event: Business Resource Consultations - A session with local businesses to perform a technology assessment, energy assessment, and waste management assessment. Making recommendations for programs to assist their business, lower costs, and improve environmental practices.**

**Date: Throughout the year business consultations.**

**The City of NC will Provide: Sponsorship for \$3,000**

**TOTAL Annual Sponsorships: \$10,000**

**Approved By: \_\_\_\_\_ Date: \_\_\_\_\_**

Please remit payment to:

**National City Chamber of Commerce, 901 National City Blvd. NC 91950 (619) 477-9339**



**RESOLUTION NO. 2022 -**

**RESOLUTION OF CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF NATIONAL CITY AND THE NATIONAL CITY CHAMBER OF COMMERCE FOR A NOT TO EXCEED AMOUNT OF \$50,000 TO ASSIST IN ADDRESSING THE NEGATIVE ECONOMIC IMPACTS OF THE PANDEMIC TO THE NATIONAL CITY BUSINESS COMMUNITY AND APPROPRIATING \$50,000 FROM THE AMERICAN RESCUE PLAN ACT FUNDS ALLOCATED TO GENERAL FUND OFFSETS FOR THE AGREEMENT**

**WHEREAS**, on March 20, 2021, City Council voted to add an Economic Development/Recovery Program with the National City Chamber of Commerce to the 2021-2022 budget; and

**WHEREAS**, on June 1, 2021, the National City Chamber of Commerce presented a COVID-19 Economic Recovery Proposal to City Council; and

**WHEREAS**, on October 19, 2021, City Council adopted Resolution No. 2021-149, approving a spending plan for the first half of the American Rescue Plan Act ("ARPA") funding, which included General Fund Expenditure Offsets; and

**WHEREAS**, providing funding to assist with the National City Chamber of Commerce COVID-19 Economic Recovery Proposal to assist in addressing the negative economic impacts of the pandemic to the National City business community was included in the General Fund Expenditure Offsets; and

**WHEREAS**, City staff recommends City Council authorizes the Mayor to execute an agreement between the City of National City and the National City Chamber of Commerce for a not-to-exceed amount of \$50,000 to assist in addressing the negative economic impacts of the pandemic to the National City business community; and

**WHEREAS**, City staff recommends City Council authorize appropriating \$50,000 from the American Rescue Plan Act funds allocated to General Fund offsets for the agreement.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** Authorizes the Mayor to execute an agreement between the City of National City and the National City Chamber of Commerce for a not-to-exceed amount of \$50,000 to address the pandemic's negative economic impacts to the National City business community.

**Section 2.** Approves appropriating \$50,000 from the American Rescue Plan Act funds allocated to General Fund offsets for the agreement.

**Section 3.** That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED and ADOPTED this 5th day of April, 2022.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California, authorizing the issuance of a Request for Qualifications \(“RFQ”\) for Employment and Labor Law legal services for the City of National City. \(City Attorney\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** 4/5/2022

**AGENDA ITEM NO. |**

**ITEM TITLE:**

Resolution of the City Council of the City of National City, California, authorizing the issuance of a Request for Qualifications (“RFQ”) for Employment and Labor Law legal services for the City of National City.

**PREPARED BY:** Charles E. Bell, Jr., City Attorney

**DEPARTMENT:** City Attorney

**PHONE:** (619) 336-4220

**APPROVED BY:** *Charles Bell Jr.*

**EXPLANATION:**

The City Attorney’s Office requests approval to release a Request for Qualifications (“RFQ”) for Employment and Labor Law legal services for the City of National City. Specific responsibilities would include, but are not limited to: 1) advise the City on all aspects of labor and employment law, including disciplinary matters, the impacts of current and proposed legislation, and the impacts of recent or pending court rulings, 2) review and provide advice on labor and employment policies, reports and documents, 3) draft labor and employment policy reports and documents on behalf of the City, 4) prepare training materials for City personnel, including the City Council, 5) represent the City in meetings with internal employee bargaining groups and outside agencies such as the State of California Public Employee Relations Board (“PERB”).

**FINANCIAL STATEMENT:**

**APPROVED:**

*Molly Brown*

**Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_

**MIS**

HR Professional Services Expenditures:  
001-407-083-200 |

**ENVIRONMENTAL REVIEW:**

This action does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(2).

**ORDINANCE:** INTRODUCTION:

**FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Adopt Resolution approving the issuance of a Request for Qualifications (“RFQ”) for Employment and Labor Law legal services for the City of National City.

**BOARD / COMMISSION RECOMMENDATION:**

**ATTACHMENTS:**

- Request for Qualifications (“RFQ”)
- Resolution



## **REQUEST FOR QUALIFICATIONS FOR EMPLOYMENT AND LABOR LEGAL SERVICES**

### **1. INTRODUCTION**

The City of National City (“City”) is a general law city which operates under a council-manager form of government. The City Council has an elected Mayor, Vice Mayor, and three Councilmembers who are elected at large for a term of four years. The citizens of National City also elect the City Treasurer and City Clerk.

The City Council is responsible for setting policies, enacting ordinances, adopting the budget, reviewing the General Plan, appointing committees, and appointing the City Manager and City Attorney. The City Manager is responsible for carrying out policies and ordinances of the City Council, appointing City department heads, and overseeing the day-to-day operations of the City. National City is organized into the departments of City Manager, City Clerk’s Office, City Attorney’s Office, Building, Planning, Engineering/Public Works, Finance, Fire, Police, Housing & Economic Development, Community Services, Information Technology, Library, Neighborhood Services, and Human Resources. The City’s total all funds budget is \$107.8 million, and the workforce consists of approximately 360 employees. For more information on the City of National City, please visit their website at: [www.nationalcityca.gov](http://www.nationalcityca.gov)

### **2. THE COMMUNITY**

The City of National City was incorporated in 1887 and is a full service, general law city serving a vibrant, socio-economically diverse community. National City’s multi-cultural population, mild climate and central location make National City a great place to live and work. The spirit of National City is a welcoming one, and the residents take great pride in its rich history and traditions, diverse cultures, dynamic and progressive atmosphere, strong community spirit, schools, neighborhoods and vibrant business districts.

National City, San Diego County’s second oldest city is centrally located in the South Bay region of the San Diego metropolitan area, in southwestern San Diego County. National City is truly “In the center of it all.” A thriving bi-national region of 5 million consumers, the City’s competitive edge is its central location, transportation network, and business industry.

RFQ for Legal Counsel  
Employment and Labor

National City is positioned for prosperity, with proximity to the San Diego Bay, US-Mexico border, downtown San Diego, international airport, rail, San Diego State University, and other colleges and universities. Adjacent to the San Diego Bay, National City can be easily accessed by interstates 5 and 805, and highways 54 and 15. The San Diego Trolley and the Metropolitan Transit System (MTS) services National City 7 days a week. The robust transportation resources conveniently connect the City to the region.

National City is home to over 3,000 businesses – a remarkable number for a city with a population of slightly over 61,000. A variety of industries, ranging from small family-owned operations to multi-million-dollar corporations can be found in National City. The National City Marine Terminal, part of the Unified Port of San Diego, is the most advanced vehicle import and export facility on the West Coast, processing more than 270,000 vehicles annually. Lumber is also imported from the Pacific Northwest for construction use throughout the region. National City’s port area extends three miles along San Diego Bay and is part of the largest U.S. Navy installation on the West Coast.

National City’s 87.2 acres of park land exceeds the statewide norm. The City’s four sprawling major parks include El Toyon Park, Kimball Park, Las Palmas Park, and Sweetwater Heights Park, plus the National City Golf Course. The National City recreation division provides programs at the Las Palmas Olympic-sized pool as well as at six recreation centers. The City has 10 elementary schools, 2 middle schools, 1 high school, and 1 community college.

### **1.1. Purpose of Invitation**

This Request for Qualifications (“RFQ”) is focused on obtaining the services of a professional, highly qualified attorney to lead as-needed, general legal services regarding labor and employment law matters.

Interested and qualified firms who have demonstrated their ability at comparable work are invited to submit their qualifications.

Submittals, requests for information, or questions relative to this Request for Qualifications should be addressed to:

City Attorney  
City of National City  
1243 National City Blvd.  
National City, CA 91950  
619-336-4220  
attorney@nationalcityca.gov

RFQ for Legal Counsel  
Employment and Labor

## **1.2 Submittal Deadline**

Qualifications will be accepted until \_\_\_\_\_. The submittal must include one original and one copy.

## **1.3 Contract Length**

The agreement will be effective on date fully executed and continue until written notice of cancellation. This Agreement may be terminated at any time by either party with sixty (60) days' written notice to the other.

## **1.4 Scope of Services**

The City of National City is seeking an attorney to perform the full range of services related to general legal services regarding labor and employment law matters. Specific responsibilities include, but are not limited to:

1. Advise the City on all aspects of labor and employment law, including disciplinary matters, the impacts of current and proposed legislation, and the impacts of recent or pending court rulings.
2. Review and provide advice on labor and employment policies, reports and documents and reports.
3. Draft labor and employment policies reports and documents on behalf of the City.
4. Prepare training materials for City personnel, including the City Council.
5. Provide trainings to City personnel, including the City Council.
6. Represent the City in meetings with internal employee bargaining groups and outside agencies such as the State of California Public Employee Relations Board (PERB).

## **2.0 SUBMITTAL REQUIREMENTS**

The respondent shall follow the format specified below. Each section should be tabbed and labeled in the order shown below.



## **2.1 Submittal Cover**

The cover shall include the title, submittal due date, name, address, telephone and fax numbers, and e-mail address of the principal contact.

## **2.2 Table of Contents**

The table of contents shall be complete and clear.

## **2.3 Cover Letter**

The letter shall be brief. Any changes to the submittal format or deletions of requested material should be explained in the cover letter. The letter should also include the location of the office(s) in which the proposed attorney(s) is located.

## **2.4 Statement of Understanding and Proposed Methodology**

The respondent shall provide a written narrative that demonstrates an understanding of this invitation and a proposed methodology for implementing the Scope of Services, provided above in Section 1.4.

## **2.5 Project-Related Experience**

This section shall include examples of respondent's experience in the past ten years specifically related to the Scope of Services. This section should also describe respondent's experience in the following areas:

- Advise the City on all aspects of labor and employment law, including disciplinary matters, the impacts of current and proposed legislation, and the impacts of recent or pending court rulings.
- Review and provide advice on labor and employment policies, reports and documents and reports.
- Draft labor and employment policies reports and documents on behalf of the City.
- Prepare training materials for City personnel, including the City Council.
- Provide trainings to City personnel, including the City Council.
- Represent the City in meetings with internal employee bargaining groups and outside agencies such as the State of California Public Employee Relations Board (PERB).

## **2.6 Project Personnel**

A resume for each attorney proposed to perform as legal services should be provided with their relevant municipal employment law and labor experience.

## **2.7 Insurance**

Respondent shall be required to comply with all the insurance requirements required under the contract, a sample of which is attached hereto.

## **2.8 Schedule of Rates**

Respondent shall include a "Schedule of Rates" in a sealed envelope, including rates for all of the personnel that may provide services under this contract.

## **2.10 References**

The listing of other clients represented is critical and contact information should be provided for reference checks. Please provide at least three public sector clients and three union/employee representatives (if applicable) as references for each professional proposed in Section 2.6. Include each reference's name, address, and telephone number. In addition, provide a list the municipalities your firm, and in particular, the proposed attorney, provided similar services for within the past three (3) years.

## **2.9 Additional Required Information**

The following information should also be provided:

- Type of firm: individual, partnership, or corporation.
- Organizational structure of the firm, history, including number of years in existence, number and location of offices, total number of employees.
- Describe the ability of your firm to provide local service to the City.
- Names and titles of all principals/officers of the firm (name, title, phone number).
- How many years has your firm been providing labor law services to municipalities?
- Describe the firm's philosophy about customer service and quality assurance.
- Describe your firm's resources or methods to provide education on best practices, trends or hot topics.
- Describe the organization's legal research capabilities and how you communicate legislative updates to your clients.

- Describe your firm’s commitment to diversity in both your employment practices and in client relations.

**3.0 SELECTION PROCESS AND EVALUATION CRITERIA**

**3.1 Selection Criteria**

The responses will be evaluated based upon the following:

- Respondent’s submittal demonstrates an understanding of the Scope of Services.
- Respondent’s knowledge of the law regarding labor and employment law matters.
- Availability and accessibility, including the location of the office that will be servicing the City of National City.
- The experience, professional credentials and references of those who will be advising the City of National City.
- Respondent’s commitment to diversity in both your employment practices and in client relations.

**3.2 Submittal Selection Process**

A selection committee will review the submittals and “short-list” the most qualified respondents. This committee may then choose to interview selected respondents. The proposed attorney(s) from the law firm must attend. Thereafter, a recommendation will be made for a final decision.

**3.3 Submittal Schedule**

Distribution/Advertisement	April 6, 2022
Deadline for response	May 5, 2022
Interviews	week of May 16, 2022
Selection and Recommendation	May 26, 2022
City Council Approval	June 7, 2022

**3.4 Legal Services Agreement**

The firm selected shall be required to enter into a Legal Services Agreement for this project with the City, a sample of which is attached hereto. Any contract resulting from this RFQ shall not be effective unless, and until, approved by the City, which may require City Council approval. Upon approval, the contract shall start within 1 day after the award of the contract.

Before the City executes a contract, the selected firm shall furnish the City certificates evidencing insurance, as required by the City. The City shall be named as additional insured. Certificates of Insurance must be accompanied by the applicable endorsements for the specific insurance policy.

#### **4.0 DECLARATIONS AND ADDITIONAL INFORMATION**

##### **4.1 The City of National City Rights Regarding this Invitation**

The City reserves the right to reject all submittals for any reason without indicating reasons for said rejection. The City accepts no financial responsibility for any costs incurred by respondent. Issuance of this Request for Qualifications does not commit the City to award a contract, to pay any costs incurred in the preparation of a response to this request, or to procure a contract for services.

The City reserves the right to waive any irregularities or informalities in the proposal or proposal process. The City retains the right to reject all submittals. Selection is also dependent upon the negotiation of a mutually acceptable contract with the successful respondent.

##### **4.2 Acknowledgement of Amendments**

Each firm receiving a copy of this shall acknowledge receipt of any amendment to this Request for Qualifications by signing and returning the amendment with the completed proposal. The acknowledgment must be received by the City of National City at the time and place specified for receipt of qualifications.

##### **4.3 Right to Cancel**

The City reserves the right to withdraw or cancel, for any or no reason, at any time, in part or in its entirety, this RFQ, including but not limited to: selection schedule, submittal date, and submittal requirements.

##### **4.4 Variations in Scope of Work**

The City may materially change the scope of services by way of amendment to this RFQ, signed by the City Clerk. The City may waive the written requirement for a variation in the scope of services if, in the opinion of the City, such variation does not materially change the item or its performance within parameters acceptable to the City.

#### **4.6 Applicable Laws**

The contract awarded shall be governed in all respect by the laws of the State of California, and any litigation related to the contract or this RFQ shall be brought in the State of California, with a venue of the San Diego Superior Courts. The firm awarded the contract shall comply with all applicable Federal, State, and local laws and regulations.

#### **4.7 Public Information**

All documents received by the City are considered public records and will be made available after the RFQ selection for public inspection and copying upon request.

#### **4.8 Compensation**

The respondent agrees, if selected, that compensation shall be governed by the terms set forth and agreed to in the Legal Services Agreement.

#### **4.9 Independent Contractor Status**

The respondent agrees, if selected, that he or she shall perform the services as independent contractor(s) and not employee(s) of the City. The City shall not be considered the employer of respondent. The respondent understands, if selected, the respondent shall have the sole responsibility for deciding the manner and means of providing the services, except as outlined in the final contract and its attachments or exhibits.

#### **4.10 Indemnification**

The respondent agrees, if selected, to indemnify and hold harmless the City and all its officers and employees from any and all liability, claims, costs, including reasonable attorney's fees, demands, damages, expenses, and causes of action as outlined in the contract.

#### **4.11 Examination of Solicitation**

The respondent understands that the information provided herein is intended solely to assist the respondent in submittal preparation. To the best of the City's knowledge, the information provided is accurate. However, the City does not warrant such accuracy, and any errors or omissions subsequently determined will not be construed as a basis for invalidating this solicitation. Further, by submitting a response to this solicitation, the respondent represents that he or she has thoroughly examined and become familiar with

work required in the solicitation and is capable of performing quality work and to achieve the objectives of the City.

## **5.0 APPENDICES**

Appendix A – Sample Agreement

**AGREEMENT FOR LEGAL SERVICES  
BY AND BETWEEN  
THE CITY OF NATIONAL CITY  
AND  
[FULL LEGAL COMPANY NAME]**

THIS AGREEMENT FOR LEGAL SERVICES (the “Agreement”) is made between THE CITY OF NATIONAL CITY, a municipal corporation, (the “CITY”) and \_\_\_\_\_, a law corporation (the “FIRM”). This Agreement sets forth the parties’ mutual understanding concerning legal services to be provided by the FIRM and the fee arrangement for said services.

**Article 1. Retainer.** The CITY hereby retains the FIRM to assist in representing the CITY in connection with litigation and government claims issues, subject to this Agreement.

**Article 2. Effective Date and Term.** This Agreement shall be effective on \_\_\_\_\_ and continue until written notice of cancellation. This Agreement may be terminated at any time by either party with sixty (60) days’ written notice to the other. Notice of termination by the FIRM shall be given to the City Attorney.

**Article 3. Scope of Services.** The CITY shall have the right in its sole discretion to determine the particular services to be performed by the FIRM under this Agreement. These services may include the following: consultation with the City Attorney and Risk Management on Government Claims, defense of the City on litigated matters, advice and counsel to the City Council, and communications with City staff as per the Proposal Letter attached as Exhibit A (“LEGAL SERVICES”). In addition, the City may increase the scope of work with the FIRM’s agreement, and such additional work will be confirmed via a letter that shall bring such work within the scope of this agreement. It is expected that the FIRM will work with the City Attorney and CITY staff.

**Article 4. Compensation.** Compensation paid under this Agreement shall be as set forth in the Proposal Letter attached as Exhibit A.

A. The FIRM shall not use more than one attorney for the same specific task without the CITY’S approval. The FIRM may use the minimum number of attorneys for this engagement consistent with good professional practice after consulting with and obtaining approval by the CITY.

B. The FIRM agrees to document a plan and budget consistent with the scope of services described above in Article 3 to be agreed to by the City Attorney and the FIRM. The CITY shall not be obligated to pay the FIRM amounts not discussed, budgeted, and agreed to before being incurred by the FIRM.

C. The CITY has appropriated or otherwise duly authorized the payment of an amount not to exceed \_\_\_\_\_ for LEGAL SERVICES and out-of-pocket

disbursements pursuant to this Agreement. In no event shall the total fees plus out-of-pocket disbursements exceed this amount without written authorization of the CITY.

D. The FIRM shall keep the CITY advised monthly as to the level of attorney hours and client services performed under Article 1. The FIRM will not charge the CITY for travel time; however, the FIRM may charge for work performed for the CITY during any travel time.

E. The CITY further agrees to reimburse the FIRM, in accordance with the procedures set forth in this Article, for telephone, fax, mail, messengers, federal express deliveries, document reproduction, client-requested clerical overtime, lodging, and similar out-of-pocket expenses charged by the FIRM as a standard practice to its clients generally, with the exception of travel and meals. In any billing for disbursements, the FIRM shall provide the CITY with a statement breaking down the amounts by category of expense. The following items shall not be reimbursed, unless the CITY has specifically agreed otherwise:

(1) Word Processing, clerical or secretarial charges, whether expressed as a dollar disbursement or time charge.

(2) Storage of open or closed files, rent, electricity, local telephone, postage, receipts or transmission of telecopier documents, or any other items traditionally associated with overhead.

(3) Photocopy charges in excess of \$.15 (fifteen cents) per page.

(4) Auto mileage rates in excess of the rate approved by the Internal Revenue Service for income tax purposes.

(5) Secretarial overtime. Where case requirements demand overtime, the CITY will consider reimbursement on a case-by-case basis. The CITY will not reimburse overtime incurred for the convenience of the FIRM'S failure to meet deadlines known in advance.

(6) Equipment, books, periodicals, research materials, Westlaw/Lexis or like items.

(7) Express charges, overnight mail charges, messenger services or the like, without the CITY'S prior consent. The CITY expects these expenses to be incurred in emergency situations only. Where case necessity requires the use of these services, the CITY will consider reimbursement on a case-by-case basis.

(8) Travel and meals.

(9) Late payment charge or interest. Due to the nature of the CITY'S payment process, the CITY will not pay any late charges or interest charges to bills. Every effort will be made to pay bills promptly.

F. Bills from the FIRM should be submitted to City Attorney, 1243 National City Boulevard, National City, CA 91950-4301. The individual time and disbursement records customarily maintained by the FIRM for billing evaluation and review purposes shall be made available to the CITY in support of bills rendered by the FIRM.



G. The FIRM agrees to forward to the CITY a statement of account for each one-month period of services under this Agreement, and the CITY agrees to compensate the FIRM on this basis. The FIRM will consult monthly with the CITY as to the number of attorney hours and client disbursements which have been incurred to date under this Agreement, and as to future expected levels of hours and disbursements.

H. Billing Format. Each billing entry must be complete, discrete and appropriate.

(1) Complete.

(a) Each entry must name the person or persons involved. For instance, telephone calls must include the names of all participants.

(b) The date the work was performed must be included.

(c) The hours should be billed in .10 hour increments.

(d) The specific task performed should be described, and the related work product should be reference (“telephone call re: trial brief,” “interview in preparation for deposition”).

(e) The biller’s professional capacity (partner, associate, paralegal, etc.) should be included.

(2) Discrete: Each task must be set out as a discrete billing entry; neither narrative nor block billing is acceptable.

(3) Appropriate.

(a) The CITY does not pay for clerical support, administrative costs, overhead costs, outside expenses or excessive expenses. For example, the CITY will not pay for secretarial time, word processing time, air conditioning, rental of equipment, including computers, meals served at meetings, postage, online research, or the overhead costs of sending or receiving faxes. Neither will the CITY pay for outside expenses such as messenger delivery fees, outside photocopying, videotaping of depositions, investigative services, outside computer litigation support services, or overnight mail.

(b) Due to the nature of the CITY’S payment process, the CITY will not pay any late charges. Every effort will be made to pay bills promptly.

I. Staffing. Every legal matter should have a primarily responsible attorney and a paralegal assigned. Ultimately, staffing is a CITY decision, and the CITY’S representative may review staffing to insure that it is optimal to achieve the goals of the engagement at the least cost.

(1) Paralegals are to be used to the maximum extent possible to enhance efficiency and cost-effectiveness. All tasks typically considered associate work should be considered for assignment to a paralegal. Written authorization from the CITY must be had before associate hours billed exceed paralegal hours billed.

(2) Once an attorney is given primary responsibility for an engagement, that person should continue on the legal matter until the matter is concluded or

the attorney leaves the FIRM. The CITY will not pay the costs of bringing a new attorney up to speed.

(3) If more than one attorney is going to perform the same task, prior approval from the CITY must be had. This includes document review.

**Article 5. Independent Contractor.** The FIRM shall perform services as an independent contractor. It is understood that this contract is for unique professional services. Accordingly, the duties specified in this Agreement may not be assigned or delegated by the FIRM without prior written consent of the CITY. Retention of the FIRM is based on the particular professional expertise of the individuals rendering the services required in the Scope of Services.

**Article 6. Confidentiality of Work.** All work performed by the FIRM including but not limited to all drafts, data, correspondence, proposals, reports, and estimates compiled or composed by the FIRM pursuant to this Agreement is for the sole use of the CITY. All such work product shall be confidential and not released to any third party without the prior written consent of the CITY.

**Article 7. Compliance with Controlling Law.** The FIRM shall comply with all applicable laws, ordinances, regulations, and policies of the federal, state, and local governments as they pertain to this Agreement. In addition, the FIRM shall comply immediately with any and all directives issued by the CITY or its authorized representatives under authority of any laws statutes, ordinances, rules, or regulations. The laws of the State of California shall govern and control the terms and conditions of this Agreement.

**Article 8. Acceptability of Work.** The CITY shall decide any and all questions which may arise as to the quality or acceptability of the services performed and the manner of performance, the acceptable completion of this Agreement and the amount of compensation due. If the FIRM and the CITY cannot agree to the quality or acceptability of the work, the manner of performance, or the compensation payable to the FIRM in this Agreement, the CITY or the FIRM shall give to the other written notice. Within ten (10) business days, the FIRM and the CITY shall each prepare a report which supports their position and file the same with the other party. The CITY shall, with reasonable diligence, determine the quality or acceptability of the work, the manner of performance or the compensation payable to the FIRM.

**Article 9. Indemnification.** The FIRM agrees to indemnify, defend, and hold the CITY and its agents, officers, employees, and volunteers harmless from and against all claims asserted or liability established for damages or injuries to any person or property, including injury to the FIRM'S employees, agents, or officers, which arise from or are connected with or caused or claimed to be caused by the acts or omissions of the FIRM and its agents, officers, or employees in performing the work or other obligations under this Agreement, and all expenses of investigating and defending against same; provided, however, that this indemnification and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of the CITY, its agents, officers, employees, or volunteers.

**Article 10. Insurance.** The FIRM, at its sole cost and expense, shall purchase and maintain throughout the term of this Agreement, the following insurance policies:

A. **Professional Liability** Insurance (errors and omissions) with minimum limits of \$1,000,000 per claim.

B. **Automobile Insurance** covering all bodily injury and property damage incurred during the performance of this Agreement, with a minimum coverage of \$1,000,000 combined single limit per accident. Such automobile insurance shall include owned, non-owned, and hired vehicles. The policy shall name the CITY and its officers, agents, employees, and volunteers as additional insureds, and a separate additional insured endorsement shall be provided.

C. **Commercial General Liability Insurance**, with minimum limits of either \$2,000,000 per occurrence and \$4,000,000 aggregate, or \$1,000,000 per occurrence and \$2,000,000 aggregate with a \$2,000,000 umbrella policy, covering all bodily injury and property damage arising out of its operations, work, or performance under this Agreement. The policy shall name the CITY and its officers, agents, employees, and volunteers as additional insureds, and a separate additional insured endorsement shall be provided. The general aggregate limit must apply solely to the “location”. The “location” should be noted with specificity on an endorsement that shall be incorporated into the policy.

D. **Workers’ Compensation Insurance** in an amount sufficient to meet statutory requirements covering all of FIRM’S employees and employers’ liability insurance with limits of at least \$1,000,000 per accident. In addition, the policy shall be endorsed with a waiver of subrogation in favor of the CITY. Said endorsement shall be provided prior to commencement of work under this Agreement.

E. The aforesaid policies shall constitute primary insurance as to the CITY, its officers, officials, employees, and volunteers, so that any other policies held by the CITY shall not contribute to any loss under said insurance. Said policies shall provide for thirty (30) days prior written notice to the CITY’s Risk Manager, at the address listed in subsection G below, of cancellation or material change.

F. If required insurance coverage is provided on a “claims made” rather than “occurrence” form, the FIRM shall maintain such insurance coverage for three years after expiration of the term (and any extensions) of this Agreement. In addition, the “retro” date must be on or before the date of this Agreement.

G. The Certificate Holder for all policies of insurance required by this Section shall be:

City of National City  
c/o Risk Manager  
1243 National City Boulevard  
National City, CA 91950-4397

H. Insurance shall be written with only insurers authorized to conduct business in California that hold a current policy holder's alphabetic and financial size category rating of not less than A:VII according to the current Best's Key Rating Guide, or a company of equal financial stability that is approved by the CITY'S Risk Manager. In the event coverage is provided by non-admitted "surplus lines" carriers, they must be included on the most recent List of Approved Surplus Line Insurers ("LASLI") and otherwise meet rating requirements.

I. This Agreement shall not take effect until certificate(s) or other sufficient proof that these insurance provisions have been complied with, are filed with and approved by the CITY'S Risk Manager. If the FIRM does not keep all insurance policies required by this Article 10 in full force and effect at all times during the term of this Agreement, the CITY may treat the failure to maintain the requisite insurance as a breach of this Agreement and terminate the Agreement as provided herein.

J. All deductibles and self-insured retentions in excess of \$10,000 must be disclosed to and approved by the CITY. CITY reserves the right to modify the insurance requirements of this Article 10, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

K. If the FIRM maintains broader coverage or higher limits (or both) than the minimum limits shown above, the CITY shall be entitled to the broader coverage or higher limits (or both) maintained by the FIRM. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the CITY.

**Article 11. Drug Free Work Place.** The FIRM agrees to comply with the CITY'S Drug-Free Workplace requirements. Every person awarded a contract by the CITY for the provision of services shall certify to the CITY that it will provide a drug-free workplace. Any subcontract entered into by the FIRM pursuant to this Agreement shall contain this provision.

**Article 12. Non-Discrimination Provisions.** The FIRM shall not discriminate against any subcontractor, vendor, employee or applicant for employment because of age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. The FIRM will take positive action to insure that applicants are employed without regard to their age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The FIRM agrees to post in conspicuous places available to employees and applicants for employment any notices provided by the CITY setting forth the provisions of this non-discrimination clause.

**Article 13. Notification of Change in Form.** The FIRM has the right to effect changes in form including but not limited to: the change in form from a partnership to a professional law corporation; the change in form of any partner or partners from an

individual or individuals to a professional law corporation; the change in form of any corporate partner or partners to any individual partners. The CITY shall be promptly notified in writing of any change in form.

**Article 14. Notices.** In all cases where written notice is to be given under this Agreement, service shall be deemed sufficient if said notice is deposited in the United States mail, postage paid. When so given, such notice shall be effective from the date of mailing of the notice. Unless otherwise provided by notice in writing from the respective parties, notice to the Agency shall be addressed to:

City Attorney  
City of National City  
1243 National City Boulevard  
National City, CA 91950-4397

cc: Executive Assistant to the City Attorney  
City of National City  
1243 National City Boulevard  
National City, CA 91950-4397

and to: [Insert Email Address]  
[Insert Email Address]

Notice to the FIRM shall be addressed to:

[insert Firm information here]

Nothing contained in this agreement shall preclude or render inoperative service or such notice in the manner provided by law.

Nothing contained in this Agreement shall preclude or render inoperative service or such notice in the manner provided by law.

**Article 15. Administrative Provisions.**

A. *Time of Essence.* Time is of the essence for each provision of this Agreement.

B. *Counterparts.* This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute but one and the same instrument.

C. *Headings.* Any captions to, or headings of, the sections or subsections of this Agreement are solely for the convenience of the parties hereto, are not a part of this

Agreement, and shall not be used for the interpretation or determination of the validity of this Agreement or any provision hereof.

D. *California Law.* This Agreement shall be construed and interpreted in accordance with the laws of the State of California. The venue for any legal action arising under this Agreement shall be in either state or federal court in the County of San Diego, State of California.

E. *Integrated Agreement.* This Agreement including attachments and exhibits contains all of the agreements of the parties and all prior negotiations and agreements are merged in this Agreement. This Agreement cannot be amended or modified except by written agreement, and mutually agreed upon by the CITY and the FIRM.

F. *Severability.* The unenforceability, invalidity, or illegality of any provision of this Agreement shall not render the other provisions unenforceable, invalid, or illegal.

G. *Waiver.* The failure of the CITY to enforce a particular condition or provision of this Agreement shall not constitute a waiver of that condition or provision or its enforceability.

H. *Conflict of Interest.* During the term of this Agreement, the FIRM shall not perform services of any kind for any person or entity whose interests conflict in any way with those of the CITY. This prohibition shall not preclude the CITY from expressly agreeing to a waiver of a potential conflict of interest under certain circumstances.

I. *No Obligations to Third Parties.* Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, or obligate any of the parties hereto, to any person or entity other than the parties hereto.

J. *Exhibits and Schedules.* The Exhibits and Schedules attached hereto are hereby incorporated herein by this reference for all purposes. To the extent any exhibits, schedules, or provisions thereof conflict or are inconsistent with the terms and conditions contained in this Agreement, the terms and conditions of this Agreement shall control.

K. *Construction.* The parties acknowledge and agree that (i) each party is of equal bargaining strength, (ii) each party has actively participated in the drafting, preparation and negotiation of this Agreement, and (iii) any rule or construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement, or any portions hereof, or any amendments hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**CITY OF NATIONAL CITY**

**[insert name of firm]**

*(Corporation – signatures of two corporate officers)*

By: \_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

By: \_\_\_\_\_  
[insert name and title]

APPROVED AS TO FORM:

By: \_\_\_\_\_  
*(Name)*

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney

\_\_\_\_\_  
*(Print Name)*

\_\_\_\_\_  
*(Title)*

**RESOLUTION NO. 2022 -**

**RESOLUTION OF CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS (“RFQ”) FOR EMPLOYMENT AND LABOR LAW LEGAL SERVICES FOR THE CITY OF NATIONAL CITY**

**WHEREAS**, the City Attorney’s Office requests approval to release a Request for Qualifications (“RFQ”) for Employment and Labor Law legal services for the City of National City; and

**WHEREAS**, this RFQ is focused on obtaining the services of a professional, highly-qualified attorney to lead as-needed, general legal services regarding labor and employment law matters; and

**WHEREAS**, specific responsibilities include, but are not limited to:

1. Advise the City on all aspects of labor and employment law, including disciplinary matters, the impacts of current and proposed legislation, and the impacts of recent or pending court rulings;
2. Review and provide advice on labor and employment policies, reports, and documents;
3. Draft labor and employment policies, reports, and documents on behalf of the City;
4. Prepare training materials for City personnel, including the City Council;
5. Provide trainings to City personnel, including the City Council;
6. Represent the City in meetings with internal employee bargaining groups and outside agencies such as the State of California Public Employee Relations Board (PERB); and

**WHEREAS**, City staff recommends approving the issuance of an RFQ for Employment and Labor Law legal services for the City of National City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** Authorizes the issuance of a Request for Qualifications (“RFQ”) for Employment and Labor Law legal services for the City of National City.

**Section 2.** That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.



**PASSED and ADOPTED this 5th day of April, 2022.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California, authorizing the Mayor to execute a Common Interest and Mutual Defense Agreement between the San Diego Unified Port District and the City of National City. \(City Attorney\)](#)

Please scroll down to view the backup material.

# CITY OF NATIONAL CITY, CALIFORNIA COUNCIL AGENDA STATEMENT

**MEETING DATE:** 4/5/2022

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Resolution of the City Council of the City of National City, California, authorizing the Mayor to execute a Common Interest and Mutual Defense Agreement between the San Diego Unified Port District and the City of National City.

**PREPARED BY:** Charles E. Bell, Jr., City Attorney

**DEPARTMENT:** City Attorney

**PHONE:** (619) 336-4220

**APPROVED BY:** *Charles Bell Jr.*

**EXPLANATION:**

The Common Interest and Mutual Defense Agreement concerns the proposal sought by Burlington Northern and Santa Fe Railway (“BSNF”) and Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency (“LOSSAN”) that would place BSNF’s maintenance activities on the National City Marine Terminal (“NCMT”) and areas adjacent to the NCMT.

The purpose of the Common Interest and Mutual Defense Agreement is to (1) memorialize the common interest of the Parties in exchanging privileged and confidential information necessary for the preparation, review, and defense of any BNSF litigation that would advance the BNSF Project, including an eminent domain action; (2) memorialize the common interest of the Parties in exchanging privileged and confidential information necessary to the review of the BNSF Project; and (3) set forth the terms for interactions among the Parties and their respective Legal Counsel in order to accomplish these objectives in the Parties' common interest. As a result, any exchange of privileged and confidential information or work product pursuant to the terms of this Agreement will be communicated pursuant to a common interest/non-waiver doctrine and the extension of the attorney-client and work product privilege doctrines.

**FINANCIAL STATEMENT:**

**APPROVED:**

**Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_

**MIS**

**ENVIRONMENTAL REVIEW:**

This action does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(2).

**ORDINANCE:** INTRODUCTION:

**FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Adopt Resolution authorizing the Mayor to execute a Common Interest and Mutual Defense Agreement between the San Diego Unified Port District and the City of National City.

**BOARD / COMMISSION RECOMMENDATION:**

**ATTACHMENTS:**

- Agreement
- Resolution

**COMMON INTEREST AND MUTUAL DEFENSE AGREEMENT  
AMONG  
SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF NATIONAL CITY**

This Common Interest and Mutual Defense Agreement ("Agreement") is entered into by and among the San Diego Unified Port District, a public corporation ("Port") and the City of National City, a California chartered municipal corporation ("City"), also referred to herein as "Party" or "Parties", with reference to the following facts.

**RECITALS**

**WHEREAS**, this Agreement concerns the proposal sought by Burlington Northern and Santa Fe Railway ("BSNF") and Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency ("LOSSAN") that would place BSNF's maintenance activities on the National City Marine Terminal ("NCMT") and areas adjacent to the NCMT ("BNSF Project"); and

**WHEREAS**, the Parties have jointly been processing land use entitlements for what is commonly known as the National City Balanced Plan ("Balanced Plan") within the Port's jurisdiction, additional commercial uses within the City's jurisdiction and an extension and realignment of the Bayshore bikeway (collectively, "Port/City Project"); and

**WHEREAS**, the draft Environmental Impact Report ("EIR") is currently being circulated for public review and the Port/City Project has not been approved by the Port or City, but is anticipated to go to the respective decision-makers in short-order; and

**WHEREAS**, BNSF Project conflicts with the operation of the NCMT, the Balanced Plan and would upset the objectives of the Port/City Project; and

**WHEREAS**, the Parties acknowledge that BNSF may have eminent domain authority under California law, there is an on-going threat that BNSF may bring an eminent domain action for the BNSF Project and that given the potential for such action and in the case that the Port and City certify the EIR and approve the Port/City Project in their respective jurisdictions, and the associated common interests of the Parties, it is reasonably necessary and helpful for their respective legal counsel ("Legal Counsel") to exchange privileged and confidential communications, in the preparation, review and defense of any BNSF litigation, including an eminent domain action, as well as related to the BNSF Project; and

**WHEREAS**, the purpose of this Agreement is to (1) memorialize the common interest of the Parties in exchanging privileged and confidential information necessary to the preparation, review, and defense of any BNSF litigation that would advance the BNSF Project, including an eminent domain action; (2) memorialize the common interest of the Parties in exchanging privileged and confidential information necessary to the review of the BNSF Project; and (3) set forth the terms for interactions among the Parties and their respective Legal Counsel in order to accomplish these objectives in the Parties' common interest. As a result, any exchange of privileged and confidential information or work product pursuant to the terms of this Agreement will be communicated pursuant to a common interest/non-waiver doctrine and the extension of the attorney-client and work product privilege

doctrines as provided herein.

## **AGREEMENT**

**NOW, THEREFORE**, in consideration of the above Recitals, which the Parties agree are true and correct and are incorporated herein by this reference, and pursuant to the mutual covenants contained herein, the Parties mutually agree as follows:

1. The Parties and Legal Counsel shall work together in the exchanging privileged and confidential information necessary to the preparation, review, and defense of any BNSF litigation, including an eminent domain action and in exchanging privileged and confidential information necessary to the review of the BNSF Project. Each Party shall pay for its own Legal Counsel's fees and costs. All Parties acknowledge that this Agreement is for the common benefit of all Parties and each Party shall be responsible for its own costs and expenses.
2. The Parties desire to produce and share documents and communications, among and between themselves and Legal Counsel, protected by the lawyer-client privileges as provided in (but not necessarily limited to) Evidence Code section 954, and attorney work product documents and communications protected by Code of Civil Procedure sections 2018.010-2018.080, which pertain to the potential litigation brought by BNSF and other documents and communications shared for the purpose of assisting the Parties in asserting common claims or defenses (collectively, "Privileged Materials"). This Agreement applies to such communications or documents, if any, that have already been shared or exchanged among the Parties related to the BNSF Project. The Parties shall endeavor to label the Privileged Materials as "Privileged Materials" but failure to so label any materials upon delivery to any other Party shall not exclude those materials from the scope of Privileged Materials and shall not constitute a waiver of any privilege nor a waiver of any right or obligation provided for in this Agreement if the Party delivering the documents or communications confirms to the other Parties to this Agreement in writing that such documents or communications are Privileged Materials.
3. All Privileged Materials that Legal Counsel may receive shall be limited solely to specific issues regarding (a) the BNSF Project, and (b) legal actions, including eminent domain that would advance the BNSF Project.
4. The Parties further agree that the mutual sharing of Privileged Materials is not intended to waive the attorney-client privilege or the protection of attorney work product or any other similar protection applicable to the Privileged Materials.
5. The Parties acknowledge and agree that all Privileged Materials that Legal Counsel may receive are transmitted under an expectation of privilege, subject to applicable federal, state, and local laws (collectively, the "Laws"), including, without limitation, the California Public Records Act (California Government Code §§ 6250 through 6276.48). If any other person or entity requests or demands, by subpoena or otherwise, any Privileged Materials from any Party or officer, director, employee, agent, expert, consultant or representative of any Party to this Agreement, the Party receiving such request or demand will (i) notify the other Parties to this Agreement within five (5) days of receipt of such subpoena or otherwise, and (ii) assert the attorney-client privilege or the attorney work product protection, as applicable, with respect to the requested Privileged Materials, unless the privilege and protection is expressly waived by the Party which originally provided the requested Privileged

Materials or if the Party receiving such request or demand is required to release the Privileged Materials in accordance with the Laws. Each Party will take all steps reasonably necessary to permit assertion of all applicable rights and privileges with respect to such Privileged Materials and shall cooperate in good faith with the other Party in any judicial proceedings relating to the disclosure of the Privileged Materials, provided, that, no Party shall be required to incur unreasonable cost and expense because of such actions. The Parties acknowledge and agree that disclosure of any Privileged Materials by a Party does not act as a waiver to assert the attorney-client privilege or the attorney work product protection regarding any other person's or entities' request or demand, by subpoena or otherwise, for any other or future Privileged Materials.

6. The intent of this Agreement is to preserve any and all existing privileges or protections with respect to the Privileged Materials while pursuing the Parties' common interests and to keep all Privileged Materials from nondisclosure to the maximum extent allowed by the Laws.
7. Improper or unauthorized disclosure by one Party of materials or information exchanged hereunder shall not be deemed a waiver by any other Party of its right to assert a claim of attorney-client privilege, other applicable privileges, or work product protection with respect to that material or information.
8. The Parties acknowledge that Legal Counsel will participate with the Parties in connection with the BNSF Project and any litigation to advance the BNSF Project. Nothing in this Agreement, and no sharing of information with respect to the Project, creates an attorney-client relationship between one Party and another Party's Legal Counsel. No Party shall share confidential information under this Agreement that purports to create such an attorney-client relationship with another Party's Legal Counsel.
9. Subject to the express provision of this Agreement, the Parties retain their individual discretion to protect and advance their respective interests in matters relating to the BNSF Project and any litigation that advances the BNSF Project, including discretion to determine whether the distribution or disclosure of BNSF Project related documents to Legal Counsel is reasonably necessary to obtain adequate legal advice.
10. As of the first date written above, this Agreement shall apply to all Privileged Materials exchanged between the Parties with respect to the Project, regardless of the date of such exchange. Either Party may terminate this agreement upon written notice to the other Party; provided, that, the terminating Party shall continue to hold any documents and communications considered as Privileged Materials as if such Party was still a party to this Agreement.
11. The Parties and their Legal Counsel agree that Privileged Materials exchanged pursuant to the terms of this Agreement shall be treated as Privileged Materials with respect to third parties, even if adversity of interest may be discerned or arise between or among the Parties.
12. The Parties agree that entering into this Agreement shall not affect or alter any other obligations or agreements among the Parties hereto that now exist, or which will come into existence in the future.
13. Remedies. In the event of a breach of this Agreement by any Party, each Party acknowledges and agrees that its exclusive remedies are specific performance, mandamus, or injunction. Each Party

acknowledges and agrees that it shall not have the right to seek or obtain monetary damages, an award of costs of litigation, or attorneys' fees against any other Party based upon such Party's breach of this Agreement.

14. Entire Agreement. This Agreement embodies the entire Agreement and understanding among the Parties relating to the subject matter hereof. Neither this Agreement nor any provision hereof may be amended, modified, waived or discharged except by an instrument in writing executed by the Parties against which enforcement of such amendment, modification, waiver or discharge is sought.
15. Capacity of Parties. Each signatory and Party hereto hereby warrants and represents to all other Parties that it has legal authority and capacity and direction from its principal to enter into this Agreement.
16. Modification. No modification or waiver of any provision of this Agreement shall be effective unless the same shall be in writing and signed by the Parties hereto, and then shall be valid only in the specific instance and for the purpose for which given.
17. Counterparts. This Agreement may be executed in more than one counterpart, each of which shall be deemed to be an original but all of which, when taken together shall constitute but one instrument.
18. Severability. In the event that any provision of this Agreement shall for any reason, be determined to be invalid, illegal, or unenforceable in any respect, the Parties hereto shall negotiate in good faith and agree to such amendments, modifications, or supplements to this Agreement or such other appropriate action as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the Parties as reflected herein.
19. Headings. The captions and headings in this Agreement are for convenience only and shall not define or limit the provisions hereof.
20. Governing Law; Venue and Jurisdiction. This Agreement and all transactions contemplated by this Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of California without regard to any conflicts of laws, statutes, rules, regulations or ordinances. The Parties agree that any action brought by either party against the other in any court, whether federal or state, shall be brought within San Diego, California, in the applicable state and federal judicial districts and do hereby waive all questions of jurisdiction or venue for the purpose of carrying out this provision.

**[SIGNATURES ON FOLLOWING PAGE]**

**IN WITNESS WHEREOF**, parties hereto have executed this Memorandum of Understanding as of the day and the year first above written.

Approved as to form and legality  
for the San Diego Unified Port District:

**SAN DIEGO UNIFIED PORT DISTRICT**

\_\_\_\_\_  
By: THOMAS A. RUSSELL  
General Counsel

By \_\_\_\_\_  
JOSEPH STUYVESANT  
President/Chief Executive Officer

Approved as to form and legality for  
the City of National City:

**CITY OF NATIONAL CITY**

\_\_\_\_\_  
By: CHARLES E. BELL, JR.  
City Attorney

By \_\_\_\_\_  
ALEJANDRA SOTELO-SOLIS  
Mayor



**RESOLUTION NO. 2022 -**

**RESOLUTION OF CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA,  
AUTHORIZING THE MAYOR TO EXECUTE A COMMON INTEREST AND MUTUAL  
DEFENSE AGREEMENT BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT  
AND THE CITY OF NATIONAL CITY**

**WHEREAS**, this Agreement concerns the proposal sought by Burlington Northern and Santa Fe Railway (“BSNF”) and Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency (“LOSSAN”) that would place BSNF’s maintenance activities on the National City Marine Terminal (“NCMT”) and areas adjacent to the NCMT (“BNSF Project”); and

**WHEREAS**, the Parties have jointly been processing land use entitlements for what is commonly known as the National City Balanced Plan (“Balanced Plan”) within the Port’s jurisdiction, additional commercial uses within the City’s jurisdiction and an extension and realignment of the Bayshore bikeway (collectively, “Port/City Project”) ; and

**WHEREAS**, the draft Environmental Impact Report (“EIR”) is currently being circulated for public review and the Port/City Project has not been approved by the Port or City, but is anticipated to go to the respective decision-makers in short-order; and

**WHEREAS**, the purpose of this Agreement is to (1) memorialize the common interest of the Parties in exchanging privileged and confidential information necessary to the preparation, review, and defense of any BNSF litigation that would advance the BNSF Project, including an eminent domain action; (2) memorialize the common interest of the Parties in exchanging privileged and confidential information necessary to the review of the BNSF Project; and (3) set forth the terms for interactions among the Parties and their respective Legal Counsel in order to accomplish these objectives in the Parties’ common interest; and

**WHEREAS**, any exchange of privileged and confidential information or work product pursuant to the terms of this Agreement will be communicated pursuant to a common interest/non-waiver doctrine and the extension of the attorney-client and work product privilege doctrines as provided herein.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** Authorizes the Mayor to execute a Common Interest and Mutual Defense Agreement between the San Diego Unified Port District and the City of National City.

**Section 2.** That the City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED and ADOPTED this 5th day of April, 2022.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California 1\) accepting the work performed by Perry Electric, Inc. for the Citywide Pedestrian Safety Improvements Project, CIP No. 19-13; 2\) approving the final contract amount of \\$336,625.42; 3\) ratifying the release of retention in the amount of \\$16,831.27; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

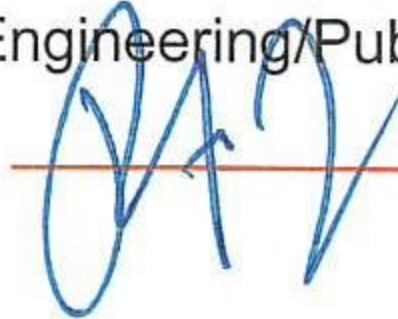
**AGENDA ITEM NO.**

**ITEM TITLE:**

Resolution of the City Council of the City of National City, California 1) accepting the work performed by Perry Electric, Inc. for the Citywide Pedestrian Safety Improvements Project, CIP No. 19-13; 2) approving the final contract amount of \$336,625.42; 3) ratifying the release of retention in the amount of \$16,831.27; and 4) authorizing the Mayor to sign the Notice of Completion for the project.

**PREPARED BY:** Carla Hutchinson, Assistant Engineer - Civil **DEPARTMENT:** Engineering/Public Works

**APPROVED BY:**



**PHONE:** 619-336-4388

**EXPLANATION:**

See attached.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ **MIS**

This project has been completed. No further financial statements or appropriations are required.

**ENVIRONMENTAL REVIEW:**

Caltrans Determination of Categorical Exclusion under 23 CFR 771.117(c): activity (c)(27), approved October 30, 2019.

**ORDINANCE:** **INTRODUCTION:**  **FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Adopt Resolution accepting the work performed by Perry Electric, Inc. for the Citywide Pedestrian Safety Improvements Project, CIP No. 19-13 and approving the final contract amount of \$336,625.42.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

1. Explanation
2. Notice of Completion
3. Final Contract Balance Report
4. Resolution

## **EXPLANATION**

The project included the installation of pedestrian countdown signal heads and ADA-compliant APS (Accessible Pedestrian Signals) push buttons at 36 of the City's signalized intersections. In order to select specific intersections, staff inventoried and analyzed crash data throughout the City's roadway network and compiled a list of priority signalized intersections with an elevated number of pedestrian and bicycle related collisions. A safety evaluation was performed for the intersections including field observations, identification of potentially hazardous characteristics, and potential improvements that would result in safer operations. Using this systemic approach, citywide pedestrian countdown head upgrades were identified as a priority improvement project at the prioritized intersections.

On August 25, 2020, the bid solicitation was posted on PlanetBids, a free public electronic bidding system for contractors. On September 1, 2020 and September 3, 2020, the bid solicitation was advertised in local newspapers.

On September 17, 2020, eight (8) bids were received by the 2:00 p.m. deadline. Bid results were immediately available for viewing on PlanetBids. Perry Electric was the apparent lowest bidder with a total bid amount of \$335,400. Upon review of all documents submitted, Perry Electric bid was deemed responsive, and they were the lowest responsible bidder qualified to perform the work as described in the project specifications.

On October 20, 2020, the City Council adopted Resolution No. 2020-194, awarding the contract to Perry Electric, Inc., in an amount not to exceed \$335,400.

The Notice to Proceed with construction was issued on November 4, 2020. Construction started on November 11, 2020 and was completed on March 30, 2021.

The change orders issued for this project are detailed in the Final Contract Balance Report (see attachment). The change orders increased the contract amount by \$1,225.42, for a net contract increase of \$1,225.42. This resulted in approximately 0.37% contract increase for a final contract amount of \$336,625.42.

As result of the satisfactory completion of the project, staff recommends that City Council, 1) accept the work performed by Perry Electric, Inc. for the Citywide Pedestrian Safety Improvements Project, CIP No. 19-13; 2) approve the final contract amount of \$336,625.42; 3) ratify the release of retention in the amount of \$16,831.27; and 4) authorize the Mayor to sign the Notice of Completion for the project.

The Notice of Completion will be filed with the San Diego County Recorder's Office.

RECORDING REQUESTED BY  
WHEN RECORDED MAIL TO:  
NAME: CITY OF NATIONAL CITY  
ADDRESS: 1243 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CA 91950

## NOTICE OF COMPLETION

CALIFORNIA CIVIL CODE SECTION 3093

NOTICE IS HEREBY GIVEN of the completion on March 30, 2021 of the:

Citywide Pedestrian Safety Improvements, CIP No. 19-13

Work of improvement or portion of work of improvement under construction or alteration.

<u>Various Intersections</u>	<u>National City</u>	<u>CA</u>	<u>91950</u>
Street Address	City	State	Zip Code

The undersigned owns the following interest or estate in said property:

Owner in fee

Nature of the interest or estate of owner (mortgagor, lessee, etc.)

Said work of improvement was performed on the property pursuant to a contract with

**Perry Electric**

Name of Original Contractor

The following work and material were supplied:

Labor provided: General Laborer. Materials: Pedestrian push buttons and Pedestrian heads.

Equipment: Utility Truck.

General statement of kind of labor, services, equipment or materials

The names and addresses of co-owners are: N/A

Joint tenants, tenants in common, or other owners

Dated: April 5, 2022;

\_\_\_\_\_  
Signature of Owner

City of National City, 1243 National City Blvd., National City, CA 91950

I, the undersigned, say: I have read the foregoing Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2022 at National City, California.

Signature: \_\_\_\_\_  
ALEJANDRA SOTELO-SOLIS, MAYOR



## FINAL CONTRACT BALANCE

**DATE:** April 2, 2021

**PROJECT:** CITYWIDE PEDESTRIAN SAFETY IMPROVEMENTS PROJECT  
FY 20-21  
CIP No. 19-13

**TO:** Perry Electric  
11519 Woodside Avenue  
Santee, CA, 92071

ORIGINAL CONTRACT AMOUNT:	\$335,400.00
START DATE:	November 11, 2020
COMPLETION DATE:	March 30, 2021
ORIGINAL CONTRACT LENGTH:	60 Working Days
EXTENSION OF WORK DAYS:	0 Working Days (Contract suspended from 11/11/20 to 1/10/21)
TOTAL CONTRACT TIME:	60 Working Days
FINAL CONTRACT AMOUNT:	\$336,625.42

### DESCRIPTION:

The Final Contract Balance reports final line item amounts and summarizes all change orders to produce a final contract amount.

### CHANGE ORDERS AND LINE ITEM ADJUSTMENTS:

Change Order #1 – No cost change order for contract suspension from 11/11/20 to 1/10/21 for material delivery time with delays due to Covid.

Change Order #2 – Disposal of all electrical items called out in the plans to be salvaged to the City. The City did not have a use for the older push buttons or pedestrian heads so it was directed in RFI#3 to dispose of the equipment. This Change Order total amount was **\$1,225.42**.

All Change Orders listed above increased the total contract amount **\$1,225.42**

### CONTRACT ADJUSTMENT:

As a result of the above change orders and line item adjustments, the contract price is adjusted as follows:

1. The final contract price is adjusted to **\$336,625.42**

**FINAL CONTRACT BALANCE**

**CITYWIDE PEDESTRIAN IMPROVEMENTS**

CIP No. 19-13

2. As a result of the satisfactory completion of said project, a retention amount of **\$16,831.27** is set for invoice processing and payment upon the receipt of signatures and City Council's ratification of this agreement and the Notice of Completion.

This document and its purpose to balance payment shall be considered full compensation for furnishing and installing the materials, labor, tools and equipment, profit, overhead, and all incidentals for performing the work described above. PERRY ELECTRIC will not be entitled to damages or additional payment for delays as described in the 2012 edition of the Standard Specifications for Public Works Construction, Section 6-6.3, for performing the work as described above.



**RESOLUTION NO. 2022 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, 1) ACCEPTING THE WORK PERFORMED BY PERRY ELECTRIC, INC. FOR THE CITYWIDE PEDESTRIAN SAFETY IMPROVEMENTS PROJECT, CIP NO. 19-13; 2) APPROVING THE FINAL CONTRACT AMOUNT OF \$336,625.42; 3) RATIFYING THE RELEASE OF RETENTION IN THE AMOUNT OF \$16,831.27; AND 4) AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF COMPLETION FOR THE PROJECT**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** Appearing to the satisfaction of the Engineering Department that all work required to be done by Perry Electric, Inc. for the total final contract amount of \$336,625.42, for the Citywide Pedestrian Safety Improvements Project, CIP No. 19-13 has been completed, the City Council of National City hereby: (1) accepts said work, (2) ratifies the release of the retention in the amount of \$16,831.27, (3) authorizes the Mayor to execute the Notice of Completion, and (4) orders that payment for said work be made in accordance with said contract.

**Section 2:** The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolution.

**PASSED and ADOPTED this 5th day of April, 2022.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California 1\) accepting the work performed by Baker Electric for the Citywide Safety Lighting Enhancements Project, CIP No. 19-15; 2\) approving the final contract amount of \\$74,763.84; 3\) ratifying the release of retention in the amount of \\$3,738.19; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

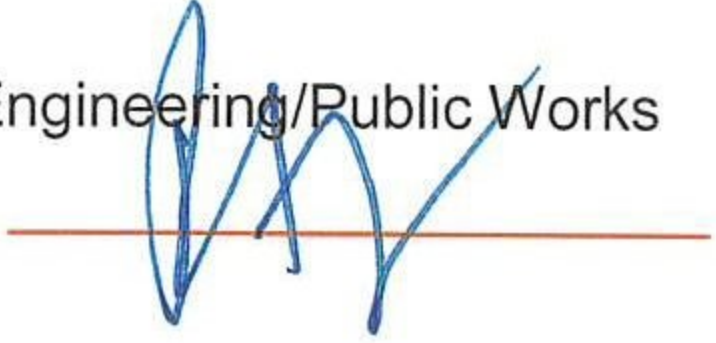
**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.**

**ITEM TITLE:**

Resolution of the City Council of the City of National City, California 1) accepting the work performed by Baker Electric for the Citywide Safety Lighting Enhancements Project, CIP No. 19-15; 2) approving the final contract amount of \$74,763.84; 3) ratifying the release of retention in the amount of \$3,738.19; and 4) authorizing the Mayor to sign the Notice of Completion for the project.

**PREPARED BY:** Carla Hutchinson, Assistant Engineer - Civil **DEPARTMENT:** Engineering/Public Works  
**APPROVED BY:** 

**PHONE:** 619-336-4388

**EXPLANATION:**

See attached.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ **MIS**

This project has been completed. No further financial statements or appropriations are required.

**ENVIRONMENTAL REVIEW:**

Caltrans Determination of Categorical Exclusion under 23 CFR 771.117(c): activity (c)(27), approved October 30, 2019.

**ORDINANCE:** **INTRODUCTION:**  **FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Adopt Resolution accepting the work performed by Baker Electric for the Citywide Safety Lighting Enhancements Project, CIP No. 19-15 and approving the final contract amount of \$74,763.84.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

1. Explanation
2. Notice of Completion
3. Final Contract Balance Report
4. Resolution

## **EXPLANATION**

The project included the installation of new LED safety light fixtures at 32 signalized intersections along the following corridors, and as shown in the attached exhibits:

- 8<sup>th</sup> St
- 18<sup>th</sup> St
- 30<sup>th</sup> St/Sweetwater Rd
- Bay Marina Dr/Mile of Cars Wy/24<sup>th</sup> St
- Division St
- Euclid Ave
- Plaza Blvd/Paradise Valley Rd
- Tidelands Ave & 19<sup>th</sup> St
- Palm Ave & 16<sup>th</sup> St

These 32 signalized intersections represent the remaining locations Citywide that have yet to be upgraded to LED safety light fixtures. Funding from previous HSIP grants and traffic signal upgrade projects allowed the City to install LED safety light fixtures at 45 of the City's 77 signalized intersections.

On August 25, 2020, the bid solicitation was posted on PlanetBids, a free public electronic bidding system for contractors. On September 1, 2020 and September 3, 2020, the bid solicitation was advertised in local newspapers.

On September 16, 2020, five (5) bids were received by the 2:00 p.m. deadline. Bid results were immediately available for viewing on PlanetBids. Baker Electric was the apparent lowest bidder with a total bid amount of \$70,757. Upon review of all documents submitted, Baker Electric bid was deemed responsive, and they were the lowest responsible bidder qualified to perform the work as described in the project specifications.

On October 20, 2020, the City Council adopted Resolution No. 2020-196, awarding the contract to Baker Electric, in an amount not to exceed \$70,757.

The Notice to Proceed with construction was issued on November 4, 2020. Construction started on November 11, 2020 and was completed on May 13, 2021.

The change orders issued for this project are detailed in the Final Contract Balance Report (see attachment). The change orders increased the contract amount by \$4,006.84, for a net contract increase of \$4,006.84. This resulted in approximately 5.66% contract increase for a final contract amount of \$74,763.84.

As result of the satisfactory completion of the project, staff recommends that City Council, 1) accept the work performed by Baker Electric for the Citywide Safety Lighting Enhancements Project, CIP No. 19-15; 2) approve the final contract amount of

\$74,763.84; 3) ratify the release of retention in the amount of \$3,738.19; and 4) authorize the Mayor to sign the Notice of Completion for the project.

The Notice of Completion will be filed with the San Diego County Recorder's Office.

RECORDING REQUESTED BY  
WHEN RECORDED MAIL TO:  
NAME: CITY OF NATIONAL CITY  
ADDRESS: 1243 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CA 91950

## NOTICE OF COMPLETION

CALIFORNIA CIVIL CODE SECTION 3093

NOTICE IS HEREBY GIVEN of the completion on May 13, 2021 of the:

Citywide Safety Lighting Enhancements Project, CIP No. 19-15

Work of improvement or portion of work of improvement under construction or alteration.

<u>Various Locations</u>	<u>National City</u>	<u>CA</u>	<u>91950</u>
Street Address	City	State	Zip Code

The undersigned owns the following interest or estate in said property:

Owner in fee

Nature of the interest or estate of owner (mortgagor, lessee, etc.)

Said work of improvement was performed on the property pursuant to a contract with

**Baker Electric**

Name of Original Contractor

The following work and material were supplied:

Labor provided: General Laborer. Materials: Lighting Fixtures, traffic control supplies. Equipment: Lift Trucks, Utility Trucks.

General statement of kind of labor, services, equipment or materials

The names and addresses of co-owners are: N/A

Joint tenants, tenants in common, or other owners

Dated: April 5, 2022;

\_\_\_\_\_  
Signature of Owner

City of National City, 1243 National City Blvd., National City, CA 91950

I, the undersigned, say: I have read the foregoing Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2022 at National City, California.

Signature: \_\_\_\_\_  
ALEJANDRA SOTELO-SOLIS, MAYOR



## FINAL CONTRACT BALANCE

**DATE:** July 15, 2021

**PROJECT:** CITYWIDE SAFETY LIGHTING ENHANCEMENTS PROJECT  
FY 20-21  
CIP No. 19-15

**TO:** Baker Electric  
1298 Pacific Oaks Place  
Escondido, CA 92029

ORIGINAL CONTRACT AMOUNT:	\$70,757.00
START DATE:	November 11, 2020
COMPLETION DATE:	May 13, 2021
ORIGINAL CONTRACT LENGTH:	30 Working Days
EXTENSION OF WORK DAYS:	0 Working Days (Contract suspended 11/11/21 – 3/23/21 and 4/24/21 – 5/10/21)
TOTAL CONTRACT TIME:	30 Working Days
FINAL CONTRACT AMOUNT:	\$74,763.84

### DESCRIPTION:

The Final Contract Balance reports final line item amounts and summarizes all change orders to produce a final contract amount.

### CHANGE ORDERS AND LINE ITEM ADJUSTMENTS:

Change Order #1 – No cost change order for contract suspension from 11/11/20 to 2/15/21 for material delivery time with delays due to Covid.

Change Order #1(S) – No cost change order for contract suspension from 2/15/21 to 3/23/21 for material delivery time with delays due to Covid.

Change Order #2 – No cost change order for contract suspension from 4/24/21 to 5/10/21 for delays from SDGE to coordinate the install of the final fixture with overhead lines in conflict.

Change Order #3 – Remobilization to install the final light fixture due to SDGE delays. This Change Order total amount was **\$1,932.40**.

Change Order #4 – Additional costs to mobilize, troubleshoot and repair a voltage issue at 8<sup>th</sup> Street and Harbor Drive and replace the fuses at Plaza Boulevard and Manchester Street. This Change Order total amount was **\$2,074.44**.

**FINAL CONTRACT BALANCE**  
**CITYWIDE SAFETY LIGHTING ENHANCEMENTS**  
**CIP No. 19-15**

All Change Orders listed above increased the total contract amount **\$4,006.84**.

**CONTRACT ADJUSTMENT:**

As a result of the above change orders and line item adjustments, the contract price is adjusted as follows:

1. The final contract price is adjusted to **\$74,763.84**
2. As a result of the satisfactory completion of said project, a retention amount of **\$3,738.19** is set for invoice processing and payment upon the receipt of signatures and City Council's ratification of this agreement and the Notice of Completion.

This document and its purpose to balance payment shall be considered full compensation for furnishing and installing the materials, labor, tools and equipment, profit, overhead, and all incidentals for performing the work described above. BAKER ELECTRIC will not be entitled to damages or additional payment for delays as described in the 2012 edition of the Standard Specifications for Public Works Construction, Section 6-6.3, for performing the work as described above.



**RESOLUTION NO. 2022 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, 1) ACCEPTING THE WORK PERFORMED BY BAKER ELECTRIC FOR THE CITYWIDE SAFETY LIGHTING ENHANCEMENTS PROJECT, CIP NO. 19-15; 2) APPROVING THE FINAL CONTRACT AMOUNT OF \$74,763.84; 3) RATIFYING THE RELEASE OF RETENTION IN THE AMOUNT OF \$3,738.19; AND 4) AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF COMPLETION FOR THE PROJECT.**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** Appearing to the satisfaction of the Engineering Department that all work required to be done by Baker Electric for the total final contract amount of \$74,763.84, for the Citywide Safety Lighting Enhancements Project, CIP No. 19-15 has been completed, the City Council of National City hereby: (1) accepts said work, (2) ratifies the release of the retention in the amount of \$3,738.19, (3) authorizes the Mayor to execute the Notice of Completion, and (4) orders that payment for said work be made in accordance with said contract.

**Section 2:** The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolution.

**PASSED and ADOPTED this 5th day of April, 2022.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California 1\) accepting the work performed by Lekos Electric, Inc. for the E. 4th Street Protected Left Turn Enhancements Project, CIP No. 19-14; 2\) approving the final contract amount of \\$105,934.20; 3\) ratifying the release of retention in the amount of \\$5,296.71; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

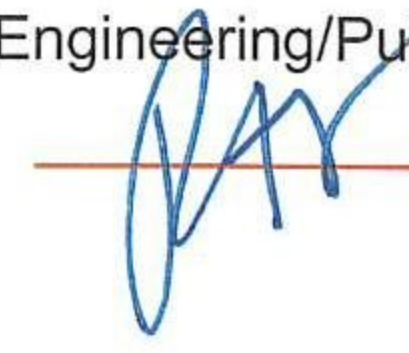
**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.**

**ITEM TITLE:**

Resolution of the City Council of the City of National City, California 1) accepting the work performed by Lekos Electric, Inc. for the E. 4<sup>th</sup> Street Protected Left Turn Enhancements Project, CIP No. 19-14; 2) approving the final contract amount of \$105,934.20; 3) ratifying the release of retention in the amount of \$5,296.71; and 4) authorizing the Mayor to sign the Notice of Completion for the project.

**PREPARED BY:** Carla Hutchinson, Assistant Engineer - Civil **DEPARTMENT:** Engineering/Public Works  
**APPROVED BY:** 

**PHONE:** 619-336-4388

**EXPLANATION:**

See attached.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ **MIS**

This project has been completed. No further financial statements or appropriations are required.

**ENVIRONMENTAL REVIEW:**

Caltrans Determination of Categorical Exclusion under 23 CFR 771.117(c): activity (c)(27), approved November 19, 2019.

**ORDINANCE:** **INTRODUCTION:**  **FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Adopt Resolution accepting the work performed by Lekos Electric, Inc. for the E. 4<sup>th</sup> Street Protected Left Turn Enhancements Project, CIP No. 19-14 and approving the final contract amount of \$105,934.20.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

1. Explanation
2. Notice of Completion
3. Final Contract Balance Report
4. Resolution

## **EXPLANATION**

The project included the replacement of existing permissive left-turn phases and signal heads with protected left-turn phases and signal heads on existing and/or new traffic signal poles and mast arms to enhance safety at the following intersections:

- Palm Ave & E. 4<sup>th</sup> St
- Euclid Ave & E. 4<sup>th</sup> St

On August 25, 2020, the bid solicitation was posted on PlanetBids, a free public electronic bidding system for contractors. On September 1, 2020 and September 3, 2020, the bid solicitation was advertised in local newspapers.

On September 15, 2020, five (5) bids were received by the 2:00 p.m. deadline. Bid results were immediately available for viewing on PlanetBids. Lekos Electric, Inc. was the apparent lowest bidder with a total bid amount of \$102,784. Upon review of all documents submitted, Lekos Electric, Inc. bid was deemed responsive, and they were the lowest responsible bidder qualified to perform the work as described in the project specifications.

On October 20, 2020, the City Council adopted Resolution No. 2020-195, awarding the contract to Lekos Electric, Inc., in an amount not to exceed \$102,784.

The Notice to Proceed with construction was issued on November 4, 2020. Construction started on November 11, 2020 and was completed on June 24, 2021.

The change orders issued for this project are detailed in the Final Contract Balance Report (see attachment). The change orders increased the contract amount by \$3,150.20, for a net contract increase of \$3,150.20. This resulted in approximately 3.06% contract increase for a final contract amount of \$105,934.20.

As result of the satisfactory completion of the project, staff recommends that City Council, 1) accept the work performed by Lekos Electric, Inc. for the E. 4<sup>th</sup> Street Protected Left Turn Enhancements Project, CIP No. 19-14; 2) approve the final contract amount of \$105,934.20; 3) ratify the release of retention in the amount of \$5,296.71; and 4) authorize the Mayor to sign the Notice of Completion for the project.

The Notice of Completion will be filed with the San Diego County Recorder's Office.

RECORDING REQUESTED BY  
WHEN RECORDED MAIL TO:  
NAME: CITY OF NATIONAL CITY  
ADDRESS: 1243 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CA 91950

## NOTICE OF COMPLETION

CALIFORNIA CIVIL CODE SECTION 3093

NOTICE IS HEREBY GIVEN of the completion on June 24, 2021 of the:

E. 4<sup>th</sup> Street Protected Left-Turn Enhancements Project, CIP No. 19-14

Work of improvement or portion of work of improvement under construction or alteration.

<u>E. 4<sup>th</sup> Street at Euclid and Palm Ave</u>	<u>National City</u>	<u>CA</u>	<u>91950</u>
Street Address	City	State	Zip Code

The undersigned owns the following interest or estate in said property:

Owner in fee

Nature of the interest or estate of owner (mortgagor, lessee, etc.)

Said work of improvement was performed on the property pursuant to a contract with

**Lekos Electric, Inc.**

Name of Original Contractor

The following work and material were supplied:

Labor provided: General Laborer. Materials: Concrete, traffic signal equipment, traffic control supplies. Equipment: Lift trucks and Utility Trucks.

General statement of kind of labor, services, equipment or materials

The names and addresses of co-owners are: N/A

Joint tenants, tenants in common, or other owners

Dated: April 5, 2022; \_\_\_\_\_

Signature of Owner

City of National City, 1243 National City Blvd., National City, CA 91950

I, the undersigned, say: I have read the foregoing Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2022 at National City, California.

Signature: \_\_\_\_\_  
ALEJANDRA SOTELO-SOLIS, MAYOR



## FINAL CONTRACT BALANCE

**DATE:** June 25, 2021

**PROJECT:** E. 4TH STREET PROTECTED LEFT-TURN ENHANCEMENTS PROJECT  
FY 20-21  
CIP No. 19-14

**TO:** Lekos Electric, Inc.  
1370 Pioneer Way  
El Cajon, CA 92020

ORIGINAL CONTRACT AMOUNT:	\$102,784.00
START DATE:	November 11, 2020
COMPLETION DATE:	June 24, 2021
ORIGINAL CONTRACT LENGTH:	60 Working Days
EXTENSION OF WORK DAYS:	0 Working Days (Contract suspended 11/11/20 – 4/1/21)
TOTAL CONTRACT TIME:	60 Working Days
FINAL CONTRACT AMOUNT:	\$105,934.20

### DESCRIPTION:

The Final Contract Balance reports final line item amounts and summarizes all change orders to produce a final contract amount.

### CHANGE ORDERS AND LINE ITEM ADJUSTMENTS:

Change Order #1 – No cost change order for contract suspension from 11/11/20 to 3/01/21 for material delivery time with delays due to Covid.

Change Order #1(S) – No cost change order for contract suspension from 3/01/21 to 4/01/21 for material delivery time with delays due to Covid.

Change Order #2 – Directed the Contractor to remove existing and replace new 3 section signal heads at 4<sup>th</sup> Street and Palm Avenue for poles A and C, as well as 4<sup>th</sup> Street and Euclid Avenue for poles A, B, C and D. This Change Order total amount was **\$3,150.20**.

All Change Orders listed above increased the total contract amount **\$3,150.20**.

**FINAL CONTRACT BALANCE**

E. 4<sup>TH</sup> STREET PROTECTED LEFT-TURN ENHANCEMENTS PROJECT

CIP No. 19-14

**CONTRACT ADJUSTMENT:**

As a result of the above change orders and line item adjustments, the contract price is adjusted as follows:

1. The final contract price is adjusted to **\$105,934.20**. As a result of the satisfactory completion of said project, a retention amount of **\$5,296.71** is set for invoice processing and payment upon the receipt of signatures and City Council's ratification of this agreement and the Notice of Completion.

This document and its purpose to balance payment shall be considered full compensation for furnishing and installing the materials, labor, tools and equipment, profit, overhead, and all incidentals for performing the work described above. LEKOS ELECTRIC, INC. will not be entitled to damages or additional payment for delays as described in the 2012 edition of the Standard Specifications for Public Works Construction, Section 6-6.3, for performing the work as described above.

**RESOLUTION NO. 2022 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, 1) ACCEPTING THE WORK PERFORMED BY LEKOS ELECTRIC, INC. FOR THE EAST 4<sup>TH</sup> STREET PROTECTED LEFT TURN ENHANCEMENTS PROJECT, CIP NO. 19-14; 2) APPROVING THE FINAL CONTRACT AMOUNT OF \$105,934.20; 3) RATIFYING THE RELEASE OF RETENTION IN THE AMOUNT OF \$5,296.71; AND 4) AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF COMPLETION FOR THE PROJECT**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** Appearing to the satisfaction of the Engineering Department that all work required to be done by Lekos Electric, Inc. for the total final contract amount of \$105,934.20 for the East 4<sup>th</sup> Street Protected Left Turn Enhancements Project, CIP No. 19-14 has been completed, the City Council of National City hereby: (1) accepts said work, (2) ratifies the release of the retention in the amount of \$5,296.71, (3) authorizes the Mayor to execute the Notice of Completion, and (4) orders that payment for said work be made in accordance with said contract.

**Section 2:** The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolution.

**PASSED and ADOPTED this 5th day of April, 2022.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney



The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California 1\) accepting the work performed by Select Electric, Inc. for the Fiber Optic Traffic Signal Interconnect Expansion, Phase 2, CIP 19-08; 2\) approving the final contract amount of \\$383,120.74; 3\) ratifying the release of retention in the amount of \\$19,156.04; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.**

**ITEM TITLE:**

Resolution of the City Council of the City of National City, California 1) accepting the work performed by Select Electric, Inc. for the Fiber Optic Traffic Signal Interconnect Expansion, Phase 2, CIP 19-08; 2) approving the final contract amount of \$383,120.74; 3) ratifying the release of retention in the amount of \$19,156.04; and 4) authorizing the Mayor to sign the Notice of Completion for the project.

**PREPARED BY:** Luca Zappiello, Assistant Engineer - Civil

**DEPARTMENT:** Engineering/Public Works

**PHONE:** 619-336-4360

**APPROVED BY:** \_\_\_\_\_

**EXPLANATION:**

See attached.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ **MIS**

This project has been completed. No further financial statements or appropriations are required.

**ENVIRONMENTAL REVIEW:**

Caltrans Determination of Categorical Exclusion under 23 CFR 771.117(c): activity (c)(3), approved June 4, 2019.

**ORDINANCE:** INTRODUCTION:  FINAL ADOPTION:

**STAFF RECOMMENDATION:**

Adopt Resolution accepting the work performed by Select Electric, Inc. for the Fiber Optic Traffic Signal Interconnect Expansion, Phase 2, CIP. 19-08 and approving the final contract amount of \$383,120.74.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

1. Explanation
2. Notice of Completion
3. Final Contract Balance Report
4. Resolution

## **EXPLANATION**

The project consisted of the installation of fiber optic traffic signal interconnect system along the 8th Street, 18th Street, Division Street, Euclid Avenue, Mile of Cars Way, Palm Avenue and Plaza Boulevard corridors. There were 29 existing traffic signals located along the seven corridors. Equipment upgrades included a combination of new switches, fiber distribution units, network cables, fiber patch cords, traffic controllers, battery backup systems, conflict monitors, power strips, single mode fiber optic cable, and fiber splice enclosures.

Staff identified this project as a top priority through a needs assessment of traffic signal operations on the City's existing roadway network. This is part of an effort to establish traffic signal communication and upgrade equipment, hardware, and software to provide the capability to implement optimized and coordinated signal timing strategies and improve safety. This project completed the citywide traffic signal communications system.

On June 26, 2020, the bid solicitation was posted on PlanetBids, a free public electronic bidding system for contractors. On June 30, 2020 and July 6, 2020, the bid solicitation was advertised in local newspapers.

On July 21, 2020, eight (8) bids were received by the 2:00 p.m. deadline. Bid results were immediately available for viewing on PlanetBids. Select Electric, Inc. was the apparent lowest bidder with a total bid amount of \$367,994. Upon review of all documents submitted, Select Electric, Inc.'s bid was deemed responsive, and they were the lowest responsible bidder qualified to perform the work as described in the project specifications.

On August 4, 2020, the City Council adopted Resolution No. 2020-133, awarding the contract to Select Electric, Inc., in an amount not to exceed \$367,944.00 and authorizing a 15% contingency in the amount of \$55,199.10 to address any unforeseen conditions that may arise.

The Notice to Proceed with construction was issued on August 12, 2020. Construction started on August 12, 2020 and was completed on June 10, 2021.

The change orders issued for this project are detailed in the Final Contract Balance Report (see attachment). The change orders increased the contract amount by \$15,424.18. However, the line-item adjustments resulted in a decrease of \$298 for a net increase of the final contract amount of \$15,126.18. This resulted in approximately 4.1% contract increase for a final contract balance of \$383,120.74.

As result of the satisfactory completion of the project, staff recommends that City Council, 1) accept the work performed by Select Electric, Inc. for the Fiber Optic Traffic Signal Interconnect Expansion, Phase 2 project, CIP No. 19-08; 2) approve the final contract amount of \$383,120.74; 3) ratify the release of retention in the amount of \$19,156.04; and 4) authorize the Mayor to sign the Notice of Completion for the project.

The Notice of Completion will be filed with the San Diego County Recorder's Office.

RECORDING REQUESTED BY  
WHEN RECORDED MAIL TO:  
NAME: CITY OF NATIONAL CITY  
ADDRESS: 1243 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CA 91950

# NOTICE OF COMPLETION

CALIFORNIA CIVIL CODE SECTION 3093

NOTICE IS HEREBY GIVEN of the completion on June 10, 2021 of the:  
Fiber Optic Traffic Signal Interconnect Expansion, Phase 2, CIP No. 19-08

Work of improvement or portion of work of improvement under construction or alteration.

<u>Various locations</u>	<u>National City</u>	<u>CA</u>	<u>91950</u>
Street Address	City	State	Zip Code

The undersigned owns the following interest or estate in said property:

Owner in fee

Nature of the interest or estate of owner (mortgagor, lessee, etc.)

Said work of improvement was performed on the property pursuant to a contract with

**Select Electric, Inc.**

Name of Original Contractor

The following work and material were supplied:

Labor provided: General Laborer. Materials: Fiber optic cable, traffic signal equipment, traffic control supplies. Equipment: Utility Truck/Lift truck.

General statement of kind of labor, services, equipment or materials

The names and addresses of co-owners are: N/A

Joint tenants, tenants in common, or other owners

Dated: April 5, 2022;

\_\_\_\_\_  
Signature of Owner

City of National City, 1243 National City Blvd., National City, CA 91950

I, the undersigned, say: I have read the foregoing Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2022 at National City, California.

Signature: \_\_\_\_\_  
ALEJANDRA SOTELO-SOLIS, MAYOR



## FINAL CONTRACT BALANCE

**DATE:** October 19, 2021

**PROJECT:** FIBER OPTIC TRAFFIC SIGNAL INTERCONNECT EXPANSION, PHASE 2  
FY 20-21  
CIP No. 19-08

**TO:** Select Electric, Inc.  
2790 Business Park Drive  
Vista, CA 92081

ORIGINAL CONTRACT AMOUNT:	\$367,994.00
START DATE:	August 12, 2020
COMPLETION DATE:	June 10, 2021
ORIGINAL CONTRACT LENGTH:	60 Working Days
EXTENSION OF WORK DAYS:	23 Working Days (Contract suspended from 9/22/2020-3/1/2021)
TOTAL CONTRACT TIME:	83 Working Days
FINAL CONTRACT AMOUNT:	\$383,120.74

### DESCRIPTION:

The Final Contract Balance reports final line item amounts and summarizes all change orders to produce a final contract amount.

### CHANGE ORDERS AND LINE ITEM ADJUSTMENTS:

Change Order #1 - Removed and replaced damaged conduit to pull new fiber through at the Northeast corner of Tidelands Avenue and Bay Marina Drive. This Change Order total amount is **\$6,002.76**.

Change Order #2 - No cost change order for contract suspension from 9/22/20 to 3/01/21 for material delivery time with delays due to Covid.

Change Order #3 – Additional splicing in the existing enclosure located at E. 8<sup>th</sup> Street and Highland Avenue per Stack Traffics detail sheet from RFI#4. This Change Order total amount was **\$1,961.18**.

Change Order #4 – Increase in quantities for line items 19 “Furnish and install 12 Strand SMFOC (Break-out Cable)” and 20 “Furnish and install tracer Wire and Mule Tape”. This Change Order total amount was **\$7,460.80**.

All Change Orders listed above increased the total contract amount **\$15,424.74**

### CONTRACT ADJUSTMENT:

**FINAL CONTRACT BALANCE**

FIBER OPTIC TRAFFIC SIGNAL INTERCONNECT EXPANSION, PHASE 2

CIP No. 19-08

As a result of the above change orders and line item adjustments, the contract price is adjusted as follows:

1. The final contract price is adjusted to **\$383,120.74**
2. As a result of the satisfactory completion of said project, a retention amount of **\$19,156.04** is set for invoice processing and payment upon the receipt of signatures and City Council's ratification of this agreement and the Notice of Completion.

This document and its purpose to balance payment shall be considered full compensation for furnishing and installing the materials, labor, tools and equipment, profit, overhead, and all incidentals for performing the work described above. SELECT ELECTRIC, INC. will not be entitled to damages or additional payment for delays as described in the 2012 edition of the Standard Specifications for Public Works Construction, Section 6-6.3, for performing the work as described above.

**RESOLUTION NO. 2022 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, 1) ACCEPTING THE WORK PERFORMED BY SELECT ELECTRIC, INC. FOR THE FIBER OPTIC TRAFFIC SIGNAL INTERCONNECT EXPANSION, PHASE 2, CIP 19-08; 2) APPROVING THE FINAL CONTRACT AMOUNT OF \$383,120.74; 3) RATIFYING THE RELEASE OF RETENTION IN THE AMOUNT OF \$19,156.04; 4) AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF COMPLETION FOR THE PROJECT**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** Appearing to the satisfaction of the Engineering Department that all work required to be done by Select Electric, Inc. for the total final contract amount of \$383,120.74, for the Fiber Optic Traffic Signal Interconnect Expansion, Phase 2, CIP 19-08 has been completed, the City Council of National City hereby: (1) accepts said work, (2) ratifies the release of the retention in the amount of \$19,156.04, (3) authorizes the Mayor to execute the Notice of Completion, and (4) orders that payment for said work be made in accordance with said contract.

**Section 2:** The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolution.

**PASSED and ADOPTED this 5th day of April, 2022.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Resolution of the City Council of the City of National City, California 1\) accepting the work performed by HMS Construction, Inc. for the Pedestrian ADA Improvements Project, CIP No. 19-09; 2\) approving the final contract amount of \\$234,669.20; 3\) ratifying the release of retention in the amount of \\$11,733.47; and 4\) authorizing the Mayor to sign the Notice of Completion for the project. \(Engineering/Public Works\)](#)

Please scroll down to view the backup material.



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.**

**ITEM TITLE:**

Resolution of the City Council of the City of National City, California 1) accepting the work performed by HMS Construction, Inc. for the Pedestrian ADA Improvements Project, CIP No. 19-09; 2) approving the final contract amount of \$234,669.20; 3) ratifying the release of retention in the amount of \$11,733.47; and 4) authorizing the Mayor to sign the Notice of Completion for the project.

**PREPARED BY:** Luca Zappiello, Assistant Engineer - Civil

**DEPARTMENT:** Engineering/Public Works

**PHONE:** 619-336-4360

**APPROVED BY:** 

**EXPLANATION:**

See attached.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ **MIS**

This project has been completed. No further financial statements or appropriations are required.

**ENVIRONMENTAL REVIEW:**

Caltrans Determination of Categorical Exclusion under 23 CFR 771.117(c): activity (c)(3), approved June 4, 2019.

**ORDINANCE:** **INTRODUCTION:**  **FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Adopt Resolution accepting the work performed by HMS Construction, Inc. for the Pedestrian ADA Improvements Project, CIP No. 19-09 and approving the final contract amount of \$234,669.20.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

1. Explanation
2. Notice of Completion
3. Final Contract Balance Report
4. Resolution

## **EXPLANATION**

Staff inventoried and analyzed crash data throughout the City's roadway network and compiled a list of priority signalized intersections with an elevated number of pedestrian and bicycle related collisions. A safety evaluation was performed for the intersections including field observations, identification of potentially hazardous characteristics, and potential improvements that would result in safer operations. Using this systemic approach, eight intersections were selected as a priority to improve:

- 1) National City Blvd and 30th St
- 2) E. Plaza Blvd and "N" Ave
- 3) E. Plaza Blvd and Harbison Ave
- 4) Euclid Ave and E. 16th St
- 5) Euclid Ave and E. 18th St
- 6) E. 30th St and "L" Ave
- 7) Sweetwater Rd and Prospect St
- 8) Sweetwater Rd and Ring Rd.

The project included the installation of crosswalk striping and Americans with Disabilities Act (ADA) enhancements at the eight intersections referenced above.

On June 26, 2020, the bid solicitation was posted on PlanetBids, a free public electronic bidding system for contractors. On June 30, 2020 and July 6, 2020, the bid solicitation was advertised in local newspapers.

On July 21, 2020, four (4) bids were received by the 1:00 p.m. deadline. Bid results were immediately available for viewing on PlanetBids. HMS Construction, Inc. was the apparent lowest bidder with a total bid amount of \$215,000. Upon review of all documents submitted, HMS Construction, Inc.'s bid was deemed responsive, and they were the lowest responsible bidder qualified to perform the work as described in the project specifications.

On August 4, 2020, the City Council adopted Resolution No. 2020-134, awarding the contract to HMS Construction, Inc., in an amount not to exceed of \$215,000 and authorizing a 15% contingency in the amount of \$32,250 to address any unforeseen conditions that may arise.

The Notice to Proceed with construction was issued on August 12, 2020. Construction started on August 12, 2020 and was completed on July 15, 2021.

The change orders issued for this project are detailed in the Final Contract Balance Report (see attachment). The change orders increased the contract amount by \$20,179.20. However, the line-item adjustments resulted in a decrease of \$510.00 for a net increase of the final contract amount of \$19,669.20. This resulted in approximately 9.1% contract increase for a final contract balance of \$234,669.20.

As result of the satisfactory completion of the project, staff recommends that City Council, 1) accept the work performed by HMS Construction, Inc. for the Pedestrian ADA Improvements project, CIP No. 19-09; 2) approve the final contract amount of \$234,669.20; 3) ratify the release of retention in the amount of \$11,733.47; and 4) authorize the Mayor to sign the Notice of Completion for the project.

The Notice of Completion will be filed with the San Diego County Recorder's Office.

RECORDING REQUESTED BY  
WHEN RECORDED MAIL TO:  
NAME: CITY OF NATIONAL CITY  
ADDRESS: 1243 NATIONAL CITY BOULEVARD  
NATIONAL CITY, CA 91950

## NOTICE OF COMPLETION

CALIFORNIA CIVIL CODE SECTION 3093

NOTICE IS HEREBY GIVEN of the completion on July 15, 2021 of the:

Pedestrian ADA Improvements, CIP No. 19-09

Work of improvement or portion of work of improvement under construction or alteration.

<u>Various Intersections</u>	<u>National City</u>	<u>CA</u>	<u>91950</u>
Street Address	City	State	Zip Code

The undersigned owns the following interest or estate in said property:

Owner in fee

Nature of the interest or estate of owner (mortgagor, lessee, etc.)

Said work of improvement was performed on the property pursuant to a contract with

**HMS Construction, Inc.**

Name of Original Contractor

The following work and material were supplied:

Labor provided: General Laborer. Materials: Concrete, asphalt, traffic signal equipment, traffic control supplies. Equipment: Utility Truck/Lift truck.

General statement of kind of labor, services, equipment or materials

The names and addresses of co-owners are: N/A

Joint tenants, tenants in common, or other owners

Dated: April 5, 2022;

\_\_\_\_\_  
Signature of Owner

City of National City, 1243 National City Blvd., National City, CA 91950

I, the undersigned, say: I have read the foregoing Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 5, 2022 at National City, California.

Signature: \_\_\_\_\_  
ALEJANDRA SOTELO-SOLIS, MAYOR



## FINAL CONTRACT BALANCE

**DATE:** August 12, 2021  
**PROJECT:** PEDESTRIAN ADA IMPROVEMENTS  
FY 20-21  
CIP No. 19-09  
**TO:** HMS Construction, Inc.  
2885 Scott Street  
Vista, CA 92081

ORIGINAL CONTRACT AMOUNT:	\$215,000.00
START DATE:	August 12, 2020
COMPLETION DATE:	July 15, 2021
ORIGINAL CONTRACT LENGTH:	60 Working Days
EXTENSION OF WORK DAYS:	0 Working Days (Contract suspended from 8/12/20 to 4/12/21)
TOTAL CONTRACT TIME:	60 Working Days
FINAL CONTRACT AMOUNT:	\$234,669.20

### DESCRIPTION:

The Final Contract Balance reports final line item amounts and summarizes all change orders to produce a final contract amount.

### CHANGE ORDERS AND LINE ITEM ADJUSTMENTS:

Change Order #1 – No cost change order for contract suspension from 8/12/20 to 3/13/21 for material delivery time with delays due to Covid.

Change Order #1(S) – Supplemental no cost change order for contract suspension from 3/13/21 to 4/12/21 for material delivery time with delays due to Covid.

Change Order #2 – Increase in line items 12, 15 and 18. The estimated quantities did not match the final measured quantities. This Change Order total amount was **\$13,320.00**.

Change Order #3 – Removed existing striping and re-aligned with new striping layout for Eastbound direction at the intersection of Sweetwater Road and Prospect Ave. This Change Order total amount was **\$6,859.20**.

All Change Orders listed above increased the total contract amount **\$20,179.20**.

**FINAL CONTRACT BALANCE**  
**PEDESTRIAN ADA IMPROVEMENTS**  
CIP No. 19-09

**CONTRACT ADJUSTMENT:**

As a result of the above change orders and line item adjustments, the contract price is adjusted as follows:

1. The final contract price is adjusted to **\$234,669.20**
2. As a result of the satisfactory completion of said project, a retention amount of **\$11,733.47** is set for invoice processing and payment upon the receipt of signatures and City Council's ratification of this agreement and the Notice of Completion.

This document and its purpose to balance payment shall be considered full compensation for furnishing and installing the materials, labor, tools and equipment, profit, overhead, and all incidentals for performing the work described above. HMS CONSTRUCTION, INC. will not be entitled to damages or additional payment for delays as described in the 2012 edition of the Standard Specifications for Public Works Construction, Section 6-6.3, for performing the work as described above.

**RESOLUTION NO. 2022 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, 1) ACCEPTING THE WORK PERFORMED BY HMS CONSTRUCTION, INC. FOR THE PEDESTRIAN ADA IMPROVEMENTS PROJECT, CIP NO. 19-09; 2) APPROVING THE FINAL CONTRACT AMOUNT OF \$234,669.20; 3) RATIFYING THE RELEASE OF RETENTION IN THE AMOUNT OF \$11,733.47; AND 4) AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF COMPLETION FOR THE PROJECT**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** Appearing to the satisfaction of the Engineering Department that all work required to be done by HMS Construction, Inc. for the total final contract amount of \$234,669.20, for the Pedestrian ADA Improvements Project, CIP No. 19-09 has been completed, the City Council of National City hereby: (1) accepts said work, (2) ratifies the release of the retention in the amount of \$11,733.47, (3) authorizes the Mayor to execute the Notice of Completion, and (4) orders that payment for said work be made in accordance with said contract.

**Section 2:** The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolution.

**PASSED and ADOPTED this 5th day of April, 2022.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Temporary Use Permit - Community Easter sponsored by Heart Revolution Church at 1920 Sweetwater Road on April 17, 2022 from 9 a.m. to 3 p.m. with no waiver of fees. \(Community Development\)](#)  
Please scroll down to view the backup material.



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Temporary Use Permit - Community Easter sponsored by Heart Revolution Church at 1920 Sweetwater Road on April 17, 2022 from 9 a.m. to 3 p.m. with no waiver of fees.

**PREPARED BY:** Dionisia Trejo

**DEPARTMENT:** Community Development Department

**PHONE:** (619) 336-4255

**APPROVED BY:** 

**EXPLANATION:**

This is a request from Heart Revolution Church to conduct an Easter egg hunt at 1920 Sweetwater Road on April 17, 2022 from 9 a.m. to 3 p.m. Set up for the event will commence at 7 a.m. on the day of the event.

This event will include an Easter egg hunt for appropriate age groups, face painting, inflatable bouncer slide, music stage with monitored sound system and eating areas with tables and chairs. Free games will be provided.

Note: This event was approved by Council in 2019 with no waiver of fees.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ **MIS**

City fee of \$272.00 for processing the TUP through various City departments and \$191.00 for the Fire Inspection.

Total fees: \$463.00

**ENVIRONMENTAL REVIEW:**

N/A

**ORDINANCE:** INTRODUCTION:

**FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waive of fees or in accordance to City Council Policy 802. |

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

Application for a Temporary Use Permit with recommended conditions of approval. |



City of National City ■ Neighborhood Services Department
1243 National City Boulevard ■ National City, CA 91950
(619) 336-4364 ■ fax (619) 336-4217
www.nationalcityca.gov

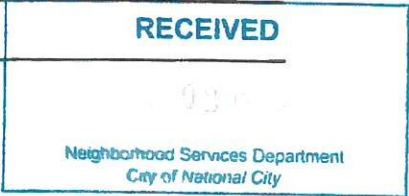
Special Event Application

Type of Event

- Fair/Festival, Parade/March, Walk or Run, Concert/Performance, TUP, Sporting Event, Other (specify)

Event Name & Location

Event Title Easter 2022
Event Location (list all sites being requested) 1920 Sweetwater Road



Event Times

Set-Up Starts Date April 17, 2022 Time 7am Day of Week Sunday
Event Starts Date April 17, 2022 Time 9am Day of Week Sunday
Event Ends Date April 17, 2022 Time 3pm Day of Week Sunday
Breakdown Ends Date April 17, 2022 Time 5pm Day of Week Sunday

Applicant Information

Applicant (Your name) Marc Lovato Sponsoring Organization Heart Revolution Church
Event Coordinator (if different from applicant) Lucia Pedraza
Mailing Address 1914 Sweetwater Road, National City, CA 91950
Day Phone (619) 951-5818 After Hours Phone (619) 425-9333 Cell 619-951-5818 Fax n/a
Public Information Phone (619) 425-9333 E-mail info@heartrevchurch.com

Applicant agrees to investigate, defend, indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges, expense (including attorney's fees) and causes of action of any character which the City, its officers, employees and agents may incur, sustain or be subjected to on account of loss or damage to property or the loss of use thereof and for bodily injury to or death of any persons (including but not limited to the employees, subcontractors, agents and invitees of each party hereto) arising out of or in any way connected to the occupancy, enjoyment and use of any City premises under this agreement to the extent permitted by law.

Applicant understands this TUP/special event may implicate fees for City services, which will have to be paid in the City's Finance Department 48 hours prior to the event set-up. The undersigned also understands and accepts the City's refund policy for application processing and facility use and that fees and charges are adjusted annually and are subject to change.

Signature of Applicant: [Signature] Date 3/1/22

# Special Event Application (continued)

Please complete the following sections with as much detail as possible since fees and requirements are based on the information you provide us.

## Fees/Proceeds/Reporting

Is your organization a "Tax Exempt, nonprofit" organization? Yes  No

Are admission, entry, vendor or participant fees required? Yes  No

If YES, please explain the purpose and provide amount (s):

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\$ Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ 8,000.00 Estimated Expenses for this event.

\$ 0.00 What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

## Description of Event

First time event  Returning Event  include site map with application

Note that this description may be published in our City Public Special Events Calendar:  
Easter @ Heart Revolution Church, including a children's Easter Egg Scramble and toddler & kids  
inflatable obstacle courses.

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## Estimated Attendance

Anticipated # of Participants: 300 Anticipated # of Spectators: 100

**Traffic Control, Security, First Aid and Accessibility**

Requesting to close street(s) to vehicular traffic? Yes  No

List any streets requiring closure as a result of the event (provide map): \_\_\_\_\_

Date and time of street closure: \_\_\_\_\_ Date and time of street reopening: \_\_\_\_\_

Other (explain) \_\_\_\_\_

Requesting to post "no parking" notices? Yes  No

Requested "No Parking" on city streets and/or parking lots (list streets/parking lots) (provide map): \_\_\_\_\_

Other (explain) \_\_\_\_\_

**Security and Crowd Control**

Depending on the number of participants, your event may require Police services.

Please describe your procedures for both Crowd Control and Internal Security: \_\_\_\_\_

Both of these will be provided by Church Safety Department made up of paid staff and volunteers.

Have you hired Professional Security to handle security arrangements for this event?

Yes  No  If YES, name and address of Security Organization \_\_\_\_\_

Security Director (Name): \_\_\_\_\_ Phone: \_\_\_\_\_

If using the services of a professional security firm and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

Is this a night event? Yes  No  If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators: \_\_\_\_\_

**First Aid**

Depending on the number of participants, your event may require specific First Aid services. First aid station to be staffed by event staff? Yes  No  First aid/CPR certified? Yes  No

First aid station to be staffed by professional company. ▶ Company \_\_\_\_\_

If using the services of a professional medical organization/company and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

**Accessibility**

Please describe your Accessibility Plan for access at your event by individuals with disabilities:

Entire campus is ADA compliant

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Elements of your Event**

Setting up a stage? Yes  No

Requesting City's PA system

Requesting City Stage; if yes, which size?  Dimensions (13x28)  Dimensions (20x28)

Applicant providing own stage ▶ \_\_\_\_\_(Dimensions)

Setting up canopies or tents?

\_\_\_\_\_ # of canopies size \_\_\_\_\_

\_\_\_\_\_ # of tents size \_\_\_\_\_

No canopies/tents being set up

**Setting up tables and chairs?**

Furnished by Applicant or Contractor

4-6 # of tables  No tables being set up

\_\_\_\_\_ # of chairs  No chairs being set up

(For City Use Only) Sponsored Events – Does not apply to co-sponsored events

\_\_\_\_\_ # of tables  No tables being set up

\_\_\_\_\_ # of chairs  No chairs being set up

Contractor Name \_\_\_\_\_

Contractor Contact Information \_\_\_\_\_  
Address City/State Phone Number

**Setting up other equipment?**

Sporting Equipment (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

Not setting up any equipment listed above at event

Having amplified sound and/or music? Yes  No

PA System for announcements  CD player or DJ music

Live Music ▶  Small 4-5 piece live band ▶  Large 6+ piece live band

Other (explain) \_\_\_\_\_

If using live music or a DJ. ▶ Contractor Name \_\_\_\_\_

▶ \_\_\_\_\_  
Address City/State Phone Number

Using lighting equipment at your event? Yes  No

Bringing in own lighting equipment

Using professional lighting company ▶ Company Name \_\_\_\_\_

\_\_\_\_\_  
Address City/State Phone Number

Using electrical power? Yes  No

Using Kimball Park Bowl  
Lighting (from \_\_\_\_\_ to \_\_\_\_\_)

Using on-site electricity  For sound and/or lighting

For food and/or refrigeration

Bringing in generator(s)  For sound and/or lighting

For food and/or refrigeration

### Vendor Information

**PLEASE NOTE:** You may be required to apply for a temporary health permit if food or beverages are sold or given away during your special event. Also see 'Permits and Compliance' on page 8 in the Special Event Guide. For additional information on obtaining a temporary health permit, please contact the County of San Diego Environmental Health at (619) 338-2363.

Having food and non-alcoholic beverages at your event? Yes  No

Vendors preparing food on-site ▶ # \_\_\_\_\_ ▶ Business License # \_\_\_\_\_

If yes, please describe how food will be served and/or prepared: \_\_\_\_\_

If you intend to cook food in the event area please specify the method:

GAS  ELECTRIC  CHARCOAL  OTHER (Specify): \_\_\_\_\_

Vendors bringing pre-packaged food ▶ # \_\_\_\_\_ ▶ Business License # \_\_\_\_\_

Vendors bringing bottled, non-alcoholic beverages (i.e., bottled water, can soda, etc.) ▶ # \_\_\_\_\_

Vendors selling food # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

Vendors selling merchandise # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

Food/beverages to be handled by organization; no outside vendors

Vendors selling services # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

▶ Explain services \_\_\_\_\_

Vendors passing out information only (no business license needed) # \_\_\_\_\_

▶ Explain type(s) of information \_\_\_\_\_

No selling or informational vendors at event

Having children activities? Yes  No

**PLEASE NOTE:** In the event inflatable jumps are provided at the event, The City of National City requires commercial liability insurance with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. The application should be filed out at least one week prior to the event. For questions or to obtain a copy of the "Facility Use Application", please contact the Engineering/Public Works Department at (619) 336-4580.

Inflatable bouncer house # \_\_\_\_\_  Rock climbing wall Height \_\_\_\_\_

Inflatable bouncer slide # \_\_\_\_\_  Arts & crafts (i.e., craft making, face painting, etc.)

Carnival Rides \_\_\_\_\_  Other Mini Express Train \_\_\_\_\_

Having fireworks or aerial display? Yes  No

Vendor name and license # \_\_\_\_\_

Dimensions \_\_\_\_\_ Duration \_\_\_\_\_

Number of shells \_\_\_\_\_ Max. size \_\_\_\_\_

**PLEASE NOTE:** In the event fireworks or another aerial display is planned for your event, The City of National City requires commercial liability insurance with limits of at least \$2 Million dollars per occurrence/ \$4 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. Depending on the size and/or nature of the fireworks display, the City reserves the right to request higher liability limits. The vendor must also obtain a fireworks permit from the National City Fire Department and the cost is \$545.00

Arranging for media coverage? Yes  No

Yes, but media will not require special set-up

Yes, media will require special set-up. Describe \_\_\_\_\_



**Event Signage**

PLEASE NOTE: For City sponsored or co-sponsored events, banners publicizing the event may be placed on the existing poles on the 1800 block and 3100 block of National City Boulevard. The banners must be made to the City's specifications. Please refer to the City's Special Event Guidebook and Fee Schedule for additional information.

Are you planning to have signage at your event? Yes  No

Yes, we will post signage # \_\_\_\_\_ Dimensions \_\_\_\_\_

Yes, having inflatable signage # \_\_\_\_\_ ▶ (complete Inflatable Signage Request form)

Yes, we will have banners # \_\_\_\_\_

What will signs/banners say? \_\_\_\_\_

How will signs/banners be anchored or mounted? \_\_\_\_\_

Location of banners/signage \_\_\_\_\_

**Waste Management**

PLEASE NOTE: One toilet for every 250 people is required, unless the applicant can show that there are sufficient facilities in the immediate area available to the public during the event.

Are you planning to provide portable restrooms at the event? Yes  No

If yes, please identify the following:

▶ Total number of portable toilets: \_\_\_\_\_

▶ Total number of ADA accessible portable toilets: \_\_\_\_\_

Contracting with portable toilet vendor. ▶ \_\_\_\_\_  
Company Phone

▶ Load-in Day & Time \_\_\_\_\_ ▶ Load-out Day & Time \_\_\_\_\_

Portable toilets to be serviced. ▶ Time \_\_\_\_\_

**Set-up, Breakdown, Clean-up**

Setting up the day before the event?

Yes, will set up the day before the event. ▶ # of set-up day(s) \_\_\_\_\_

No, set-up will occur on the event day

Requesting vehicle access onto the turf?

Yes, requesting access onto turf for set-up and breakdown (complete attached Vehicle Access Request form)

No, vehicles will load/unload from nearby street or parking lot.

**NPDES-Litter Fence**

City to install litter fence

Applicant to install litter fence

N/A

**Breaking down set-up the day after the event?**

Yes, breakdown will be the day after the event. ► # of breakdown day(s) \_\_\_\_\_

No, breakdown will occur on the event day.

**How are you handling clean-up?**

Using City crews

Using volunteer clean-up crew during and after event.

Using professional cleaning company during and after event.

**Miscellaneous**

Please list anything important about your event not already asked on this application:

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**Please make a copy of this application for your records.  
We do not provide copies.**



# Special Events

## Pre-Event Storm Water Compliance Checklist

### I. Special Event Information

Name of Special Event: <u>Easter 2022</u>	
Event Address: <u>1920 Sweetwater Road</u>	Expected # of Attendees: <u>400</u>
Event Host/Coordinator: <u>Lucia Pedraza</u>	Phone Number: <u>(619) 951-5818</u>

### II. Storm Water Best Management Practices (BMPs) Review

	YES	NO	N/A
Will enough trash cans provided for the event? Provide number of trash bins: <u>6</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will enough recycling bins provided for the event? Provide number of recycle bins: <u>3</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will all portable toilets have secondary containment trays? (exceptions for ADA compliant portable toilets)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Do all storm drains have screens to temporarily protect trash and debris from entering?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are spill cleanup kits readily available at designated spots?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* A Post-Event Storm Water Compliance Checklist will be completed by City Staff.

# City of National City

## PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of insurance must be attached to this permit. The insurance company issuing the insurance policy must have a A.M. Best's Guide Rating of A:VII and that the insurance company is a California admitted company; if not, then the insurance policy to the issuance of the permit for the event. The Certificate Holder must reflect:

City of National City  
Risk Management Department  
1243 National City Boulevard  
National City, CA 91950

Organization: Heart Revolution Church

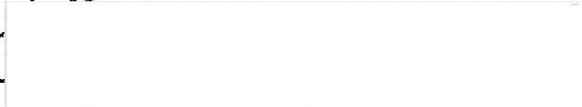
Person in Charge of Activity: Marc Lovato

Address: 1920 Sweetwater Road

Telephone: (619) 787-5761 Date(s) of Use: April 17, 2022

### HOLD HARMLESS AGREEMENT

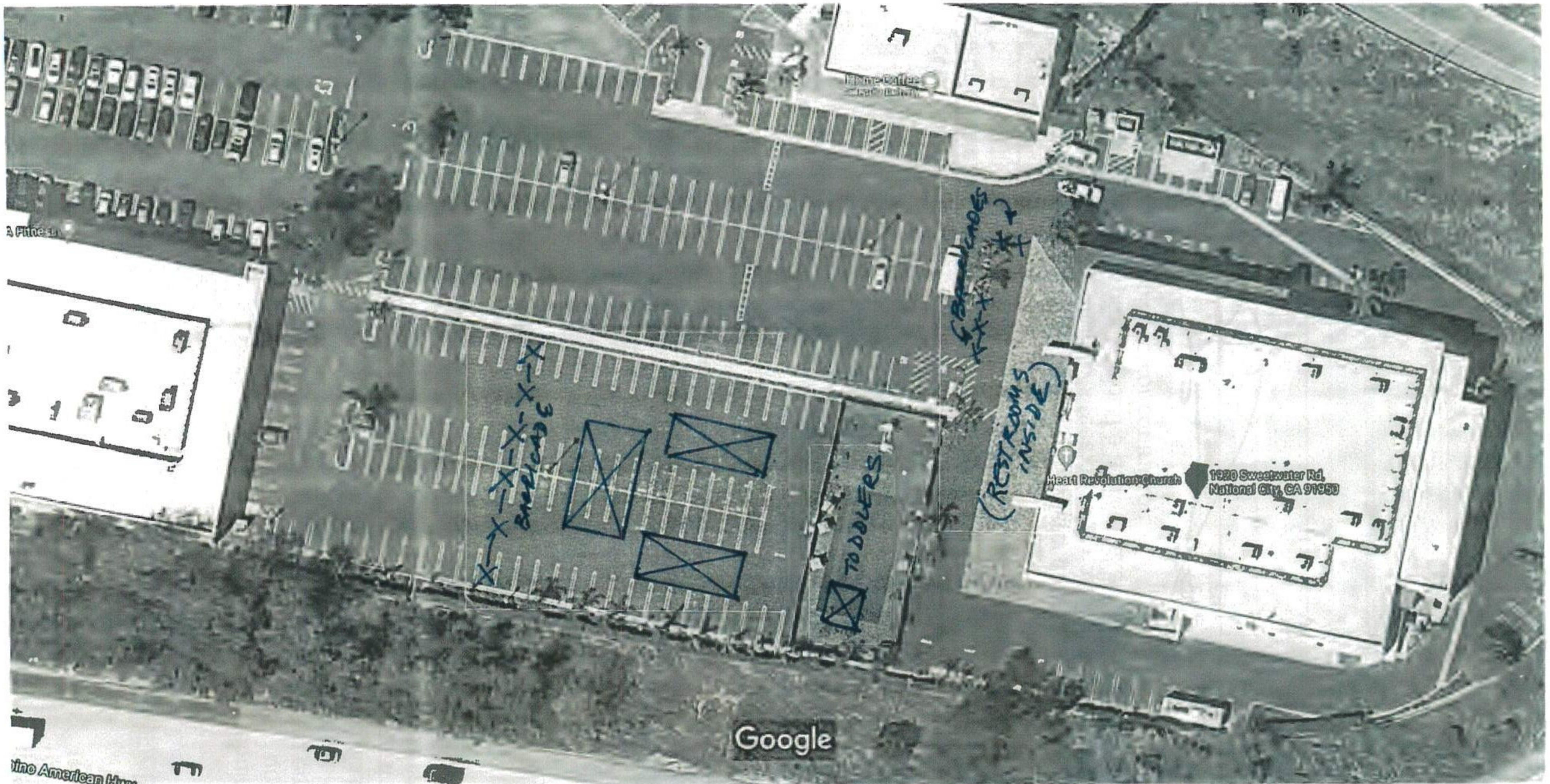
As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorney's fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.

Signature of Applicant: 

Official Title: Executive Pastor Date: March 1, 2002

For Office Use Only

Certificate of Insurance Approved \_\_\_\_\_ Date \_\_\_\_\_



Map data ©2021, Map data ©2021 Google 20 ft

INFLATABLES - ☒

BARRICADES - X-X-X-X

# City of National City BUSINESS TAX CERTIFICATE



## 2022

TO BE POSTED IN A CONSPICUOUS PLACE  
AND  
NOT TRANSFERABLE OR ASSIGNABLE

"For Services Provided in National City, California Only"

**Business Name** HEART REVOLUTION CHURCH  
**Business Location** 1920 SWEETWATER RD  
NATIONAL CITY, CA 91950-7628  
**Business Owner(s)** SERGIO DELAMORA

**Business Type** Exempt / Non-Profit  
**Account Number** 09004756  
**Effective Date** January 01, 2022  
**Expiration Date** December 31, 2022

HEART REVOLUTION CHURCH  
1914 SWEETWATER RD  
NATIONAL CITY, CA 91950-7628

City Manager

**NOTE: IT IS YOUR OBLIGATION TO RENEW THIS  
CERTIFICATE WHETHER OR NOT YOU RECEIVE A  
RENEWAL NOTICE**

For all inquiries regarding this certificate, contact HdL  
Business Tax Support Center at (619) 382-2596.

**THIS BUSINESS TAX CERTIFICATE DOES NOT PERMIT A BUSINESS  
THAT IS OTHERWISE PROHIBITED.**

HEART REVOLUTION CHURCH

Thank you for your payment on your National City Business Tax Certificate. **ALL CERTIFICATES MUST BE AVAILABLE FOR INSPECTION UPON REQUEST.** If you have questions concerning your business license, contact the Business Support Center via email at: [NationalCity@HdLgov.com](mailto:NationalCity@HdLgov.com) or by telephone at: (619) 382-2596

Keep this portion for your license separate in case you need a replacement for any lost, stolen, or destroyed license. A fee may be charged for a replacement or duplicate certificate.

This certificate does not entitle the holder to conduct business before complying with all requirements of the National City Municipal code and other applicable laws, nor to conduct business in a zone where conducting such business violates law.

If you have a fixed place of business within the National City, please display the Business Tax Certificate below in a conspicuous place at the premises. Otherwise, every Business Tax Certificate holder not having a fixed place of business in the City shall keep the Business Tax Certificate upon his or her person, or affixed in plain view any cart, vehicle, van or other movable structure or device at all times if required by the Collector.

Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: <https://www.dca.ca.gov/publications/>



BUSINESS TAX SUPPORT  
CENTER  
8839 N CEDAR AVE #212



## City of National City BUSINESS TAX CERTIFICATE

HEART REVOLUTION CHURCH  
1914 SWEETWATER RD  
NATIONAL CITY, CA 91950-7628

**Account Number:** 09004756

**Date of Issue:** 01/01/2022

**CITY OF NATIONAL CITY  
 NEIGHBORHOOD SERVICES DEPARTMENT  
 APPLICATION FOR A TEMPORARY USE PERMIT  
 CONDITIONS OF APPROVAL**

**SPONSORING ORGANIZATION: Heart Revolution Church  
 EVENT: Easter 2022  
 DATE OF EVENT: April 17, 2022**

**APPROVALS:**

COMMUNITY SERVICES	YES [ x ]	NO [ ]	SEE CONDITIONS [ ]
RISK MANAGER	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
PUBLIC WORKS	YES [ x ]	NO [ ]	SEE CONDITIONS [ ]
FINANCE	YES [ x ]	NO [ ]	SEE CONDITIONS [ ]
FIRE	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]
POLICE	YES [ x ]	NO [ ]	SEE CONDITIONS [ ]
ENGINEERING	YES [ x ]	NO [ ]	SEE CONDITIONS [ ]
COMMUNITY DEVELOPMENT	YES [ x ]	NO [ ]	SEE CONDITIONS [ x ]

---

**CONDITIONS OF APPROVAL:**

**PUBLIC WORKS (619)366-4580**

No involvement

**POLICE DEPARTMENT**

No comments

**ENGINEERING**

No comments

**COMMUNITY SERVICES**

No involvement

**FINANCE**

No comments received

## **COMMUNITY DEVELOPMENT**

### **Planning**

1. Speakers shall be directed away from residential properties
2. Activities shall comply with Table III of NCMC Title 12 (Noise)

### **Building**

No comments received

### **Neighborhood Services**

***Neighborhood Notifications*** – Events are required to notify residents and/or businesses of the surrounding impacted areas by the event. The notice shall include the name of the event, name and phone number of the company/organization producing the event, the dates and times of the event (including set-up and breakdown) and a detailed description of how the residents and/or businesses may be affected, such as by street closures, “No Parking” signs being posted, music at the event, etc.

***Display of banners*** – Banners are allowed on site for event but must be removed immediately thereafter event completion. If you wish to place banners in any location other than on-site, you must get approval from the property/business owner where you intend to display the banner.

## **RISK MANAGER (619) 336-4370**

Risk Management has reviewed the above-captioned application to issue a Temporary Use Permit. As much as the event will be held solely on private property, there will be no additional insurance requirements necessary for issuing the permit.

It should be noted that the applicant properly executed the Hold Harmless and Indemnification Agreement when the Special Event Application was submitted



**FIRE (619) 336-4550**

**Inspection Required**  
**After Hours Inspection Fee \$191.00**

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Stipulations required by the Fire Department for this event are as follows:

- 1) Access to the area in and around the buildings shall be maintained at all times. Do not block entrances and emergency roadways.
- 2) Fire Department access into and through booth areas are to be maintained at all times. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 14 feet.
- 3) Fire Hydrants shall not be blocked or obstructed.
- 4) Participants on foot are to move immediately to the sidewalk upon approach of emergency vehicle(s).
- 5) Vehicles in roadway are to move immediately to the right upon approach of emergency vehicle(s).
- 6) Provide a 2A:10BC fire extinguisher at stage area. Extinguisher to be mounted in a visible location between 3½'to 5' from the floor to the top of the extinguisher. Maximum travel distance from an extinguisher shall not be more than 75 feet travel distance.
- 7) Internal combustion power sources that may be used for inflatables, shall be of adequate capacity to permit uninterrupted operation during normal operating hours. Refueling shall be conducted only when the ride is not in use
- 8) Internal combustion power sources shall be isolated from contact with the public by either physical guards, fencing or an enclosure. Internal combustion power shall be at least **20** feet away stage area
- 9) Any electrical power used is to be properly grounded and approved. Extension cords shall be used as "Temporary Wiring" only
- 10) A fire safety inspection is to be conducted by the Fire Department prior to operations of the event to include all rides, cooking areas, game booths, etc.

- 11) If tents or canopies are used, the following information shall apply:
- Tents having an area from 0-200 square feet shall be \$300.00
  - Tents having an area more than 201 square feet shall be \$600.00
  - Canopies having an area from 0-400 square feet shall be no charge.
  - Canopies from 401-500 square feet shall be \$353.00.
  - Canopies from 501-600 square feet shall be \$394.00.
  - Canopies from 601 or greater shall be \$515.00.
  - Multiple tents and or canopies placed together equaling or greater than the above stated information shall be charged accordingly.
  - Tents shall be flame-retardant treated with an approved State Fire Marshal seal attached. A permit from the Fire Department must be obtained. Fees can only be waived by the City Council.
- A ten foot separation distance must be maintained between tents and canopies. A permit from the Fire Department must be obtained. **Cooking shall not be permitted under tents or canopies unless the tents or canopies meet State Fire Marshal approval for cooking. See Fire Marshal for required explanation**
- 12) Concession stands utilized for cooking shall have a minimum of 10 feet of clearance on two sides and shall not be located within 10 feet of tents or canopies.
- 13) All cooking booths or areas to have one 2A:10BC fire extinguisher. **If grease or oil is used in cooking a 40:BC or class "K" fire extinguisher will be required.** See Fire Marshal for required explanation. All fire extinguishers to have a current State Fire Marshal Tag attached.
- 14) First Aid will be provided by Cornerstone Church of San Diego personnel.
- 15) **Provide inflatable Jumpers/Slide vendors California State Fire Marshal Certificate for Flame Resistance before event.**
- 16) **Required inspections taking place, after hours, holidays, and weekends will be assessed a minimum of one hundred (\$191.00) dollars.**

Fire Department fees can only be waived by City Council.

The following page(s) contain the backup material for Agenda Item: [Temporary Use Permit – National Day of Prayer sponsored by Heart Revolution Church at Kimball Park Bowl on May 5, 2022 with no waiver of fees. \(Community Development\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Temporary Use Permit – National Day of Prayer sponsored by Heart Revolution Church at Kimball Park Bowl on May 5, 2022 with no waiver of fees.

**PREPARED BY:** Dionisia Trejo |

**DEPARTMENT:** Community Development Department

**PHONE:** (619) 336-4255 |

**APPROVED BY:**  \_\_\_\_\_

**EXPLANATION:**

This is a request from Heart Revolution Church to conduct the National Day of Prayer at Kimball Park Bowl on May 5, 2022 from 6:30 p.m. to 8 p.m. Set up for the event will commence at 4:00 p.m. on the day of the event. This event will consist of various churches from National City which will gather to worship and pray.

Heart Revolution Church will provide their own stage.

Note: This event was approved by Council in 2019 with no waiver of fees.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.** |

**APPROVED:** \_\_\_\_\_ **MIS**

City fee of \$272.00 for processing the TUP through various City departments.

Total Fees: \$272.00

**ENVIRONMENTAL REVIEW:**

| N/A |

**ORDINANCE:** INTRODUCTION:  **FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

| Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waiver of fees or in accordance to City Council Policy 802. |

**BOARD / COMMISSION RECOMMENDATION:**

| N/A |

**ATTACHMENTS:**

| Application for a Temporary Use Permit with recommended conditions of approval. |



City of National City ■ Neighborhood Services Department  
1243 National City Boulevard ■ National City, CA 91950  
(619) 336-4364 ■ fax (619) 336-4217  
www.nationalcityca.gov

# Special Event Application

### Type of Event

- Fair/Festival   
  Parade/March   
  Walk or Run   
  Concert/Performance  
 TUP   
  Sporting Event   
  Other (specify) \_\_\_\_\_

### Event Name & Location

Event Title National Day of Prayer

Event Location (list all sites being requested) Kimball Park Bowl

### Event Times

Set-Up Starts  
Date May 5, 2022 Time 4:00Pm Day of Week Thursday

Event Starts  
Date May 5, 2022 Time 6:30PM Day of Week Thursday

Event Ends  
Date May 5, 2022 Time 8:00PM Day of Week Thursday

Breakdown Ends  
Date May 5, 2022 Time 9:00PM Day of Week Thursday



### Applicant Information

Applicant (Your name) Marc Lovato Sponsoring Organization Heart Revolution Church

Event Coordinator (if different from applicant) Eddie Duenas

Mailing Address 4235 National Avenue, San Diego, CA 92113

Day Phone \_\_\_\_\_ After Hours Phone \_\_\_\_\_ Cell 6197875761 Fax \_\_\_\_\_

Public Information Phone \_\_\_\_\_ E-mail marc@heartrevchurch.com

Applicant agrees to investigate, defend, indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges, expense (including attorney's fees) and causes of action of any character which the City, its officers, employees and agents may incur, sustain or be subjected to on account of loss or damage to property or the loss of use thereof and for bodily injury to or death of any persons (including but not limited to the employees, subcontractors, agents and invitees of each party hereto) arising out of or in any way connected to the occupancy, enjoyment and use of any City premises under this agreement to the extent permitted by law.

Applicant understands this TUP/special event may implicate fees for City services, which will have to be paid in the City's Finance Department 48 hours prior to the event set-up. The undersigned also understands and accepts the City's refund policy for application processing and facility use and that fees and charges are adjusted annually and are subject to change.

Signature of Applicant: [Signature] Date March 16, 2022



**Traffic Control, Security, First Aid and Accessibility**

Requesting to close street(s) to vehicular traffic? Yes  No

List any streets requiring closure as a result of the event (provide map): \_\_\_\_\_

Date and time of street closure: \_\_\_\_\_ Date and time of street reopening: \_\_\_\_\_

Other (explain) \_\_\_\_\_

Requesting to post "no parking" notices? Yes  No

Requested "No Parking" on city streets and/or parking lots (list streets/parking lots) (provide map): \_\_\_\_\_

Other (explain) \_\_\_\_\_

**Security and Crowd Control**

Depending on the number of participants, your event may require Police services.

Please describe your procedures for both Crowd Control and Internal Security: Volunteers from local churches will provide crowd control and on-site security.

Have you hired Professional Security to handle security arrangements for this event?

Yes  No  If YES, name and address of Security Organization \_\_\_\_\_

Security Director (Name): \_\_\_\_\_ Phone: \_\_\_\_\_

If using the services of a professional security firm and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

Is this a night event? Yes  No  If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators: \_\_\_\_\_

We are requesting illumination from the existing City lights at the Park.

**First Aid**

Depending on the number of participants, your event may require specific First Aid services. First aid station to be staffed by event staff? Yes  No  First aid/CPR certified? Yes  No

First aid station to be staffed by professional company. ▶ Company \_\_\_\_\_

If using the services of a professional medical organization/company and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds.. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

**Accessibility**

Please describe your Accessibility Plan for access at your event by individuals with disabilities: Individuals with disabilities may access the event by using existing City ADA entry points, ramps, etc.

\_\_\_\_\_ available at the park.  
\_\_\_\_\_  
\_\_\_\_\_

**Elements of your Event**

Setting up a stage? Yes  No

Requesting City's PA system

Requesting City Stage; if yes, which size?  Dimensions (13x28)  Dimensions (20x28)

Applicant providing own stage ▶ \_\_\_\_\_(Dimensions)

**Setting up canopies or tents?**

2 \_\_\_\_\_ # of canopies size 10'x10'

\_\_\_\_\_ # of tents size \_\_\_\_\_

No canopies/tents being set up



**Setting up tables and chairs?**

Furnished by Applicant or Contractor

1 \_\_\_\_\_ # of tables  No tables being set up

15 \_\_\_\_\_ # of chairs  No chairs being set up

(For City Use Only) Sponsored Events – Does not apply to co-sponsored events

\_\_\_\_\_ # of tables  No tables being set up

\_\_\_\_\_ # of chairs  No chairs being set up

Contractor Name \_\_\_\_\_

Contractor Contact Information: \_\_\_\_\_  
Address City/State Phone Number

**Setting up other equipment?**

Sporting Equipment (explain) \_\_\_\_\_

Other (explain) PA system equipment \_\_\_\_\_

Not setting up any equipment listed above at event

Having amplified sound and/or music? Yes  No

PA System for announcements  CD player or DJ music

Live Music ▶  Small 4-5 piece live band ▶  Large 6+ piece live band

Other (explain) \_\_\_\_\_

If using live music or a DJ. ▶ Contractor Name \_\_\_\_\_

▶ \_\_\_\_\_  
Address City/State Phone Number

Using lighting equipment at your event? Yes  No

Bringing in own lighting equipment

Using professional lighting company ▶ Company Name \_\_\_\_\_

\_\_\_\_\_ Address City/State Phone Number

Using electrical power? Yes  No

Using Kimball Park Bowl Lighting (from 6PM to 9PM)

Using on-site electricity  For sound and/or lighting

For food and/or refrigeration

Bringing in generator(s)  For sound and/or lighting

For food and/or refrigeration

### Vendor Information

**PLEASE NOTE:** You may be required to apply for a temporary health permit if food or beverages are sold or given away during your special event. Also see 'Permits and Compliance' on page 8 in the Special Event Guide. For additional information on obtaining a temporary health permit, please contact the County of San Diego Environmental Health at (619) 338-2363.

Having food and non-alcoholic beverages at your event? Yes  No

Vendors preparing food on-site ▶ # \_\_\_\_\_ ▶ Business License # \_\_\_\_\_

If yes, please describe how food will be served and/or prepared: \_\_\_\_\_

If you intend to cook food in the event area please specify the method:

GAS  ELECTRIC  CHARCOAL  OTHER (Specify): \_\_\_\_\_

Vendors bringing pre-packaged food ▶ # \_\_\_\_\_ ▶ Business License # \_\_\_\_\_

Vendors bringing bottled, non-alcoholic beverages (i.e., bottled water, can soda, etc.) ▶ # \_\_\_\_\_

Vendors selling food # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

Vendors selling merchandise # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

Food/beverages to be handled by organization; no outside vendors

Vendors selling services # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

▶ Explain services \_\_\_\_\_

Vendors passing out information only (no business license needed) # \_\_\_\_\_

▶ Explain type(s) of information \_\_\_\_\_ National City Clergy Association Info

No selling or informational vendors at event

Having children activities? Yes  No

**PLEASE NOTE:** In the event inflatable jumps are provided at the event, The City of National City requires commercial liability insurance with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. The application should be filed out at least one week prior to the event. For questions or to obtain a copy of the "Facility Use Application", please contact the Engineering/Public Works Department at (619) 336-4580.

Inflatable bouncer house # \_\_\_\_\_  Rock climbing wall Height \_\_\_\_\_

Inflatable bouncer slide # \_\_\_\_\_  Arts & crafts (i.e., craft making, face painting, etc.)

Carnival Rides \_\_\_\_\_  Other \_\_\_\_\_

Having fireworks or aerial display? Yes  No

Vendor name and license # \_\_\_\_\_

Dimensions \_\_\_\_\_ Duration \_\_\_\_\_

Number of shells \_\_\_\_\_ Max. size \_\_\_\_\_

**PLEASE NOTE:** In the event fireworks or another aerial display is planned for your event, The City of National City requires commercial liability insurance with limits of at least \$2 Million dollars per occurrence/ \$4 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. Depending on the size and/or nature of the fireworks display, the City reserves the right to request higher liability limits. The vendor must also obtain a fireworks permit from the National City Fire Department and the cost is \$545:00

Arranging for media coverage? Yes  No

Yes, but media will not require special set-up

Yes, media will require special set-up. Describe \_\_\_\_\_

**Event Signage**

PLEASE NOTE: For City sponsored or co-sponsored events, banners publicizing the event may be placed on the existing poles on the 1800 block and 3100 block of National City Boulevard. The banners must be made to the City's specifications. Please refer to the City's Special Event Guidebook and Fee Schedule for additional information.

Are you planning to have signage at your event? Yes  No

Yes, we will post signage # 1 Dimensions 72"x30"

Yes, having inflatable signage # \_\_\_\_\_ ▶ (complete Inflatable Signage Request form)

Yes, we will have banners # \_\_\_\_\_

What will signs/banners say? \_\_\_\_\_

How will signs/banners be anchored or mounted? \_\_\_\_\_

Location of banners/signage \_\_\_\_\_

**Waste Management**

PLEASE NOTE: One toilet for every 250 people is required, unless the applicant can show that there are sufficient facilities in the immediate area available to the public during the event.

Are you planning to provide portable restrooms at the event? Yes  No

If yes, please identify the following:

▶ Total number of portable toilets: \_\_\_\_\_

▶ Total number of ADA accessible portable toilets: \_\_\_\_\_

Contracting with portable toilet vendor. ▶ \_\_\_\_\_  
Company Phone  
▶ Load-in Day & Time \_\_\_\_\_ ▶ Load-out Day & Time \_\_\_\_\_

Portable toilets to be serviced. ▶ Time \_\_\_\_\_

**Set-up, Breakdown, Clean-up**

Setting up the day before the event?

Yes, will set up the day before the event. ▶ # of set-up day(s) \_\_\_\_\_

No, set-up will occur on the event day

Requesting vehicle access onto the turf?

Yes, requesting access onto turf for set-up and breakdown (complete attached Vehicle Access Request form)

No, vehicles will load/unload from nearby street or parking lot.

**NPDES-Litter Fence**

City to install litter fence

Applicant to install litter fence

N/A

**Breaking down set-up the day after the event?**

Yes, breakdown will be the day after the event. ▶ # of breakdown day(s) \_\_\_\_\_

No, breakdown will occur on the event day.

**How are you handling clean-up?**

Using City crews

Using volunteer clean-up crew during and after event.

Using professional cleaning company during and after event.

**Miscellaneous**

Please list anything important about your event not already asked on this application:

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**Please make a copy of this application for your records.  
We do not provide copies.**



# Special Events

## Pre-Event Storm Water Compliance Checklist

### I. Special Event Information

Name of Special Event: <u>National Day of Prayer</u>	
Event Address: <u>Kimball Park Bowl</u>	Expected # of Attendees: <u>500</u>
Event Host/Coordinator: <u>Eddie Duenas/Marc Lovato</u>	Phone Number: <u>6197872601/6197875761</u>

### II. Storm Water Best Management Practices (BMPs) Review

	YES	NO	N/A
Will enough trash cans provided for the event? Provide number of trash bins: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will enough recycling bins provided for the event? Provide number of recycle bins: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will all portable toilets have secondary containment trays? (exceptions for ADA compliant portable toilets)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Do all storm drains have screens to temporarily protect trash and debris from entering?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are spill cleanup kits readily available at designated spots?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* A Post-Event Storm Water Compliance Checklist will be completed by City Staff.

# City of National City

## PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

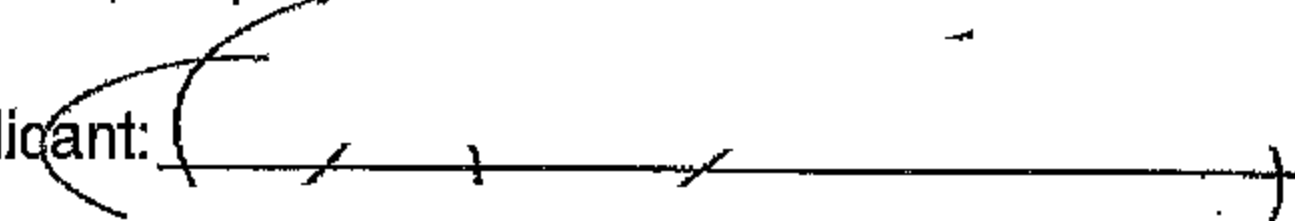
Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of insurance must be attached to this permit. The insurance company issuing the insurance policy must have a A.M. Best's Guide Rating of A:VII and that the insurance company is a California admitted company; if not, then the insurance policy to the issuance of the permit for the event. The Certificate Holder must reflect:

City of National City  
Risk Management Department  
1243 National City Boulevard  
National City, CA 91950

Organization: Heart Revolution Church  
Person in Charge of Activity: Marc Lovato  
Address: 1914 Sweetwater Road  
Telephone: 6197875761 Date(s) of Use: May 5, 2022

### HOLD HARMLESS AGREEMENT

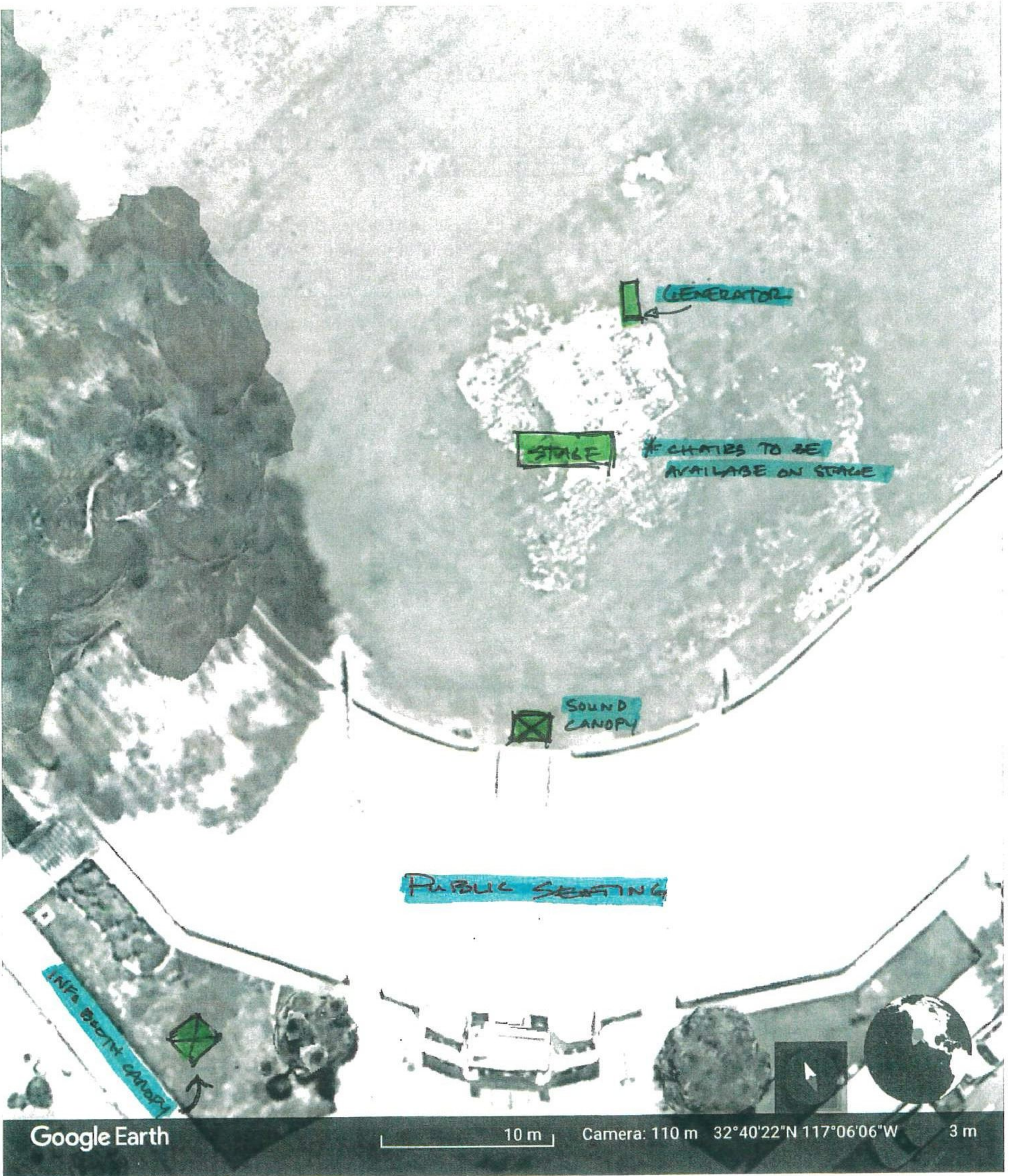
As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorney's fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.

Signature of Applicant: 

Official Title: Executive Pastor Date: May 5, 2022

For Office Use Only

Certificate of Insurance Approved \_\_\_\_\_ Date \_\_\_\_\_



National Day of Prayer Event  
Kimball Park Bowl  
May 5, 2022



# City of National City BUSINESS TAX CERTIFICATE



## 2022

TO BE POSTED IN A CONSPICUOUS PLACE  
AND  
NOT TRANSFERABLE OR ASSIGNABLE

"For Services Provided in National City, California Only"

**Business Name** HEART REVOLUTION CHURCH  
**Business Location** 1920 SWEETWATER RD  
NATIONAL CITY, CA 91950-7628  
**Business Owner(s)** SERGIO DELAMORA

**Business Type** Exempt / Non-Profit  
**Account Number** 09004756  
**Effective Date** January 01, 2022  
**Expiration Date** December 31, 2022

HEART REVOLUTION CHURCH  
1914 SWEETWATER RD  
NATIONAL CITY, CA 91950-7628

City Manager

**NOTE: IT IS YOUR OBLIGATION TO RENEW THIS  
CERTIFICATE WHETHER OR NOT YOU RECEIVE A  
RENEWAL NOTICE**

For all inquiries regarding this certificate, contact HdL  
Business Tax Support Center at (619) 382-2596.

**THIS BUSINESS TAX CERTIFICATE DOES NOT PERMIT A BUSINESS  
THAT IS OTHERWISE PROHIBITED**

HEART REVOLUTION CHURCH

Thank you for your payment on your National City Business Tax Certificate. **ALL CERTIFICATES MUST BE AVAILABLE FOR INSPECTION UPON REQUEST.** If you have questions concerning your business license, contact the Business Support Center via email at: [NationalCity@HdLgov.com](mailto:NationalCity@HdLgov.com) or by telephone at: (619) 382-2596

Keep this portion for your license separate in case you need a replacement for any lost, stolen, or destroyed license. A fee may be charged for a replacement or duplicate certificate.

This certificate does not entitle the holder to conduct business before complying with all requirements of the National City Municipal code and other applicable laws, nor to conduct business in a zone where conducting such business violates law.

If you have a fixed place of business within the National City, please display the Business Tax Certificate below in a conspicuous place at the premises. Otherwise, every Business Tax Certificate holder not having a fixed place of business in the City shall keep the Business Tax Certificate upon his or her person, or affixed in plain view any cart, vehicle, van or other movable structure or device at all times if required by the Collector.

Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: <https://www.dca.ca.gov/publications/>



BUSINESS TAX SUPPO  
CENTER  
8839 N CEDAR AVE #212



## City of National City BUSINESS TAX CERTIFICATE

HEART REVOLUTION CHURCH  
1914 SWEETWATER RD  
NATIONAL CITY, CA 91950-7628

**Account Number:** 09004756  
**Date of Issue:** 01/01/2022

**CITY OF NATIONAL CITY  
 NEIGHBORHOOD SERVICES DEPARTMENT  
 APPLICATION FOR A TEMPORARY USE PERMIT  
 CONDITIONS OF APPROVAL**

**SPONSORING ORGANIZATION:** Heart Revolution Church  
**EVENT:** National Day of Prayer  
**DATE OF EVENT:** May 5, 2022

APPROVALS:

COMMUNITY SERVICES	YES [x]	NO [ ]	SEE CONDITIONS [ ]
RISK MANAGER	YES [x]	NO [ ]	SEE CONDITIONS [x]
PUBLIC WORKS	YES [x]	NO [ ]	SEE CONDITIONS [ ]
FINANCE	YES [x]	NO [ ]	SEE CONDITIONS [ ]
FIRE	YES [x]	NO [ ]	SEE CONDITIONS [ ]
POLICE	YES [x]	NO [ ]	SEE CONDITIONS [ ]
ENGINEERING	YES [x]	NO [ ]	SEE CONDITIONS [ ]
COMMUNITY DEVELOPMENT	YES [x]	NO [ ]	SEE CONDITIONS [x]

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**CONDITIONS OF APPROVAL:**

**PUBLIC WORKS (619)366-4580**

Streets Division  
 No involvement

Facilities Division  
 No comments received

Parks Division  
 No involvement

**POLICE DEPARTMENT**  
 No comments

**ENGINEERING**  
 No comments received

**COMMUNITY SERVICES**  
 No involvement

## **FINANCE**

No comments received

## **COMMUNITY DEVELOPMENT**

### **Planning**

1. Speakers and/or lights shall be directed away from residential properties
2. Activities shall comply with Table III of NCMC Title 12 (Noise)
- 3.

### **Building**

No comments received

### **Neighborhood Services**

***Neighborhood Notifications*** – Events are required to notify residents and/or businesses of the surrounding impacted areas by the event. The notice shall include the name of the event, name and phone number of the company/organization producing the event, the dates and times of the event (including set-up and breakdown) and a detailed description of how the residents and/or businesses may be affected, such as by street closures, “No Parking” signs being posted, music at the event, etc.

*Display of banners* -- Banners are allowed on site for event but must be removed immediately thereafter event completion. If you wish to place banners in any location other than on-site, you must get approval from the property/business owner where you intend to display the banner.

## **FIRE (619) 336-4550**

No comments

## **RISK MANAGER (619) 336-4370**

Risk Management has reviewed the above captioned request to for the issuance of a Temporary Use Permit. It is recommended that as a condition of the issuance of the permit that the following documents must be provided:

- A valid copy of the Certificate of Liability Insurance.
- That the insurance policy must have a combined single limit of no less than \$1,000,000.00 (ONE MILLION DOLLARS) and \$2,000,000.00 (TWO MILLION DOLLARS) in aggregate that would cover the date and location of the event.
- The applicant must provide a separate additional insured endorsement wherein it notes as the additional insured as "The City of National City, its officials, agents, employees and volunteers".
- That the insurance company issuing the insurance policy must have a A.M. Best's Guide Rating of A:VII and that the insurance company is a California admitted company; if not then insurance policy must be submitted to the Risk Management Department for review and approval prior to the issuance of the Temporary Use Permit.
- The Certificate Holder must reflect:  
City of National City  
c/o Risk Manager  
1243 National City Boulevard  
National City, CA. 91950-4301

It should be noted that the Indemnification and Hold Harmless Agreement were properly executed by the applicant at the time the Special Event Application was submitted.

The following page(s) contain the backup material for Agenda Item: [Temporary Use Permit – 3rd Annual End of Summer Car Show hosted by the San Diego Lowrider Coalition at Kimball Park on Saturday, September 17, 2022 from 11 a.m. to 5 p.m. with no waiver of fees. \(Community Development\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Temporary Use Permit – 3<sup>rd</sup> Annual End of Summer Car Show hosted by the San Diego Lowrider Coalition at Kimball Park on Saturday, September 17, 2022 from 11 a.m. to 5 p.m. with no waiver of fees.

**PREPARED BY:** Dionisia Trejo

**DEPARTMENT:** Community Development Department

**PHONE:** (619) 336-4255

**APPROVED BY:** 

**EXPLANATION:**

This is a request from the San Diego Lowrider Coalition to conduct the 3<sup>rd</sup> Annual End of Summer Car Show event at Kimball Park on Saturday, September 17, 2022 from 11 a.m. to 5 p.m. Set up for this event will commence at 7 a.m. and dismantling by 8 p.m.

This event will consist of lowrider vehicles & motorcycle displays, food vendors, live entertainment and vendor booths. There will be a registration fee to participate in this event as a vendor or to have a vehicle display. This event is open to the public.

Applicant is also requesting that cruising on Highland Avenue from E. 24<sup>th</sup> Street to Division Street be allowed from 4 p.m. to 6 p.m. as part of this event.

NOTE: This event was approved by Council in 2021 with no waiver of fees.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.** |

**APPROVED:** \_\_\_\_\_ **MIS**

City fee of \$272.00 for processing the TUP through various City departments, plus \$191.00 for the Fire Permit, \$3,154.90 for Police Department and \$1,004.07 for Public Works.  
Total fees: \$ 4,621.97

**ENVIRONMENTAL REVIEW:**

N/A

**ORDINANCE:** INTRODUCTION:

**FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waive of fees or in accordance to City Council Policy 802.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

Application for a Temporary Use Permit with recommended conditions of approval.



City of National City ■ Neighborhood Services Department  
1243 National City Boulevard ■ National City, CA 91950  
(619) 336-4364 ■ fax (619) 336-4217  
www.nationalcityca.gov

## Special Event Application

### Type of Event

- Fair/Festival     
  Parade/March     
  Walk or Run     
  Concert/Performance  
 TUP     
  Sporting Event     
 Other (specify) \_\_\_\_\_

### Event Name & Location

Event Title Emd of Summer Car Show 3 Annual

Event Location (list all sites being requested) Kimball Park

### Event Times

Set-Up Starts  
Date September 17 2022 Time 7 am Day of Week Saturday

Event Starts  
Date September 17 2022 Time 11 am Day of Week Saturday

Event Ends  
Date September 17 2022 Time 5pm Day of Week Saturday

Breakdown Ends  
Date September 17 2022 Time 8pm Day of Week Saturday

Neighborhood Services  
City of National City  
**RECEIVED**

### Applicant Information

Applicant (Your name) Robert Casas/Rob Rice Sponsoring Organization SD Lowrider Association

Event Coordinator (if different from applicant) Same

Mailing Address 1618 Casa Place National City Ca 91950

Day Phone 6193957129 After Hours Phone 619 9191235 Cell 6193957129 Fax \_\_\_\_\_

Public Information Phone \_\_\_\_\_ E-mail cutandtrim@cox.net

Applicant agrees to investigate, defend, indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges, expense (including attorney's fees) and causes of action of any character which the City, its officers, employees and agents may incur, sustain or be subjected to on account of loss or damage to property or the loss of use thereof and for bodily injury to or death of any persons (including but not limited to the employees, subcontractors, agents and invitees of each party hereto) arising out of or in any way connected to the occupancy, enjoyment and use of any City premises under this agreement to the extent permitted by law.

Applicant understands this TUP/special event may implicate fees for City services, which will have to be paid in the City's Finance Department 48 hours prior to the event set-up. The undersigned also understands and accepts the City's refund policy for application processing and facility use and that fees and charges are adjusted annually and are subject to change.

Signature of Applicant: \_\_\_\_\_ Date March 1 2022

## Special Event Application (continued)

Please complete the following sections with as much detail as possible since fees and requirements are based on the information you provide us.

### Fees/Proceeds/Reporting

Is your organization a "Tax Exempt, nonprofit" organization? Yes  No

Are admission, entry, vendor or participant fees required? Yes  No

If YES, please explain the purpose and provide amount (s):

Cover Expenses

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\$ Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ 7000 Estimated Expenses for this event.

\$ 1000 What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

### Description of Event

First time event     Returning Event     include site map with application

Note that this description may be published in our City Public Special Events Calendar:

Recurring Annual Event Free for Community non alcohol event cruise to follow on highland ave

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### Estimated Attendance

Anticipated # of Participants: 350-450      Anticipated # of Spectators: 1500



**Traffic Control, Security, First Aid and Accessibility**

Requesting to close street(s) to vehicular traffic? Yes  No

List any streets requiring closure as a result of the event (provide map): \_\_\_\_\_  
\_\_\_\_\_

Date and time of street closure: \_\_\_\_\_ Date and time of street reopening: \_\_\_\_\_

Other (explain) \_\_\_\_\_

Requesting to post "no parking" notices? Yes  No

Requested "No Parking" on city streets and/or parking lots (list streets/parking lots) (provide map):  
\_\_\_\_\_

Other (explain) \_\_\_\_\_

**Security and Crowd Control**

Depending on the number of participants, your event may require Police services.

Please describe your procedures for both Crowd Control and Internal Security: National City Police

**Private Security**

Have you hired Professional Security to handle security arrangements for this event?

Yes  No  If YES, name and address of Security Organization \_\_\_\_\_  
\_\_\_\_\_

Security Director (Name): \_\_\_\_\_ Phone: \_\_\_\_\_

If using the services of a professional security firm and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

Is this a night event? Yes  No  If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**First Aid**

Depending on the number of participants, your event may require specific First Aid services.

First aid station to be staffed by event staff? Yes  No  First aid/CPR certified? Yes  No

First aid station to be staffed by professional company. ▶ Company AMR

If using the services of a professional security firm and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission. .

**Accessibility**

Please describe your Accessibility Plan for access at your event by individuals with disabilities:

Kimball Park Access

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**Elements of your Event**

Setting up a stage? Yes  No

Requesting City's PA system

Requesting City Stage; if yes, which size?  Dimensions (13x28)  Dimensions (20x28)

Applicant providing own stage ▶ \_\_\_\_\_(Dimensions)

Setting up canopies or tents?

\_\_\_\_\_ # of canopies size 10by 10

\_\_\_\_\_ # of tents size \_\_\_\_\_

No canopies/tents being set up

Setting up tables and chairs?

Furnished by Applicant or Contractor

10 # of tables  No tables being set up

10 # of chairs  No chairs being set up

(For City Use Only) Sponsored Events – Does not apply to co-sponsored events

\_\_\_\_\_ # of tables  No tables being set up





- Food/beverages to be handled by organization; no outside vendors
- Vendors selling services # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_
  - ▶ Explain services \_\_\_\_\_
- Vendors passing out information only (no business license needed) # \_\_\_\_\_
  - ▶ Explain type(s) of information \_\_\_\_\_
- No selling or informational vendors at event

Having children activities? Yes  No

**PLEASE NOTE:** In the event inflatable jumps are provided at the event, The City of National City requires commercial liability insurance with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. The application should be filed out at least one week prior to the event. There is a \$25 fee to process the permit application. For questions or to obtain a copy of the "Facility Use Application", please contact the Engineering/Public Works Department at (619) 336-4580.

- Inflatable bouncer house # \_\_\_\_\_  Rock climbing wall Height \_\_\_\_\_
- Inflatable bouncer slide # \_\_\_\_\_  Arts & crafts (i.e., craft making, face painting, etc.)
- Carnival Rides \_\_\_\_\_  Other \_\_\_\_\_

Having fireworks or aerial display? Yes  No

- Vendor name and license # \_\_\_\_\_
- Dimensions \_\_\_\_\_ Duration \_\_\_\_\_
- Number of shells \_\_\_\_\_ Max. size \_\_\_\_\_

**PLEASE NOTE:** In the event fireworks or another aerial display is planned for your event, The City of National City requires commercial liability insurance with limits of at least \$2 Million dollars per occurrence/ \$4 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. Depending on the size and/or nature of the fireworks display, the City reserves the right to request higher liability limits. The vendor must also obtain a fireworks permit from the National City Fire Department and the cost is \$502.00

Arranging for media coverage? Yes  No

- Yes, but media will not require special set-up
- Yes, media will require special set-up. Describe \_\_\_\_\_

**Event Signage**

PLEASE NOTE: For City sponsored or co-sponsored events, banners publicizing the event may be placed on the existing poles on the 1800 block and 3100 block of National City Boulevard. The banners must be made to the City's specifications. Please refer to the City's Special Event Guidebook and Fee Schedule for additional information.

Are you planning to have signage at your event? Yes  No

Yes, we will post signage # \_\_\_\_\_ Dimensions \_\_\_\_\_

Yes, having inflatable signage # \_\_\_\_\_ ▶ (complete Inflatable Signage Request form)

Yes, we will have banners # \_\_\_\_\_

What will signs/banners say? \_\_\_\_\_

How will signs/banners be anchored or mounted? \_\_\_\_\_

Location of banners/ signage \_\_\_\_\_

**Waste Management**

PLEASE NOTE: One toilet for every 250 people is required, unless the applicant can show that there are sufficient facilities in the immediate area available to the public during the event.

Are you planning to provide portable restrooms at the event? Yes  No

If yes, please identify the following:

▶ Total number of portable toilets: 5

▶ Total number of ADA accessible portable toilets: 1

Contracting with portable toilet vendor. ▶ \_\_\_\_\_  
Company Phone  
▶ Load-in Day & Time \_\_\_\_\_ ▶ Load-out Day & Time \_\_\_\_\_

Portable toilets to be serviced. ▶ Time \_\_\_\_\_

**Set-up, Breakdown, Clean-up**

Setting up the day before the event?

Yes, will set up the day before the event. ▶ # of set-up day(s) \_\_\_\_\_

No, set-up will occur on the event day

Requesting vehicle access onto the turf?

Yes, requesting access onto turf for set-up and breakdown (complete attached Vehicle Access Request form)

No, vehicles will load/unload from nearby street or parking lot.

**NPDES-Litter Fence**

- City to install litter fence
- Applicant to install litter fence
- N/A

**Breaking down set-up the day after the event?**

- Yes, breakdown will be the day after the event. ► # of breakdown day(s) \_\_\_\_\_
- No, breakdown will occur on the event day.

**How are you handling clean-up?**

- Using City crews
- Using volunteer clean-up crew during and after event.
- Using professional cleaning company during and after event.

**Miscellaneous**

Please list anything important about your event not already asked on this application:

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**Please make a copy of this application for your records.  
We do not provide copies.**



# Special Events

## Pre-Event Storm Water Compliance Checklist

### I. Special Event Information

Name	of	Special	Event: _____
SD Lowrider Association		Event	Address:
Kimball Park		Expected # of	Attendees: 1500
Event Host/Coordinator: <u>Robert Casas/Rob Rice</u>		Phone Number: <u>6199191235</u>	

### II. Storm Water Best Management Practices (BMPs) Review

	YES	NO	N/A
Will enough trash cans provided for the event? Provide number of trash bins: <u>40</u>	✓		
Will enough recycling bins provided for the event? Provide number of recycle bins: <u>40</u>	✓		
Will all portable toilets have secondary containment trays? (exceptions for ADA compliant portable toilets)	✓		
Do all storm drains have screens to temporarily protect trash and debris from entering?	✓		
Are spill cleanup kits readily available at designated spots?	✓		

\* A Post-Event Storm Water Compliance Checklist will be completed by City Staff.





- PORTABLE RESTROOM
- VENDORS VEHICLES



**City of National City  
BUSINESS TAX CERTIFICATE**



**2022**

TO BE POSTED IN A CONSPICUOUS PLACE  
AND  
NOT TRANSFERABLE OR ASSIGNABLE

"For Services Provided in National City, California Only"

**Business Name** SD COUNTY LOWRIDER ASSOCIATION  
**Business Location** 592 BALLANTYNE ST  
EL CAJON, CA 92020-3712  
**Business Owner(s)** ROBERT CASAS

**Business Type** Special Event  
**Account Number** 09023694  
**Effective Date** February 24, 2022  
**Expiration Date** December 31, 2022

SD COUNTY LOWRIDER ASSOCIATION  
592 BALLANTYNE ST  
EL CAJON, CA 92020-3712

  
\_\_\_\_\_  
City Manager

**NOTE: IT IS YOUR OBLIGATION TO RENEW THIS  
CERTIFICATE WHETHER OR NOT YOU RECEIVE A  
RENEWAL NOTICE**

For all inquiries regarding this certificate, contact HdL  
Business Tax Support Center at (619) 382-2596.

**THIS BUSINESS TAX CERTIFICATE DOES NOT PERMIT A BUSINESS  
THAT IS OTHERWISE PROHIBITED.**

SD COUNTY LOWRIDER ASSOCIATION

Thank you for your payment on your National City Business Tax Certificate. **ALL CERTIFICATES MUST BE AVAILABLE FOR INSPECTION UPON REQUEST.** If you have questions concerning your business license, contact the Business Support Center via email at: [NationalCity@HdLgov.com](mailto:NationalCity@HdLgov.com) or by telephone at: (619) 382-2596

Keep this portion for your license separate in case you need a replacement for any lost, stolen, or destroyed license. A fee may be charged for a replacement or duplicate certificate.

This certificate does not entitle the holder to conduct business before complying with all requirements of the National City Municipal code and other applicable laws, nor to conduct business in a zone where conducting such business violates law.

If you have a fixed place of business within the National City, please display the Business Tax Certificate below in a conspicuous place at the premises. Otherwise, every Business Tax Certificate holder not having a fixed place of business in the City shall keep the Business Tax Certificate upon his or her person, or affixed in plain view any car, vehicle, van or other movable structure or device at all times if required by the Collector.

Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: <https://www.dca.ca.gov/publications/>



BUSINESS TAX SUPPORT CENTER  
8839 N CEDAR AVE #212  
FRESNO, CA 93720-1832



**City of National City  
BUSINESS TAX CERTIFICATE**

SD COUNTY LOWRIDER ASSOCIATION  
592 BALLANTYNE ST  
EL CAJON, CA 92020-3712

**Account Number:** 09023694  
**Date of issue:** 02/24/2022

**CITY OF NATIONAL CITY  
 NEIGHBORHOOD SERVICES DEPARTMENT  
 APPLICATION FOR A TEMPORARY USE PERMIT  
 CONDITIONS OF APPROVAL**

**SPONSORING ORGANIZATION: SD Lowrider Association  
 EVENT: End of Summer Car Show  
 DATE OF EVENT: September 17, 2022**

APPROVALS:

COMMUNITY SERVICES	YES [x]	NO [ ]	SEE CONDITIONS [ ]
RISK MANAGER	YES [x]	NO [ ]	SEE CONDITIONS [x]
PUBLIC WORKS	YES [x]	NO [ ]	SEE CONDITIONS [x]
FINANCE	YES [x]	NO [ ]	SEE CONDITIONS [ ]
FIRE	YES [x]	NO [ ]	SEE CONDITIONS [x]
POLICE	YES [x]	NO [ ]	SEE CONDITIONS [x]
ENGINEERING	YES [x]	NO [ ]	SEE CONDITIONS [ ]
COMMUNITY DEVELOPMENT	YES [x]	NO [ ]	SEE CONDITIONS [x]

**CONDITIONS OF APPROVAL:**

**PUBLIC WORKS (619)366-4580**

Streets Division  
 No involvement

Parks Division

1. Three hours for set up on Thursday 9/15/22 to mark irrigation valve boxes and paint a fire lane at regular pay @ \$66.98=\$200.94
2. One staff for the duration of event 8 hours from 10 am to 6 pm for litter control and service public restrooms. Overtime rate at \$100.47
3. total \$803.76 on September 17<sup>th</sup>
4. Event organizer did not request the City Stage and PA.
5. Total expense for event \$1,004.07

Facilities Division

No comments received

## **POLICE DEPARTMENT**

The total cost for police services for (1) Police Supervisor and (4) Police Officers, 7 hours per supervisor and officer, will be \$3,004.10. The breakdown is for 6.5 hours in the park and ½ hour total for donning and doffing. That would be for a total of 35 hours of overtime, at pay rates of \$100.30 per hour and \$82.22 per hour respectively.

The total cost for police services for (1) Parking Enforcement Officer, 4 hours, will be \$150.64. That would be for a total of 4 hours of overtime, at a pay rate of \$37.66 per hour.

Total for Police Services= \$ 3,154.90

## **ENGINEERING**

No comments received

## **COMMUNITY SERVICES**

No involvement

## **FINANCE**

No comment received

## **COMMUNITY DEVELOPMENT**

### **Planning**

1. Speakers shall be directed away from residential properties
2. Activities shall comply with Table III of NCMC Title 12 (Noise)

### **Building**

No comments received

### **Neighborhood Services**

***Neighborhood Notifications*** – Events are required to notify residents and/or businesses of the surrounding impacted areas by the event. The notice shall include the name of the event, name and phone number of the company/organization producing the event, the dates and times of the event (including set-up and breakdown) and a detailed description of how the residents and/or businesses may be affected, such as by street closures, “No Parking” signs being posted, music at the event, etc.

***Display of banners*** -- Banners are allowed on site for event but must be removed immediately thereafter event completion. If you wish to place banners in any location other than on-site, you must get approval from the property/business owner where you intend to display the banner.

## **RISK MANAGER (619) 336-4370**

Risk Management has reviewed the above-captioned request to issue a Temporary Use Permit. The following are the insurance requirements that must be met to move forward with processing the Temporary Use Permit.

- The applicant has provided a valid copy of the Certificate of Liability Insurance.
- The applicant has provided an insurance policy with a combined single limit of no less than \$1,000,000.00 (ONE MILLION DOLLARS) for each occurrence and \$2,000,000.00 (TWO MILLION DOLLARS) in aggregate that would cover the date and location of the event.
- The applicant provided a Certificate of Liability Insurance wherein it notes the additional insured as “The City of National City, its officials, agents, employees, and volunteers.”
- The Medical Provider and Private Security Company must provide a copy of the Certificate of Liability Insurance.
- The Medical Provider and Private Security Company must provide an insurance policy with a combined single limit of no less than \$1,000,000.00 (ONE MILLION DOLLARS) for each occurrence and \$2,000,000.00 (TWO MILLION DOLLARS) in aggregate that would cover the date and location of the event.

- The Medical Provider and Private Security Company must provide a Certificate of Liability Insurance wherein it notes as the additional insured as “The City of National City, its officials, agents, employees, and volunteers.”
- The Medical Provider and Private Security Company, the insurance company issuing the insurance policy, has an A.M. Best’s Guide Rating of A: VII, and the insurance company is a California admitted company.
- The Medical Provider and Private Security Company’s Certificate of Liability Insurance Certificate Holder must reflect:  
 City of National City  
 c/o Risk Manager  
 1243 National City Boulevard  
 National City, CA. 91950-4397

It should be noted that the Indemnification and Hold Harmless Agreement were properly executed by the applicant when the Special Event Application was submitted.

**FIRE (619) 336-4550**

**INSPECTION REQUIRED**

**After hours inspection is one hundred ninety one dollars (\$191.00). Total Fees currently are (\$191.00). Other Fees may be required if changes are made or more info is provided for the event. Fees can only be waived by City Council.**

**MEETING REQUESTED WITH ORGINAIZER PRIOR TO THE EVENT**

Stipulations required by the Fire Department for this event are as follows:

- 1) I see no street closures requested at this point, but access to all businesses along the parade route or street closures are to be maintained at all times Access to entrances and Fire Department connections for fire sprinkler systems, standpipes, etc.

- 2) Fire Department access into and through all business areas are to be maintained at all times. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 14 feet.
- 3) Fire Hydrants shall not be blocked or obstructed.
- 4) Participants on foot are to move immediately to the sidewalk upon approach of emergency vehicle(s).
- 5) Vehicles in roadway are to move immediately to the right upon approach of emergency vehicle(s).
- 6) Provide metal cans with lids and label "HOT COALS ONLY" for used charcoal disposal if needed.
- 7) Provide a 2A:10BC fire extinguisher at stage (if having one). Extinguisher to be mounted in a visible location between 3½' to 5' from the floor to the top of the extinguisher. Maximum travel distance from an extinguisher shall not be more than 75 feet travel distance.
- 8) All cooking booths or areas to have one 2A:10BC. If grease or oil is used for cooking, a 40:BC or class "K" fire extinguisher will be required. **All fire extinguishers to have a current State Fire Marshal Tag attached. Please see attached example.**
- 9) If tents or canopies are used, tents will require a permit and canopies in excess of 400 square feet or multiple tents and or canopies placed together equaling or greater than the above stated areas, are to be used, they shall be flame-retardant treated with an approved State Fire Marshal seal attached. **A ten feet separation distance must be maintained between tents and canopies.**
- 10) A permit from the Fire Department must be obtained. ***Cooking shall not be permitted under tents or canopies unless the tents or canopies meet "State Fire Marshal approval for cooking. Additionally cooking of anything producing grease laden vapor shall not be allowed under the tents or canopies unless venting is provided. Please see Fire Department for direction.*** Certificate of State Fire Marshal flame resistancy shall be provided to the National City Fire Department if applicable. Fees can only be waived by City Council.

Canopies:

0 – 400 sf -	\$0
401 – 500 sf -	\$353.00
501 – 600 sf -	\$394.00
601 – 700 sf -	\$515.00



Tents:

0 –200 sf -	\$300.00
201 – (+) sf -	\$600.00

- 11) Fire Department access into and through the booth areas are to be maintained at all times.
- 12) Internal combustion power sources that may be used for inflatable rides, cooking booths, etc. shall be of adequate capacity to permit uninterrupted operation during normal operating hours. Refueling shall be conducted only when the ride is not in use.
- 13) Internal combustion power sources shall be isolated from contact with the public by either physical guards, fencing or an enclosure. Internal combustion power shall be at least 20 feet away from the ride.
- 14) **Automobiles and other internal combustion engines shall be a minimum distance of twenty feet (20) from tents and canopies.**
- 15) Any electrical power used is to be properly grounded and approved. Extension cords shall be used as "Temporary Wiring Only".
- 16) A fire safety inspection is to be conducted by the Fire Department prior to operations of the event to include all cooking areas etc.
- 17) Required inspections taking place, after hours, holidays, and weekends will be assessed a minimum of one hundred and ninety one (\$191.00) dollars.
- 18) The Lowrider Association will need to hire (1) one (AMR) American Medical Response Unit to be available on-site to provide First Aid for the 1500 attendees.
- 19) Every vehicle in attendance will need to have on hand a minimum of one 2A:10BC fire extinguisher tagged with the current certification for their vehicle. Option for the event to provide, see #20
- 20) The car show may provide event fire extinguishers. This can be accomplished by placing them at a 75 feet layout around car show. Contact the fire department for additional information requirements.
- 21) **No Parking, tents or canopies in the Fire Lane marked by Public Works through the Bowl. Additional no parking posted at the four D Ave. parking stalls.**
- 22) **Internal combustion power sources that may be used for emergency power shall be of adequate capacity to permit uninterrupted operation during normal operating hours. Refueling shall be conducted prior to start of the event.**

- 23) Internal combustion power sources shall be isolated from contact with the public by either physical guards, fencing or an enclosure. Internal combustion power shall be at least **20** feet away from the tent.
- 24) Any electrical power used is to be properly grounded and approved. Extension cords shall be used as "Temporary Wiring" only. Consult building official for requirements.
- 25) If there are food vendors in booths more fees and/or stipulations may apply there is not enough information on the TUP please provide.
- 26) You have listed (20) 10'x10' Canopies with a total of 30 food and general vendors, the layout should be more descriptive of these services. More fees and/or stipulations may apply as there is not enough information on the TUP please provide.

**The event will require an after hours/weekend (\$191.00) inspection prior to the start of the event.**

If you have any questions please feel free to contact me

The following page(s) contain the backup material for Agenda Item: [Investment transactions for the month ended January 31, 2022. \(Finance\)](#)  
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.:**

**ITEM TITLE:**

Investment transactions for the month ended January 31, 2022.

**PREPARED BY:** *Ron Gutlay*

**PHONE:** 619-336-4346

**DEPARTMENT:** Finance

**APPROVED BY:** *Molly Brown*

**EXPLANATION:**

In accordance with California Government Code Section 53646 and Section XIIA of the City of National City's investment policy, a monthly report shall be submitted to the legislative body accounting for transactions made during the reporting period.

The attached listing reflects investment transactions of the City of National City's investment portfolio for the month ending January 31, 2022.

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**  
NA

**APPROVED:** *Paulette Spillone* **FINANCE**

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

This is not a project and, therefore, not subject to environmental review.

**ORDINANCE:** INTRODUCTION  FINAL ADOPTION

**STAFF RECOMMENDATION:**

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

**BOARD / COMMISSION RECOMMENDATION:**

NA

**ATTACHMENTS:**

Investment Transaction Ledger



Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
<b>ACQUISITIONS</b>										
Purchase	01/04/2022	60934N807	5.19	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	5.19	0.00	5.19	0.00
Purchase	01/07/2022	60934N807	5,078.13	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	5,078.13	0.00	5,078.13	0.00
Purchase	01/08/2022	60934N807	6,700.00	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	6,700.00	0.00	6,700.00	0.00
Purchase	01/10/2022	60934N807	7,600.00	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	7,600.00	0.00	7,600.00	0.00
Purchase	01/11/2022	60934N807	6,600.00	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	6,600.00	0.00	6,600.00	0.00
Purchase	01/13/2022	60934N807	6,828.13	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	6,828.13	0.00	6,828.13	0.00
Purchase	01/13/2022	60934N807	575,000.00	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	575,000.00	0.00	575,000.00	0.00
Purchase	01/13/2022	90LAIF\$00	8,754.49	Local Agency Investment Fund State Pool	1.000	0.22%	8,754.49	0.00	8,754.49	0.00
Purchase	01/15/2022	60934N807	550.26	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	550.26	0.00	550.26	0.00
Purchase	01/17/2022	60934N807	618.75	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	618.75	0.00	618.75	0.00
Purchase	01/18/2022	037833EB2	700,000.00	Apple Inc Callable Note Cont 1/8/2026 0.7% Due 2/8/2026	96.844	1.51%	677,908.00	2,177.78	680,085.78	0.00
Purchase	01/18/2022	60934N807	37,904.22	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	37,904.22	0.00	37,904.22	0.00
Purchase	01/18/2022	60934N807	21,319.71	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	21,319.71	0.00	21,319.71	0.00
Purchase	01/18/2022	60934N807	16,933.29	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	16,933.29	0.00	16,933.29	0.00
Purchase	01/18/2022	60934N807	1,861.61	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	1,861.61	0.00	1,861.61	0.00
Purchase	01/18/2022	60934N807	77.08	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	77.08	0.00	77.08	0.00



Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
<b>ACQUISITIONS</b>										
Purchase	01/18/2022	60934N807	62.83	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	62.83	0.00	62.83	0.00
Purchase	01/18/2022	60934N807	29.17	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	29.17	0.00	29.17	0.00
Purchase	01/18/2022	60934N807	51.67	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	51.67	0.00	51.67	0.00
Purchase	01/18/2022	60934N807	34.50	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	34.50	0.00	34.50	0.00
Purchase	01/18/2022	60934N807	58.50	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	58.50	0.00	58.50	0.00
Purchase	01/18/2022	60934N807	5,992.86	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	5,992.86	0.00	5,992.86	0.00
Purchase	01/18/2022	60934N807	6,188.64	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	6,188.64	0.00	6,188.64	0.00
Purchase	01/18/2022	60934N807	88.57	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	88.57	0.00	88.57	0.00
Purchase	01/18/2022	60934N807	11,105.33	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	11,105.33	0.00	11,105.33	0.00
Purchase	01/19/2022	05601XAC3	120,000.00	BMW Vehicle Lease Trust 2022-1 A3 1.1% Due 3/25/2025	99.985	1.11%	119,982.06	0.00	119,982.06	0.00
Purchase	01/21/2022	60934N807	4,698.26	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	4,698.26	0.00	4,698.26	0.00
Purchase	01/21/2022	60934N807	88.00	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	88.00	0.00	88.00	0.00
Purchase	01/21/2022	60934N807	18.00	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	18.00	0.00	18.00	0.00
Purchase	01/24/2022	87612EBM7	215,000.00	Target Corp Callable Note Cont 12/15/2026 1.95% Due 1/15/2027	99.830	1.99%	214,634.50	0.00	214,634.50	0.00
Purchase	01/25/2022	60934N807	27.50	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	27.50	0.00	27.50	0.00
Purchase	01/28/2022	60934N807	4,900.00	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	4,900.00	0.00	4,900.00	0.00



Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
<b>ACQUISITIONS</b>										
Purchase	01/30/2022	60934N807	5,400.00	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	5,400.00	0.00	5,400.00	0.00
<b>Subtotal</b>			<b>1,769,574.69</b>				<b>1,747,099.25</b>	<b>2,177.78</b>	<b>1,749,277.03</b>	<b>0.00</b>
Security Contribution	01/12/2022	90LAIF\$00	7,500,000.00	Local Agency Investment Fund State Pool	1.000		7,500,000.00	0.00	7,500,000.00	0.00
<b>Subtotal</b>			<b>7,500,000.00</b>				<b>7,500,000.00</b>	<b>0.00</b>	<b>7,500,000.00</b>	<b>0.00</b>
Short Sale	01/19/2022	60934N807	-119,982.06	Federated Investors Govt Oblig Fund Inst.	1.000		-119,982.06	0.00	-119,982.06	0.00
<b>Subtotal</b>			<b>-119,982.06</b>				<b>-119,982.06</b>	<b>0.00</b>	<b>-119,982.06</b>	<b>0.00</b>
<b>TOTAL ACQUISITIONS</b>			<b>9,149,592.63</b>				<b>9,127,117.19</b>	<b>2,177.78</b>	<b>9,129,294.97</b>	<b>0.00</b>
<b>DISPOSITIONS</b>										
Closing Purchase	01/19/2022	60934N807	-119,982.06	Federated Investors Govt Oblig Fund Inst.	1.000		-119,982.06	0.00	-119,982.06	0.00
<b>Subtotal</b>			<b>-119,982.06</b>				<b>-119,982.06</b>	<b>0.00</b>	<b>-119,982.06</b>	<b>0.00</b>
Sale	01/18/2022	037833AK6	700,000.00	Apple Inc Note 2.4% Due 5/3/2023	102.070	0.79%	714,490.00	3,500.00	717,990.00	13,751.00
Sale	01/19/2022	60934N807	119,982.06	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	119,982.06	0.00	119,982.06	0.00
Sale	01/24/2022	60934N807	214,634.50	Federated Investors Govt Oblig Fund Inst.	1.000	0.03%	214,634.50	0.00	214,634.50	0.00
<b>Subtotal</b>			<b>1,034,616.56</b>				<b>1,049,106.56</b>	<b>3,500.00</b>	<b>1,052,606.56</b>	<b>13,751.00</b>
Paydown	01/18/2022	43813KAC6	0.00	Honda Auto Receivables Trust 2020-3 A3 0.37% Due 10/18/2024	100.000		0.00	77.08	77.08	0.00
Paydown	01/18/2022	43815NAC8	5,915.09	Honda Auto Receivables Trust 2019-3 A3 1.78% Due 8/15/2023	100.000		5,915.09	77.77	5,992.86	0.05
Paydown	01/18/2022	477870AC3	6,096.79	John Deere Owner Trust 2019-B A3 2.21% Due 12/15/2023	100.000		6,096.79	91.85	6,188.64	1.29



Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
<b>DISPOSITIONS</b>										
Paydown	01/18/2022	47787NAC3	56.69	John Deere Owner Trust 2020-B A3 0.51% Due 11/15/2024	100.000		56.69	31.88	88.57	0.01
Paydown	01/18/2022	47788UAC6	0.00	John Deere Owner Trust 2021-A A3 0.36% Due 9/15/2025	100.000		0.00	34.50	34.50	0.00
Paydown	01/18/2022	47789KAC7	10,969.75	John Deere Owner Trust 2020-A A3 1.1% Due 8/15/2024	100.000		10,969.75	135.58	11,105.33	0.67
Paydown	01/18/2022	47789QAC4	0.00	John Deere Owner Trust 2021-B A3 0.52% Due 3/16/2026	100.000		0.00	58.50	58.50	0.00
Paydown	01/18/2022	58769KAD6	0.00	Mercedes-Benz Auto Lease Trust 2021-B A3 0.4% Due 11/15/2024	100.000		0.00	51.67	51.67	0.00
Paydown	01/18/2022	65479JAD5	20,942.71	Nissan Auto Receivables Owner 2019-C A3 1.93% Due 7/15/2024	100.000		20,942.71	377.00	21,319.71	1.11
Paydown	01/18/2022	89232HAC9	16,648.83	Toyota Auto Receivable Own 2020-A A3 1.66% Due 5/15/2024	100.000		16,648.83	284.46	16,933.29	-383.70
Paydown	01/18/2022	89236XAC0	0.00	Toyota Auto Receivables 2020-D A3 0.35% Due 1/15/2025	100.000		0.00	29.17	29.17	0.00
Paydown	01/18/2022	89237VAB5	1,804.78	Toyota Auto Receivables Trust 2020-C A3 0.44% Due 10/15/2024	100.000		1,804.78	56.83	1,861.61	0.14
Paydown	01/18/2022	89240BAC2	0.00	Toyota Auto Receivables Owners 2021-A A3 0.26% Due 5/15/2025	100.000		0.00	62.83	62.83	0.00
Paydown	01/21/2022	43813GAC5	0.00	Honda Auto Receivables Trust 2021-1 A3 0.27% Due 4/21/2025	100.000		0.00	18.00	18.00	0.00
Paydown	01/21/2022	43813RAC1	4,616.40	Honda Auto Receivables 2020-1 A3 1.61% Due 4/22/2024	100.000		4,616.40	81.86	4,698.26	0.90
Paydown	01/21/2022	43815GAC3	0.00	Honda Auto Receivables Trust 2021-4 A3 0.88% Due 1/21/2026	100.000		0.00	88.00	88.00	0.00





Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
<b>DISPOSITIONS</b>										
Paydown	01/25/2022	09690AAC7	0.00	BMW Vehicle Lease Trust 2021-2 A3 0.33% Due 12/26/2024	100.000		0.00	27.50	27.50	0.00
<b>Subtotal</b>			<b>67,051.04</b>				<b>67,051.04</b>	<b>1,584.48</b>	<b>68,635.52</b>	<b>-379.53</b>
Maturity	01/13/2022	3137EADB2	575,000.00	FHLMC Note 2.375% Due 1/13/2022	100.000		575,000.00	0.00	575,000.00	-10,310.00
<b>Subtotal</b>			<b>575,000.00</b>				<b>575,000.00</b>	<b>0.00</b>	<b>575,000.00</b>	<b>-10,310.00</b>
Security Withdrawal	01/07/2022	60934N807	2,648.83	Federated Investors Govt Oblig Fund Inst.	1.000		2,648.83	0.00	2,648.83	0.00
Security Withdrawal	01/31/2022	90SDCP\$00	166,000.00	County of San Diego Pooled Investment Pool	1.000		166,000.00	0.00	166,000.00	0.00
<b>Subtotal</b>			<b>168,648.83</b>				<b>168,648.83</b>	<b>0.00</b>	<b>168,648.83</b>	<b>0.00</b>
<b>TOTAL DISPOSITIONS</b>			<b>1,725,334.37</b>				<b>1,739,824.37</b>	<b>5,084.48</b>	<b>1,744,908.85</b>	<b>3,061.47</b>

<b>OTHER TRANSACTIONS</b>										
Interest	01/07/2022	3135G0X24	625,000.00	FNMA Note 1.625% Due 1/7/2025	0.000		5,078.13	0.00	5,078.13	0.00
Interest	01/08/2022	89236TFS9	400,000.00	Toyota Motor Credit Corp Note 3.35% Due 1/8/2024	0.000		6,700.00	0.00	6,700.00	0.00
Interest	01/10/2022	24422EUR8	400,000.00	John Deere Capital Corp Note 3.45% Due 1/10/2024	0.000		6,900.00	0.00	6,900.00	0.00
Interest	01/10/2022	3135G05G4	560,000.00	FNMA Note 0.25% Due 7/10/2023	0.000		700.00	0.00	700.00	0.00
Interest	01/11/2022	06051GEU9	400,000.00	Bank of America Corp Note 3.3% Due 1/11/2023	0.000		6,600.00	0.00	6,600.00	0.00
Interest	01/13/2022	3137EADB2	575,000.00	FHLMC Note 2.375% Due 1/13/2022	0.000		6,828.13	0.00	6,828.13	0.00
Interest	01/15/2022	79466LAG9	65,000.00	Salesforce.com Inc Callable Note Cont 7/15/2022 0.625% Due 7/15/2024	0.000		206.51	0.00	206.51	0.00



Transaction Type	Settlement Date	CUSIP	Quantity	Security Description	Price	Acq/Disp Yield	Amount	Interest Pur/Sold	Total Amount	Gain/Loss
<b>OTHER TRANSACTIONS</b>										
Interest	01/15/2022	91282CBE0	550,000.00	US Treasury Note 0.125% Due 1/15/2024	0.000		343.75	0.00	343.75	0.00
Interest	01/17/2022	24422EVN6	275,000.00	John Deere Capital Corp Note 0.45% Due 1/17/2024	0.000		618.75	0.00	618.75	0.00
Interest	01/28/2022	69353RFE3	400,000.00	PNC Bank Callable Note Cont 6/28/2022  2.45% Due 7/28/2022	0.000		4,900.00	0.00	4,900.00	0.00
Interest	01/30/2022	91159HHX1	450,000.00	US Bancorp Callable Note Cont 6/28/2024 2.4% Due 7/30/2024	0.000		5,400.00	0.00	5,400.00	0.00
<b>Subtotal</b>			<b>4,700,000.00</b>				<b>44,275.27</b>	<b>0.00</b>	<b>44,275.27</b>	<b>0.00</b>
Dividend	01/04/2022	60934N807	36,609.01	Federated Investors Govt Oblig Fund Inst.	0.000		5.19	0.00	5.19	0.00
Dividend	01/13/2022	90LAIF\$00	20,000,852.69	Local Agency Investment Fund State Pool	0.000		8,754.49	0.00	8,754.49	0.00
Dividend	01/15/2022	90LAIF\$00	1,398,899,425.56	Local Agency Investment Fund State Pool	0.000		7,888.84	0.00	7,888.84	0.00
<b>Subtotal</b>			<b>1,418,936,887.26</b>				<b>16,648.52</b>	<b>0.00</b>	<b>16,648.52</b>	<b>0.00</b>
<b>TOTAL OTHER TRANSACTIONS</b>			<b>1,423,636,887.26</b>				<b>60,923.79</b>	<b>0.00</b>	<b>60,923.79</b>	<b>0.00</b>

The following page(s) contain the backup material for Agenda Item: [Warrant Register #34 for the period of 2/18/22 through 2/24/22 in the amount of \\$2,023,377.88 \(Finance\)](#)  
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.:**

**ITEM TITLE:**

Warrant Register #34 for the period of 2/18/22 through 2/24/22 in the amount of \$2,023,377.88.  
(Finance)

**PREPARED BY:** Christopher Nguyen, Accountant

**PHONE:** 619-336-4329

**DEPARTMENT:** Finance

**APPROVED BY:** 

**EXPLANATION:**

Per Government Section Code 37208, below are the payments issued for period 2/18/22 - 2/24/22. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
The Law Offices of Jessica C. Ayala	356743	51,900.00	Bedolla, Mario Toledo/Liability Claim
Tyler Technologies Inc.	356807	56,326.70	Annual Eden Maintenance/Support
Phomsavanh	356784	100,000.00	Relocation Reimbursement
Public EMP Retirement System	220218	268,578.09	CalPERS 1/25/22-2/7/22
Dicks & Workman Attorneys	356763	300,000.00	Settlement – Mendoza/CAO

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**

**APPROVED:**  **FINANCE**

**APPROVED:** \_\_\_\_\_ **MIS**

Warrant total \$2,023,377.88.

**ENVIRONMENTAL REVIEW:**

This is not a project and, therefore, not subject to environmental review.

**ORDINANCE:** INTRODUCTION  FINAL ADOPTION

**STAFF RECOMMENDATION:**

Ratify Warrants Totaling \$2,023,377.88.

**BOARD / COMMISSION RECOMMENDATION:**

**ATTACHMENTS:**

Warrant Register # 34



WARRANT REGISTER # 34

2/24/2022

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 01/25/2022 - 02/07/2022	220218	2/18/22	268,578.09
EDD	Unemployment Insurance Benefit Charges	237475	2/22/22	2,218.88
BOUND TREE MEDICAL LLC	2144-KV031. KING VISION VIDEO / FIRE	356742	2/23/22	862.28
THE LAW OFFICES OF JESSICA C. AYALA	BEDOLLA, MARIO TOLEDO / LIABILITY CLAIM	356743	2/23/22	51,900.00
ACE UNIFORMS & ACCESSORIES INC	ACE UNIFORMS SARMIENTO / NSD	356744	2/24/22	660.47
ACME SAFETY & SUPPLY CORP	ORANGE SOFT SHELL ZIP UP JACKET	356745	2/24/22	173.18
ADMINSURE INC	Workers' Comp Claims	356746	2/24/22	8,109.00
AIR POLLUTION CONTROL DISTRICT	ANNUAL DISTRIC FEES FOR FIRE STATION #31	356747	2/24/22	1,467.00
AIRGAS USA LLC	MOP 45714 GENERAL SUPPLIES - PW	356748	2/24/22	106.58
ALDEMCO	FOOD AS NEEDED FOR NUTRITION CENTER FY	356749	2/24/22	1,982.46
ALL FRESH PRODUCTS	FOR FOOD AS NEEDED FOR NUTRITION CENTER	356750	2/24/22	485.84
BRINK'S INCORPORATED	TRANSPORTATION - BILLING PERIOD 2/1-2/28	356751	2/24/22	331.31
BRYAN	CITATION REFUNDS - NOVEMBER 2021	356752	2/24/22	60.00
CALIFORNIA ASSOCIATION OF	CACEO WEBINAR CORDOVA / NSD	356753	2/24/22	25.00
CANON SOLUTIONS AMERICA INC.	MAINTENANCE SERVICE PERIOD 2/1/2022-2/28	356754	2/24/22	84.37
CLEAN HARBORS ENVIRONMENTAL	HOUSEHOLD HAZARDOUS WASTE FOR JANUARY 20	356755	2/24/22	1,142.28
CLEAR WATER TECHNOLOGIES LLC	CITY WIDE ON-SITE ENERGY EFFICIENT	356756	2/24/22	475.00
COMMERCIAL AQUATIC SERVICE INC	MUNICIPAL POOL SUPPLIES, PARTS	356757	2/24/22	915.32
CORODATA RECORDS	DOCUMENT AND RECORDS STORAGE FOR FY2022	356758	2/24/22	52.50
COUNTY OF SAN DIEGO	SAN DIEGO REGIONAL STORMWATER COPERMITTE	356759	2/24/22	9,265.00
COUNTY OF SAN DIEGO	NCPD ANNUAL FACILITY PERMIT RENEWAL PERI	356760	2/24/22	3,716.00
CV VENTURES LLC	DUCK POND	356761	2/24/22	3,283.74
DEPARTMENT OF JUSTICE	NEW EMPLOYEE FINGERPRINT TEST RESULTS -	356762	2/24/22	96.00
DICKS & WORKMAN ATTORNEYS	SETTLEMENT - MENDOZA / CAO	356763	2/24/22	300,000.00
ECOLAB	FOR CHEMICALS FOR DISHWASHER AS NEEDED	356764	2/24/22	45.31
ENTERPRISE FLEET MANAGEMENT	ENTERPRISE FLEET LEASE - ENG/PW	356765	2/24/22	10,707.12
FIRE ETC	FIRE SAFETY STATION BOOTS/FOOTWEAR, FY	356766	2/24/22	538.31
GIL	SCUBA AIR TANK FILL REIMBURSEMENT	356767	2/24/22	12.00
GRAINGER	BUILDING SUPPLIES AND EQUIPMENT FY 22	356768	2/24/22	4,058.04
HAAKER EQUIPMENT COMPANY	STREET SWEEPER REPAIRS	356769	2/24/22	3,414.38
HERNANDEZ	TRAINING REIM CPCA 45TH ANNUAL	356770	2/24/22	468.73
HIJAR, JR	LIABILITY CLAIM COST	356771	2/24/22	3,707.69
IDEMIA IDENTITY & SECURITY USA	NEW EMPLOYEE FINGERPRINT TEST SUBMISSION	356772	2/24/22	6.00
JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING,	356773	2/24/22	1,415.00
LIEBERT CASSIDY WHITMORE	LCW WEBINAR - SPSL OBLIGATIONS	356774	2/24/22	100.00
LUNT	CAPPO 2022 CONF - REIMBURSEMENT FOR DEBB	356775	2/24/22	1,028.31
MTS	MTS GRAFFITI REMOVAL FLAGGERS / NSD	356776	2/24/22	164.29
NATIONAL CITY CAR WASH	CARWASH SERVICES FOR FLEET FY 2022	356777	2/24/22	297.50
NATIONAL RECREATION AND PARK ASSOCIATION	PREMIER PACKAGE	356778	2/24/22	675.00
NOWDOCS INTERNATIONAL INC	GREEN VOID BOTTOM CHECK STOCK #285	356779	2/24/22	391.50
OFFICE SOLUTIONS BUSINESS	MOP 83778 OFFICE SUPPLIES - PURCHASING	356780	2/24/22	56.30
OPTUM FINANCIAL, INC	MONTHLY WAIVER SVC MAINT FEE - OCT THRU DEC 2021	356781	2/24/22	117.00
O'REILLY AUTO PARTS	MOP 75877 AUTO SUPPLIES - PW	356782	2/24/22	58.59
PARTS AUTHORITY METRO LLC	MOP 75943 AUTO SUPPLIES - PW	356783	2/24/22	581.81
PHOMSAVANH	RELOCATION REIMBURSE -140 W. 18TH ST.	356784	2/24/22	100,000.00
PRO BUILD COMPANY	4X8- 11/32 SYP CD-EXT PLY /FIRE	356785	2/24/22	1,925.76
PROJECT PROFESSIONALS CORP	CIP 21-24 CITY HALL SEISMIC RETROFIT	356786	2/24/22	31,414.18
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES - PW	356787	2/24/22	244.33
REP FITNESS LLC	3-IN-1 WOOD PLYO BOX / FIRE	356788	2/24/22	495.86
SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FY22	356789	2/24/22	3,534.81
SEAPORT MEAT COMPANY	FOR FOOD AS NEEDED FOR NUTRITION CENTER	356790	2/24/22	1,558.15
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES - PW	356791	2/24/22	494.33



**WARRANT REGISTER # 34**

**2/24/2022**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
SLETTENGREN	ADMINISTRATIVE LEAVE PAYMENT	356792	2/24/22	3,445.20
SMART & FINAL	MILK PURCHASE FOR NUTRITION CENTER LUNCH	356793	2/24/22	6.98
SMART SOURCE OF CALIFORNIA LLC	PD-210 OFFICER NOTEBOOKS, MIRANDA	356794	2/24/22	8,550.00
SNAP-ON INDUSTRIAL	CABLE LIGHTING	356795	2/24/22	97.34
SOLANA CENTER FOR	RSWA - SB 1383 COMPLIANCE SUPPORT SVCS	356796	2/24/22	22,760.00
SOUTHERN CALIF TRUCK STOP	MOP 45758 GENERAL SUPPLIES - PW	356797	2/24/22	97.03
SPECIAL SERVICES GROUP LLC	UPGRADE OF ACTIVE STEALTH COVERT TRACK	356798	2/24/22	654.38
STAPLES BUSINESS ADVANTAGE	MOP 45704 OFFICE SUPPLIES - PURCHASING	356799	2/24/22	1,135.91
STAR PAL	STAR/PAL 2022 THINK 5 PROGRAM	356800	2/24/22	5,000.00
STATE WATER RESOURCES BOARD	ANNUAL PERMIT FEE FOR NATIONAL CITY	356801	2/24/22	17,834.00
SYSCO SAN DIEGO INC	FOR FOOD AS NEEDED FOR NUTRITION CENTER	356802	2/24/22	2,087.33
TELLEZ	TRAINING REIM CPCA 45TH ANNUAL	356803	2/24/22	193.15
TERMINIX INTERNATIONAL	ON-SITE PEST CONTROL SERVICES AS NEEDED	356804	2/24/22	3,222.00
THALES CONSULTING INC	RSWA - SCO REPORT, SP DIST FY 21	356805	2/24/22	240.00
TODD PIPE & SUPPLY LLC	CITYWIDE PLUMBING MATERIALS, PARTS	356806	2/24/22	254.15
TYLER TECHNOLOGIES INC	TYLER TECHNOLOGIES INVOICE	356807	2/24/22	56,326.70
U S BANK	CREDIT CARD EXPENSES/FINANCE	356808	2/24/22	238.62
VULCAN MATERIALS COMPANY	ASPHALT, TACK, 3/8 SHEET FY 22	356809	2/24/22	169.78
WAXIE SANITARY SUPPLY	JANITORIAL SUPPLIES FOR FIRE STATIONS	356810	2/24/22	1,340.99
WESTFLEX INDUSTRIAL	MOP 63850 GENERAL SUPPLIES - PW	356811	2/24/22	179.82
WOODRUFF, SPRADLIN & SMART APC	RSWA - GEN MGR INV JAN AND FEB 2022	356812	2/24/22	5,721.09
ZUMAR INDUSTRIES INC	SIGN FIX MED CHANNEL 10'	356813	2/24/22	941.27

**A/P Total 953,996.34**

**PAYROLL**

<u>Pay period</u>	<u>Payroll Period</u>	<u>Check Date</u>	<u>AMOUNT</u>
5	2/8/22 - 2/21/22	3/2/2022	<b>1,069,381.54</b>
		<b>GRAND TOTAL</b>	<b>2,023,377.88</b>

The following page(s) contain the backup material for Agenda Item: [Warrant Register #35 for the period of 2/25/22 through 3/3/22 in the amount of \\$454,794.97 \(Finance\)](#)  
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.:**

**ITEM TITLE:**

Warrant Register #35 for the period of 2/25/22 through 3/3/22 in the amount of \$454,794.97. (Finance)

**PREPARED BY:** Christopher Nguyen, Accountant

**PHONE:** 619-336-4329

**DEPARTMENT:** Finance

**APPROVED BY:** 

**EXPLANATION:**

Per Government Section Code 37208, below are the payments issued for period 2/25/22 - 3/3/22. Consistent with Department of Finance's practice, listed below are all payments above \$50,000.

<u>Vendor</u>	<u>Check/Wire</u>	<u>Amount</u>	<u>Explanation</u>
WSP USA INC	356982	61,179.10	Focused General Plan Update
SDG&E	356958	77,722.55	Gas & Electric for Facilities
ESGIL LLC	356924	79,461.77	ESGIL Plan Check Services

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**

**APPROVED:**  **FINANCE**

**APPROVED:** \_\_\_\_\_ **MIS**

Warrant total \$454,794.97.

**ENVIRONMENTAL REVIEW:**

This is not a project and, therefore, not subject to environmental review.

**ORDINANCE:** INTRODUCTION  FINAL ADOPTION

**STAFF RECOMMENDATION:**

Ratify Warrants Totaling \$454,794.97.

**BOARD / COMMISSION RECOMMENDATION:**

**ATTACHMENTS:**

Warrant Register # 35





WARRANT REGISTER # 35

3/3/2022

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
PROTEA NATIONAL CITY, LLC	REFUND OF CONSTRUCTION & DEMO DEPOSIT	356814	3/1/22	26,273.80
ANDERSON	RETIREE HEALTH BENEFITS - Mar 2022	356815	3/1/22	110.00
BEARD	RETIREE HEALTH BENEFITS - Mar 2022	356816	3/1/22	70.00
BECK	RETIREE HEALTH BENEFITS - Mar 2022	356817	3/1/22	140.00
BEVERIDGE	RETIREE HEALTH BENEFITS - Mar 2022	356818	3/1/22	640.00
BISHOP	RETIREE HEALTH BENEFITS - Mar 2022	356819	3/1/22	110.00
BOEGLER	RETIREE HEALTH BENEFITS - Mar 2022	356820	3/1/22	260.00
BULL	RETIREE HEALTH BENEFITS - Mar 2022	356821	3/1/22	580.00
CAMEON	RETIREE HEALTH BENEFITS - Mar 2022	356822	3/1/22	400.00
CANEDO	RETIREE HEALTH BENEFITS - Mar 2022	356823	3/1/22	620.00
CARRILLO	RETIREE HEALTH BENEFITS - Mar 2022	356824	3/1/22	290.00
COLE	RETIREE HEALTH BENEFITS - Mar 2022	356825	3/1/22	165.00
COLLINSON	RETIREE HEALTH BENEFITS - Mar 2022	356826	3/1/22	420.00
CONDON	RETIREE HEALTH BENEFITS - Mar 2022	356827	3/1/22	280.00
CORDERO	RETIREE HEALTH BENEFITS - Mar 2022	356828	3/1/22	520.00
DALLA	RETIREE HEALTH BENEFITS - Mar 2022	356829	3/1/22	900.00
DANESHFAR	RETIREE HEALTH BENEFITS - Mar 2022	356830	3/1/22	250.00
DEESE	RETIREE HEALTH BENEFITS - Mar 2022	356831	3/1/22	660.00
DESROCHERS	RETIREE HEALTH BENEFITS - Mar 2022	356832	3/1/22	110.00
DIAZ	RETIREE HEALTH BENEFITS - Mar 2022	356833	3/1/22	680.00
DILLARD	RETIREE HEALTH BENEFITS - Mar 2022	356834	3/1/22	480.00
DREDGE	RETIREE HEALTH BENEFITS - Mar 2022	356835	3/1/22	250.00
DUONG	RETIREE HEALTH BENEFITS - Mar 2022	356836	3/1/22	280.00
EISER III	RETIREE HEALTH BENEFITS - Mar 2022	356837	3/1/22	250.00
ESPIRITU	RETIREE HEALTH BENEFITS - Mar 2022	356838	3/1/22	620.00
ETZLER	RETIREE HEALTH BENEFITS - Mar 2022	356839	3/1/22	460.00
FABINSKI	RETIREE HEALTH BENEFITS - Mar 2022	356840	3/1/22	220.00
FERNANDEZ	RETIREE HEALTH BENEFITS - Mar 2022	356841	3/1/22	270.00
FIFIELD	RETIREE HEALTH BENEFITS - Mar 2022	356842	3/1/22	540.00
GAUT	RETIREE HEALTH BENEFITS - Mar 2022	356843	3/1/22	700.00
GELSKEY	RETIREE HEALTH BENEFITS - Mar 2022	356844	3/1/22	115.00
GIBBS JR	RETIREE HEALTH BENEFITS - Mar 2022	356845	3/1/22	120.00
GONZALES	RETIREE HEALTH BENEFITS - Mar 2022	356846	3/1/22	480.00
HANSON	RETIREE HEALTH BENEFITS - Mar 2022	356847	3/1/22	135.00
HARLAN	RETIREE HEALTH BENEFITS - Mar 2022	356848	3/1/22	500.00
HERNANDEZ	RETIREE HEALTH BENEFITS - Mar 2022	356849	3/1/22	500.00
HERNANDEZ	RETIREE HEALTH BENEFITS - Mar 2022	356850	3/1/22	600.00
HERNANDEZ	RETIREE HEALTH BENEFITS - Mar 2022	356851	3/1/22	400.00
HODGES	RETIREE HEALTH BENEFITS - Mar 2022	356852	3/1/22	200.00
IBARRA	RETIREE HEALTH BENEFITS - Mar 2022	356853	3/1/22	780.00
JONES	RETIREE HEALTH BENEFITS - Mar 2022	356854	3/1/22	60.00
JONES	RETIREE HEALTH BENEFITS - Mar 2022	356855	3/1/22	480.00
JUNIEL	RETIREE HEALTH BENEFITS - Mar 2022	356856	3/1/22	50.00
KIMBLE	RETIREE HEALTH BENEFITS - Mar 2022	356857	3/1/22	300.00
KLOS	RETIREE HEALTH BENEFITS - Mar 2022	356858	3/1/22	480.00
LAFRENIERE	RETIREE HEALTH BENEFITS - Mar 2022	356859	3/1/22	660.00
LEACH	RETIREE HEALTH BENEFITS - Mar 2022	356860	3/1/22	600.00
LIMFUECO	RETIREE HEALTH BENEFITS - Mar 2022	356861	3/1/22	160.00
MATIENZO	RETIREE HEALTH BENEFITS - Mar 2022	356862	3/1/22	100.00
MCCABE	RETIREE HEALTH BENEFITS - Mar 2022	356863	3/1/22	280.00
MCDANIEL	RETIREE HEALTH BENEFITS - Mar 2022	356864	3/1/22	290.00
MEDINA	RETIREE HEALTH BENEFITS - Mar 2022	356865	3/1/22	105.00



WARRANT REGISTER # 35

3/3/2022

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
MEEKS	RETIREE HEALTH BENEFITS - Mar 2022	356866	3/1/22	460.00
MENDOZA	RETIREE HEALTH BENEFITS - Mar 2022	356867	3/1/22	290.00
MINER	RETIREE HEALTH BENEFITS - Mar 2022	356868	3/1/22	580.00
MORRISON	RETIREE HEALTH BENEFITS - Mar 2022	356869	3/1/22	520.00
NAGLE	RETIREE HEALTH BENEFITS - Mar 2022	356870	3/1/22	460.00
NOTEWARE	RETIREE HEALTH BENEFITS - Mar 2022	356871	3/1/22	120.00
OLIVERIA	RETIREE HEALTH BENEFITS - Mar 2022	356872	3/1/22	360.00
PAUU JR	RETIREE HEALTH BENEFITS - Mar 2022	356873	3/1/22	340.00
PE	RETIREE HEALTH BENEFITS - Mar 2022	356874	3/1/22	300.00
PEASE JR	RETIREE HEALTH BENEFITS - Mar 2022	356875	3/1/22	140.00
PETERS	RETIREE HEALTH BENEFITS - Mar 2022	356876	3/1/22	290.00
POST	RETIREE HEALTH BENEFITS - Mar 2022	356877	3/1/22	280.00
RAY	RETIREE HEALTH BENEFITS - Mar 2022	356878	3/1/22	190.00
ROARK	RETIREE HEALTH BENEFITS - Mar 2022	356879	3/1/22	135.00
RODRIGUEZ	RETIREE HEALTH BENEFITS - Mar 2022	356880	3/1/22	260.00
RUIZ	RETIREE HEALTH BENEFITS - Mar 2022	356881	3/1/22	310.00
SAINZ	RETIREE HEALTH BENEFITS - Mar 2022	356882	3/1/22	300.00
SANCHEZ	RETIREE HEALTH BENEFITS - Mar 2022	356883	3/1/22	330.00
SERVATIUS	RETIREE HEALTH BENEFITS - Mar 2022	356884	3/1/22	340.00
SHOEMAKER	RETIREE HEALTH BENEFITS - Mar 2022	356885	3/1/22	480.00
SILVA	RETIREE HEALTH BENEFITS - Mar 2022	356886	3/1/22	580.00
SMITH	RETIREE HEALTH BENEFITS - Mar 2022	356887	3/1/22	320.00
SMITH	RETIREE HEALTH BENEFITS - Mar 2022	356888	3/1/22	560.00
STEWART	RETIREE HEALTH BENEFITS - Mar 2022	356889	3/1/22	200.00
TIPTON	RETIREE HEALTH BENEFITS - Mar 2022	356890	3/1/22	250.00
UNGAB	RETIREE HEALTH BENEFITS - Mar 2022	356891	3/1/22	600.00
VERRY	RETIREE HEALTH BENEFITS - Mar 2022	356892	3/1/22	280.00
VILLAGOMEZ	RETIREE HEALTH BENEFITS - Mar 2022	356893	3/1/22	480.00
VILLARIASA	RETIREE HEALTH BENEFITS - Mar 2022	356894	3/1/22	480.00
WHITE	RETIREE HEALTH BENEFITS - Mar 2022	356895	3/1/22	230.00
WILKINS	RETIREE HEALTH BENEFITS - Mar 2022	356896	3/1/22	520.00
YBARRA	RETIREE HEALTH BENEFITS - Mar 2022	356897	3/1/22	220.00
ACOSTA	AMAZON OFFICE AND KITCHEN SUPPLIES PURCH	356898	3/3/22	465.87
AIRGAS USA LLC	MOP 45714 GENERAL SUPPLIES - PW	356899	3/3/22	143.55
ALL FRESH PRODUCTS	FOR FOOD AS NEEDED FOR NUTRITION CENTER	356900	3/3/22	647.19
ALLSTATE SECURITY SERVICES INC	SECURITY GUARD SERVICES FY22/LIBRARY	356901	3/3/22	2,442.41
AMAZON	OFFICE SUPPLIES/LIBRARY	356902	3/3/22	763.96
AMAZON	NUTRITION CENTER BLUETOOTH SCANNER	356903	3/3/22	184.91
ASSI SECURITY INC	PROVIDE SECURITY SERVICES AND REPAIRS	356904	3/3/22	6,140.00
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY22	356905	3/3/22	18,701.45
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY22	356906	3/3/22	881.92
AT&T	AT&T SBC ANNUAL PHONE SERVICE FOR FY22	356907	3/3/22	91.17
BENNETT BOWEN & LIGHTHOUSE INC	MOP 83599 AUTO SUPPLIES - PW	356908	3/3/22	100.65
BIBLIOTHECA LLC	ANNUAL MAINTENANCE SERVICES/LIBRARY	356909	3/3/22	11,094.44
BOOT WORLD	MOP 64096 SAFETY BOOTS - PW	356910	3/3/22	117.43
CDWG	FUJITSU F17600 SCANNER~	356911	3/3/22	6,267.48
CDWG	OUT OF STATE TAXES	356912	3/3/22	136.29
CITY OF CHULA VISTA	FIREGROUND THERMAL IMAGING TACTICS~	356913	3/3/22	1,350.00



**WARRANT REGISTER # 35**

**3/3/2022**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
CITY OF SAN DIEGO	TRANSPORTATION – TREATMENT FEES FY 2022	356914	3/3/22	1,100.82
CLF WAREHOUSE INC	MOP 80331 GENERAL SUPPLIES - PW	356915	3/3/22	132.57
COMMERCIAL AQUATIC SERVICE INC	MUNICIPAL POOL SUPPLIES, PARTS	356916	3/3/22	744.37
COUNTY OF SAN DIEGO	NEXTGEN REGIONAL COMMUNICATIONS SYSTEM	356917	3/3/22	7,125.00
COX COMMUNICATIONS	COX DATA VIDEO SERVICES FOR FY22	356918	3/3/22	2,465.53
DAY WIRELESS SYSTEMS (20)	COMM EQUIPMT MNTNCE SVC, FY22/ FIRE	356919	3/3/22	328.00
DE LAGE LANDEN	LEASE 20 SHARP COPIERS FOR FY21.	356920	3/3/22	2,939.63
DEPARTMENT OF TRANSPORTATION	HIGHWAY LIGHTING FOR FY 2022	356921	3/3/22	10,090.41
DISCOUNT SPECIALTY CHEMICALS	RUBBERIZED COATING	356922	3/3/22	296.30
DIVISION 8 INCORPORATED	CITY WIDE ONSITE GLASS AND WINDOW	356923	3/3/22	3,200.00
ESGIL LLC	ESGIL - PLAN CHECK SERVICES	356924	3/3/22	79,461.77
FERGUSON ENTERPRISES 1350	MOP 45723 GENERAL SUPPLIES - PW	356925	3/3/22	2,729.56
FIRE ETC	FIRE SAFETY STATION BOOTS/FOOTWEAR, FY 22	356926	3/3/22	320.81
GONZALES	TRAINING POST ADV SUB FTO 5DAYS	356927	3/3/22	780.00
GOVCONNECTION INC	GOVCONNECTION INVOICES	356928	3/3/22	965.48
GRAINGER	MOP 65179 GENERAL SUPPLIES - PW	356929	3/3/22	461.07
HAAKER EQUIPMENT COMPANY	39" MANHOLE HOOKS	356930	3/3/22	381.71
JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING,	356931	3/3/22	210.00
KASEYA US LLC	KASEYA DARK WEB ID MME 100 - GOV EDITION	356932	3/3/22	5,887.84
KIMLEY HORN AND	NTP FOR THE EVALUATION OF AFFORDABLE	356933	3/3/22	3,025.00
KRONOS INC	KRONOS ANNUAL MAINTENANCE AND LICENSING	356934	3/3/22	216.75
MARIOTA	TRAINING REIM FTO	356935	3/3/22	608.39
MAZZARELLA & MAZZARELLA LLP	LEGAL SERVICES RENDERED	356936	3/3/22	697.50
MIDWEST TAPE	AUDIOBOOKS/LIBRARY	356937	3/3/22	50.12
MUNICIPAL MAINTENANCE EQUIP	FLOOR GLASS MKV CABIN	356938	3/3/22	82.25
NAN MCKAY AND ASSOCIATES INC	HCV FINANCIAL MANANGEMENT AND HOUSING RV	356939	3/3/22	239.00
NATIONAL CITY ELECTRIC	CITYWIDE ON-SITE ELECTRICAL	356940	3/3/22	1,225.00
NBS	NBS - LANDSCAPE MAINTENANCE DISTRICT	356941	3/3/22	2,742.48
NEU	REIMB / MILEAGE FOR BOOK DELIVERY	356942	3/3/22	15.40
OFFICE SOLUTIONS BUSINESS	MOP# 83778 OFFICE SUPLIES FOR SECTION 8	356943	3/3/22	202.56
O'REILLY AUTO PARTS	MOP 75877 AUTO SUPPLIES - PW	356944	3/3/22	754.16
PARTS AUTHORITY METRO LLC	MOP 75943 AUTO SUPPLIES - PW	356945	3/3/22	294.79
PENSKE FORD	R&M CITY VEHICLES FY 2022	356946	3/3/22	425.05
POWERSTRIDE BATTERY CO INC	AUTO BATTERIES TO REPLENISH STOCK	356947	3/3/22	578.38
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES - PW	356948	3/3/22	1,572.11
PROFESSIONAL SEARCH GROUP LLC	RECRUITMENT SERVICES~	356949	3/3/22	8,547.65
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICE - PW	356950	3/3/22	1,256.94
RIO HONDO COLLEGE	TRAINING TUITION FTO GGONZLS	356951	3/3/22	89.00
ROADONE	MOP 75948 TOW SERVICE - PW	356952	3/3/22	270.00
SAM'S ALIGNMENT	WHEEL ALIGNMENT SERVICE FOR CITY	356953	3/3/22	60.00
SAN DIEGO MECHANICAL ENERGY	REPAIRS TO HVAC SYSTEMS AND OTHER	356954	3/3/22	483.00
SAN DIEGO UNION TRIBUNE	NOTICE INVITING BIDS - NC BLVD BIKEWAY	356955	3/3/22	688.80
SBCS CORPORATION	HOME AGREEMENT: SOUTH BAY COMMUNITY	356956	3/3/22	32,497.00
SCANNING SERVICE CORPORATION	SCANNING SERVICES	356957	3/3/22	5,081.39
SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FY22	356958	3/3/22	77,722.55
SEAPORT MEAT COMPANY	FOR FOOD AS NEEDED FOR NUTRITION CENTER	356959	3/3/22	524.00
SHARP ELECTRONICS CORPORATION	MAINTENANCE 20 SHARP COPIERS FOR FY22	356960	3/3/22	1,526.97



**WARRANT REGISTER # 35**

**3/3/2022**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
SHRED-IT	NOVEMBER-2021 MONTHLY SERVICE FOR SECTION 8	356961	3/3/22	528.68
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES - PW	356962	3/3/22	858.53
SMART SOURCE OF CALIFORNIA LLC	MOP 63845, FF BUSINESS CARDS / FIRE	356963	3/3/22	267.61
SOUTHERN CALIF TRUCK STOP	MOP 45758 AUTO SUPPLIES - PW	356964	3/3/22	261.13
STAPLES BUSINESS ADVANTAGE	MOP 45704. OFFICE SUPPLIES/LIBRARY	356965	3/3/22	931.35
STARTECH COMPUTERS	STARTECH MOP FY22	356966	3/3/22	1,258.28
SWAGIT PRODUCTION LLC	SWAGIT WEBCAST FY22	356967	3/3/22	1,920.83
SWEETWATER AUTHORITY	WATER BILL FOR PARKS DIVISION FY 2022~	356968	3/3/22	322.74
SYSCO SAN DIEGO INC	FOR FOOD AS NEEDED FOR NUTRITION CENTER	356969	3/3/22	1,727.50
THE STAR NEWS	PUBLIC NOTICING - STAR NEWS	356970	3/3/22	497.12
THOMSON REUTERS WEST	THOMSON REUTERS WEST FOR CITY ATTORNEY	356971	3/3/22	578.54
TOPECO PRODUCTS	MOP 63849 AUTO SUPPLIES - PW	356972	3/3/22	265.49
TRANS-LANG	TRANSLATION SERVICES/LIBRARY	356973	3/3/22	125.00
U S BANK	US BANK STATEMENT FOR CITY ATTORNEY	356974	3/3/22	1,074.54
VALLEY INDUSTRIAL SPECIALTIES	MOP 46453 GENERAL SUPPLIES - PW	356975	3/3/22	915.39
VERIZON WIRELESS	VERIZON CELLULAR SERVICES FOR FY22	356976	3/3/22	154.21
VISTA NINE LLC	T&A BOND REFUND 129 NORTON AVENUE	356977	3/3/22	6,853.36
WAXIE SANITARY SUPPLY	JANITORIAL SUPPLIES FOR FIRE STATIONS	356978	3/3/22	195.61
WESTFLEX INDUSTRIAL	MOP 63850 GENERAL SUPPLIES - PW	356979	3/3/22	1,154.02
WOODRUFF, SPRADLIN & SMART APC	RSWA THIRD QTR LEGAL SVCS - JAN 01 TO MARCH 31, 2022	356980	3/3/22	5,000.00
WORTH AVE GROUP, LLC	LAPTOP INSURANCE POLICY/LIBRARY	356981	3/3/22	206.16
WSP USA INC	FOCUSED GENERAL PLAN UPDATE	356982	3/3/22	61,179.10
YOURMEMBERSHIP.COM INC.	JOB POSTING SERVICES/LIBRARY	356983	3/3/22	199.00
Z A P MANUFACTURING INC	REFURBISHED TRAFFIC SIGNS	356984	3/3/22	1,546.15
			<b>A/P Total</b>	<b>454,794.97</b>
		<b>GRAND TOTAL</b>		<b>454,794.97</b>

The following page(s) contain the backup material for Agenda Item: [Public Hearing and Adoption of an Ordinance of the City Council of the City of National City, California, Repealing and Replacing National City Municipal Code Chapter 2.75, entitled, Election Campaign Regulations. \(City Clerk\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.**

**ITEM TITLE:**

Public Hearing and Adoption of an Ordinance of the City Council of the City of National City Repealing and Replacing National City Municipal Code Chapter 2.75, entitled, Election Campaign Regulations

**PREPARED BY:** Shelley Chapel, Deputy City Clerk

**DEPARTMENT:** City Clerk's Office

**PHONE:** 619-336-4228

**APPROVED BY:** [Shelley Chapel](#)

**EXPLANATION:**

On February 1, 2022, the City Council approved the first reading of the draft Ordinance Repealing and Replacing National City Municipal Code Chapter 2.75, entitled, Election Campaign Regulations.

Councilmembers requested that staff return with justifications for changes, redline version of Ordinance provided for Introduction and First Reading, and chart provided to show changes made in 2020. In addition, a request for a list of cities that hold district elections in the County.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_ **MIS**

This report does not reflect any financial changes to the budget at this time.

**ENVIRONMENTAL REVIEW:**

This action does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(2)

**ORDINANCE: INTRODUCTION:**

**FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Adoption of an Ordinance Repealing and Replacing National City Municipal Code Chapter 2.75, entitled, Election Campaign Regulations

**BOARD / COMMISSION RECOMMENDATION:**

None.

**ATTACHMENTS:**

Attachment A: Explanation  
Attachment B: City Comparisons – Contribution Limitations  
Attachment C: Ordinance- Redline  
Attachment D: Ordinance – Clean Version

**EXPLANATION****REPEALING AND REPLACING CHAPTER 2.75, TITLED, "ELECTION CAMPAIGN REGULATIONS," TO THE NATIONAL CITY MUNICIPAL CODE**

In preparation for the Municipal Election November 2022, staff has reviewed the current National City Municipal Code (NCMC) Section regarding Election Campaign Regulations. This report provides staff's suggested changes to the current code to reflect current procedures, best practices and corrections to update the Ordinance to reflect the statutory authority of the California State Elections Code, Political Reform Act, and Government Code.

Standard practice prior to an Election Year is for staff to review the City Municipal Code Section 2.75 Election Campaign Regulations. This section of the Code was recently updated and changes were effective January 1, 2021. However, during the current review, staff noted some inconsistencies in comparison to the State of California Elections Code, Political Reform Act and the Government Code.

**Response to City Council Requested Clarification:**

During the Introduction and First/Second Readings of the Ordinance; City Councilmembers requested that staff return with justifications on sections changed as per FPPC Regulations, Elections Code and Government Code. Now included on the redline version see attachment.

**Question #1: Which San Diego County Cities are not by-district elections.**

*Response: Currently five (5) of the eighteen (18) Cities are holding at-large elections: Coronado, Del Mar, La Mesa, Lemon Grove, and National City.*

**Question #2: How many Open Campaign Committees and PACs.**

*Response: The list below are currently the open Ten (10) Campaign Committees at this time. All Campaign Accounts are available for review on the City website: <https://public.netfile.com/pub2/?AID=CNC>*

**Question #3: Provide Comparison on Campaign Contribution Limits in other Cities in San Diego County.**

*Response: See attached.*

The redline version of the National City Municipal Code proposed edits to the Elections Section include substantive edits which staff has referenced the justifications of either Government Code, Political Reform Act, Elections Code, or FPPC Regulations. Those references are in ( ) for each section added/changed.

Only the items in red have been suggested as additions or changes.

## **Summary of Changes:**

**Change in Definitions:** Changes in staffing in the City Clerk's Office occurred in December of 2021, with a newly elected City Clerk and designated City Clerk staff overseeing the daily operations of the City Clerk's Office. The prior Elected City Clerk was also a member of staff making them responsible for daily operations in the City Clerk's Office. The position of City Clerk changed to a part-time ceremonial position with the November Election of 2021, and the Deputy City Clerk serves as the City Clerk in the absence of the Elected City Clerk. The Municipal Code needs to reflect the change in responsibility as the Deputy City Clerk is the Elections Official and FPPC Filing Officer for the City.

**Addition of Chapter 2.75.025 Campaign Statements and Filing Fees:** The addition of Chapter 2.75.025 Campaign Statements and Filing Fees provides codified responsibilities and timelines for posting Campaign Statements and Filings to the City website within three (3) City business days of receipt as per Government Code Section 84616.

Furthermore, the section provides for established penalties and remedies within the chapter and direction of any late filing fees received to be deposited into the General Fund to defray the cost of City Elections as per Government Codes Section 91013.

Lastly, the Code has been updated to establish the filing fee of twenty-five (\$25) dollars for a Candidate's Nomination Papers as allowed by Government Code Section 10228. This is a fee charged by the County of San Diego Registrar of Voters for each set of Candidates Nomination Papers received for verification of signatures qualifying a potential Candidate. In the past, the City has subsidized this fee, and would now collect directly from the candidates. The City Clerk shall deposit all fees received into the General Fund.

## **Addition to Section 2.75.030 Campaign Contributions – Limitations and Exclusions:**

Adding the following six line items provides for greater transparency and informs candidates considering running for office of FPPC/Government Code requirements:

(G) Anonymous Contributions per Government Code Section 84304, are not allowed.

(H) Extensions of Credit per FPPC Regulations 18421 Extensions of credit for a prohibited unless a Candidate borrows funds which would be considered a Contribution by the Candidate to themselves and would be disclosed and documented as such.

(I) Candidate Loan to Campaign per Government Code Section 84216, Candidate Loan to Campaign must be reported as such in detail in accordance with the FPPC and applicable state law.

(J) Cash Contributions per Government Code Section 82036, No Cash may be accepted totaling more than \$100.

(K) Contributions of One-Hundred (\$100) dollars or more per FPPC Regulations 18421-18570 required contributions of One-Hundred (\$100) dollars or more must be made by a means that is recordable such as check, web or election application.

(L) Identification of Contributors per Government Code Sections 84300-84302 and FPPC Regulations 18421 restrict any contribution of twenty-five (\$25) or more being deposited into a Candidates Account unless the required identifying information of that Contribution and Contributor is recorded including full name, street address including zip code. Any contributions totaling one-hundred (\$100) or more the Candidate/Committee are required to record in addition to the name, address, zip the contributor's occupation and employer's name.



**Section 2.75.050 Retention of Records:** Updated to reflect current retention requirements in compliance with FPPC Regulation 18401. Changes in the law in 2018, effective January 2019 required Candidates and their Committees to retain all records, including original source documentation such as bank statements and other records reflecting account activity, and copies of completed campaign statements. After two (2) years of retention of paper the documents may be scanned and saved onto a space saving devices such as a USB for retention.

**Section 2.75.060 Electioneering:** Updated to reflect the current Elections Code Section 319.5 by adding that Electioneering includes Vote-by-Mail Ballot Drop boxes, loitering near or disseminating visible or audible electioneering information.

Per Election Campaign Contribution Limits					
	Contribution Limit to any candidate or their controlled committee	Contribution Limit to PAC	Contribution from Political Party Committee	Contribution from Organization including PAC, Businesses, Labor	Notes
Carlsbad	\$900 City Council \$3,100 Mayor, City Treasurer, City Clerk	n/a	n/a	n/a	
Chula Vista	\$360	n/a	\$1,240	Not Allowed	Adjusted every two years based on Consumer Price Index
Coronado	\$200	\$200	\$200	Not Allowed	Any contribution of \$5 or more must be itemized
Del Mar	\$200	\$200	\$2,000	Not Allowed	
El Cajon	\$10,000	\$10,000	\$10,000	\$10,000	
Encinitas	\$250	n/a	\$250	\$250	
Escondido	\$1,750 Mayor or City Treasurer	n/a	n/a	n/a	
Imperial Beach	n/a	n/a	n/a	n/a	default limitation of \$4,900 per election - Effective January 1, 2021 (Regulation 18545(a)).
La Mesa	n/a	n/a	n/a	n/a	Follows FPPC Single source default limitation of \$4,900 per election - Effective January 1, 2021 (Regulation 18545(a)).
Lemon Grove	\$1,000	\$1,000	\$1,000	\$1,000	
National City	\$1,000	\$1,000	\$2,000	\$2,000	
Oceanside	\$1,000	\$1,000	\$1,000	\$1,000	
Poway	\$250	n/a	n/a	n/a	
San Diego	\$650 City Council \$1,200 Mayor	n/a	n/a	Not Allowed	
San Marcos	\$250	\$500	n/a	Not Allowed	
Santee	\$700	n/a	\$0	\$0	
Solana Beach	\$100	n/a	\$100	\$100	No Contributions from City Contractors
Vista	\$500	\$500	\$500	Not Allowed	

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY REPEALING AND REPLACING CHAPTER 2.75, TITLED, "ELECTION CAMPAIGN REGULATIONS", TO THE NATIONAL CITY MUNICIPAL CODE**

**WHEREAS**, in order to protect the integrity of the electoral process, and to serve the best interests of the people of National City, it is the desire of the City Council to adopt realistic and enforceable regulations applicable to political campaign contributions; and

**WHEREAS**, such regulations may be enacted pursuant to the authority granted to the City by Article XI, Section 7 of the California Constitution, and are specifically authorized by Sections 81013 and 85703(a) of the Government Code, found in the Political Reform Act of 1974; and

**WHEREAS**, the regulations hereby enacted are intended to supplement the provisions of state law with regard to the making, acceptance, expenditure, and reporting of campaign contributions.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** That Chapter 2.75 includes amendments to the National City Municipal Code, to read as follows:

CHAPTER 2.75

ELECTION CAMPAIGN REGULATIONS

Sections

2.75.010 Purpose and Intent

2.75.020 Definitions

2.75.025 – Campaign Statements and Filing Fees

2.75.030 Campaign Contributions – Limitations and Exclusions

2.75.040 Campaign Expenditures – Uncontrolled by Candidate or Committee

2.75.050 Retention of Records

2.75.060 Electioneering

2.75.070 City Measures -- Exemption

2.75.080 Duties of City Clerk

2.75.090 Effect of Receipt of Funds on Voting

2.75.100 Enforcement Authority

2.75.110 Enforcement – Criminal or Civil Liability

2.75.120 Enforcement – Administrative

2.75.130 Civil Actions by Residents

2.75.140 Time for Commencement of Actions

2.75.010 Purpose and Intent. It is the purpose and intent of the City Council in enacting this Chapter:

- A. To place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in City elections.
- B. To preserve an orderly political forum in which individuals may express themselves effectively.
- C. To prevent the exercise by campaign contributors of potential undue or improper influence over elected officials.
- D. To promote participation in government and foster trust that the democratic process is not subverted by affluent special interest groups.
- E. To provide for the full and fair enforcement of the provisions of this chapter.

2.75.020 Definitions. For the purposes of this chapter, the words and phrases used herein shall have the meanings ascribed to them by the Political Reform Act of 1974, Government Code Section 82000 et seq., except as follows:

A. "Candidate" applies to persons seeking an elective City office.

A.B. "City Clerk" also applies to Deputy City Clerk as the person in the City Clerk's Office responsible for the daily operations and City Clerk in the absence of the elected City Clerk.

B.C. "City Election" means any primary, general, or special election, including recall election, held within the City of National City, for elective City office.

C.D. "Committee" means a candidate's controlled committee or a committee formed primarily to support or oppose a candidate, or a city general purpose committee active only in the City.

D.E. "Contribution" shall have the same meaning as set forth in Government Code Section 82015, but with respect to an election for City office, except that the exclusion set forth therein for costs of a meeting or fund-raising event in the home or office of the occupant shall be limited to costs of \$1,000.00 or less.

- E.F. "Controlled Committee" means a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls, has a significant influence on the actions or decisions of the committee.
- F.G. "Electioneering" means the visible display or audible dissemination of information that advocates for or against any candidate.
- G.H. "Elective City Office" means member of the City Council, including the Mayor.
- H.I. "Enforcement Authority" means the special counsel, officer, agent, or entity designated by action of the City Attorney to enforce the provisions of this chapter. Nothing in this chapter shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney from enforcing the provisions of this chapter where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.
- I.J. "Expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.
- J.K. "General Purpose Committee" shall have the same meaning as set forth in Government Code Section 82027.5.
- K.L. "Independent Committee" means a committee that receives contributions or makes expenditures for the purpose of influencing or attempting to influence a City election, which is not made with the cooperation, consultation, or in concert with, or at the request or suggestion of, any candidate or his or her committee, or any of their agents.
- L.M. "Individual" means a natural person, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, labor union, committee, and any other organization or group of persons acting in concert, who meets the definition set forth in Government Code Section 82047. "Individual" does not include a Political Party Committee, a Political Action Committee, or an Independent Committee.
- M.N. "Political Action Committee" means an organization that pools campaign contributions from members and donates those contributions to campaigns for or against candidates or ballot measures.

- N.O. "Party Committee" means the state central committee or county central committee of an organization that meets the requirements for recognition as a political party pursuant to Section 5100 or 5151 of the Elections Code.

### 2.75.025 – Campaign Statements and Filing Fees

#### A. Campaign Statements. (G.C.84616)

Each Candidate and each Committee shall be required to file those campaign statements required by the Political Reform Act of 1974 in the manner required by the Act. Campaign statements filed with the City Clerk shall be a matter of public record. The City Clerk shall, within three (3) City business days of the date of filing, post copies of campaign statements online at the City's website if filed in paper. Campaign Statements filed through the City's Electronic Filing software are posted immediately after filing.

#### B. Late Filing of Campaign Statements. (G.C. 91013)

If any Person files a campaign statement after any deadline imposed, they shall, in addition to any other penalties or remedies established by this chapter, be liable to the City Clerk in the amounts as set forth by State guidelines per calendar day until the statement is filed. The City Clerk shall deposit any funds received under this section into the General Fund of the City to defray the cost of City Elections.

#### C. Filing Fees. (G.C. 10228)

A filing fee of twenty-five (\$25) dollars is established for a Candidate's Nomination Papers for City Elective Office. The filing fee shall be paid to the City Clerk by each Candidate for a City Elective Office at the time the Candidate's Nomination Paper is filed with the City Clerk, in addition to the Candidate statement fees determined in February of each odd numbered year. The City Clerk shall deposit all fees received into the General Fund. All filing fees and Candidate Statement Fees are non-refundable.

### 2.75.030 Campaign Contributions – Limitations and Exclusions.

- A. Contributions by individuals to candidates or controlled committees. No individual shall make any contribution to a candidate and/or the candidate's controlled committee, with respect to any single City election, which will cause the total amount contributed by such individual to the candidate and the candidate's controlled committee, when combined, to exceed one-thousand (\$1000.00) dollars in a calendar year.
- B. Acceptance or solicitation by candidates or controlled committees from individuals. No candidate or controlled committee, including the candidate's campaign treasurer, shall solicit or accept any contribution from any individual with respect to any single City election, which will cause the total amount contributed by such individual to the candidate and the candidate's controlled committee, when combined, to exceed one-thousand (\$1,000.00) dollars in a calendar year.

- C. Contributions by candidates. The provisions of subsections A and B of this section shall not apply to contributions from a candidate to his or her controlled committee, nor to the expenditure by the candidate of his or her personal funds on behalf of his or her own candidacy.
- D. Contributions by political party committees, political action committees and independent committees to candidates or controlled committees. No political party committee, political action committee or independent committee, shall make any contribution to a candidate and/or the candidate's controlled committee, with respect to any single City election, which will cause the total amount contributed to the candidate and the candidate's controlled committee, when combined, to exceed two-thousand (\$2,000) dollars in a calendar year.
- E. Acceptance or solicitation by candidates or controlled committees from political party committees, political action committees and independent committees. No candidate or controlled committee, including the candidate's campaign treasurer, shall solicit or accept any contribution from any political party committee, political action committee, or independent committee, with respect to any single City election, which will cause the total amount accepted by such political party committee, political action committee, or independent committee to the candidate and the candidate's controlled committee, when combined, to exceed two-thousand (\$2,000) dollars in a calendar year.
- F. Family contributions. Contributions by spouses shall be treated as separate contributions and shall not be aggregated. Contributions by children under eighteen (18) years of age shall be treated as contributions attributed equally to each parent or guardian.
- G. Anonymous Contributions. (G.C. 84304) No Candidate or Controlled Committee, including the Candidate's Treasurer, shall accept anonymous Contributions ~~of one-hundred (\$100) dollars or more~~. No person shall make a Contribution or loan for any other Person under an assumed name or under the name of any other Person.
- H. Extensions of Credit. (FPPC Regs 18421) Extensions of credit for a period of more than thirty days are prohibited. Extensions of credit of more than one thousand dollars annually are prohibited. Provided, however, a Candidate may personally borrow an unlimited amount and such funds shall be considered a Contribution by the Candidate to himself or herself; provided, further, that such transaction is fully disclosed and documented in accordance with applicable law.
- I. Candidate Loan to Campaign. (GC. 84216) If a Candidate is loaning the campaign money, such loan is required to be reported on Fair Political

Practices Commission (FPPC) campaign filing forms in accordance with the applicable state law.

- J. Cash Contributions. (G.C. 82036) No Candidate or Controlled Committee, including the Candidate's campaign treasurer, shall solicit or accept any cash Contribution from any Person totaling one hundred dollars or more. A cash Contribution shall not be deemed received if it is not negotiated or deposited, and is returned to the contributor before the closing date of the campaign statement on which the Contribution would otherwise be reported. If a cash Contribution, other than a late Contribution, as defined by Section 82036 of the Political Reform Act, is negotiated or deposited, it shall not be deemed received if it is refunded within seventy-two hours of receipt. In the case of a late Contribution, as defined by Section 82036 of the Political Reform Act, it shall not be deemed received if it is returned to the Contributor within forty-eight hours of receipt.
- K. Contributions of One Hundred Dollars (\$100) or More. (FPPC Regs 18421–18570) All Contributions totaling one hundred (\$100) dollars or more must be made by check, web portal, or electronic application which accepts payments that are recordable. Contributions totaling one hundred dollars (\$100) or more made by money order, cashier's check, or traveler's cheque are prohibited and must be returned to the contributor, as they lack identification properties.
- F.L. Identification of Contributors. (G.C. 84300-84302 and FPPC Regs 18421) No Contribution shall be deposited into a Candidate or Committee's City Election campaign account totaling twenty-five dollars (\$25) or more unless the full name, street address including zip code, are on file with the Candidate or Committee receiving the Contribution. For Contributions totaling one hundred (\$100) dollars or more, the contributor's occupation and employer's name, or if self-employed, the name of the business of the Person making the Contribution, must also be recorded.
- GM. Applicability of section to candidate and committees. The provisions of this section are applicable to any contributions made to a candidate or controlled committee whether used by such candidate or controlled committee to finance a current campaign, to pay debts incurred in prior campaigns, or otherwise.
- NH. Contributions by city contractors. No individual who contracts with the City of National City, either for the rendition of personal services or for the furnishing of any materials, supplies, or equipment to the City, or for the sale or lease of any land or building, to or from the City, shall make any contribution to a City candidate or controlled committee at any time between the commencement of negotiations for and (i) the completion of performance of such contract or (ii) the termination of negotiations for such contract, whichever occurs later.
- HO. Contributions from City employees.



1. It is unlawful for a candidate or a candidate's controlled committee, to solicit, directly or indirectly, a contribution from a City employee with knowledge that the person from whom the contribution is solicited is a City employee.

2. This subsection shall not prohibit a candidate or a candidate's controlled committee from soliciting contributions from City employees if the solicitation is part of a solicitation made to a significant segment of the public that may include City employees, and the solicitation does not otherwise violate the provisions of this chapter.

3. Nothing in this subsection prohibits a City employee from making a contribution to a candidate, and nothing in this subsection prohibits a candidate from accepting a contribution from a City employee.

4. As used in this subsection, the term "City employee" means any employee of the City of National City (City) or any of its organizational subdivisions, agencies, offices, boards, ~~or commissions,~~ or committees.

~~P.~~ Aggregation of contributions from different individuals financed, maintained, or controlled by same individual. Contributions from different individuals, but which are financed, maintained, or controlled by the same individual, shall be aggregated for purposes of the contribution limits of subsections A and B of this section. All contributions made by an individual whose contribution activity is financed, maintained, or controlled by an individual, shall be deemed to be made by the same individual.

~~Q.~~ A contribution drawn from a checking account or credit card account held by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this subsection, and may lawfully be received by a candidate for elected City office. A non-monetary contribution in the form of goods and services donated by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this subsection, and may lawfully be received by a candidate for elective City office and reported on Campaign Statement as In-Kind Contribution.(GC 84300)-

~~R.~~ Adjustments for cost of living. The campaign contribution limits and contribution acceptance and solicitation limits specified in subsections A, B, C and D of this section shall be adjusted in February of each odd-numbered year commencing in

2023, for changes in the Consumer Price Index (CPI) over the previous two-year period. The City Clerk shall apply the annual percent change in the CPI for All Urban Consumers (CPI-U) for the San Diego Metropolitan Area to determine the appropriate rate of increase or decrease. Adjustments made pursuant to this subsection shall be rounded to the nearest five (\$5.00) dollars.

2.75.040 Campaign Expenditures - Uncontrolled by Candidate or Committee.

Persons or organizations not subject to the control of a candidate or committee, but who make independent expenditures for or against a candidate or committee, shall indicate clearly on any material published, displayed, or broadcast the names of the persons or organizations who made the expenditures, the true names of any persons on whose behalf the expenditures were made, and that the expenditures were not authorized by a candidate or committee.

2.75.050 Retention of Records.

The candidate, committee, or authorized agent thereof shall retain all campaign records for a period of ~~three (3)~~ five (5) years, if unsuccessful, and indefinitely, if successful, -after the election. This includes all receipts, and bank records in compliance with FPPC Regulation 18401- After two (2) years the documents may be scanned and saved onto a space saving devices such as a USB for retention.

2.75.060 Electioneering. (EC 319.5)

It is unlawful for any person to participate in electioneering as a candidate, for a candidate, committee, or any other election campaign on City-owned property or at a City-hosted or City-sponsored event. This includes, but is not limited to, any of the following:

- A. A display of a candidate's name, likeness, or logo.
- B. A display of a ballot measure number, title, subject, or logo.
- C. ~~Distribution of B~~uttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
- D. Dissemination of audible electioneering information.
- E. At Vote-by-Mail Ballot Drop boxes, loitering near or disseminating visible or audible electioneering information.

2.75.070 City Measures - Exemptions.

This chapter shall not apply to contributions or expenditures by a person or committee on behalf of a committee supporting or opposing a City measure.

2.75.080 Duties of City Clerk.

In addition to other duties of the City Clerk under the terms of this chapter, the City Clerk must:

- A. Supply appropriate forms and manuals prescribed by the California Fair Political Practices Commission (FPPC). These forms and manuals must be furnished to all candidates and committees, and to all other persons required to report;
- B. Determine whether required documents have been filed, and if so, whether they conform with the requirements of state law;
- C. Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law;
- D. Report apparent violations of this chapter and applicable state law to the Enforcement Authority;
- E. Compile and maintain a current list of all statements or parts of statements filed with the City Clerk's office pertaining to each candidate and each measure;
- F. Cooperate with the City Attorney and Enforcement Authority in the performance of the duties of the Enforcement Authority as prescribed in this chapter and applicable state laws.

2.75.090 Effect of Receipt of Funds on Voting.

Within twelve (12) months after receiving income totaling one-thousand (\$1,000.00) dollars or more from any source, no holder of elective City Office shall make, participate in making, or attempt to influence, any government decision or action that will have a reasonably foreseeable material financial effect on any source of income that is distinguishable from its effect on the public generally, or on a significant segment of the public, as defined in the Political Reform Act of 1974.

2.75.100 Enforcement Authority.

- A. Role of City Attorney. The City Attorney shall not investigate or prosecute any alleged violations of this chapter, but shall defend the constitutionality and legality

of this chapter in any civil proceedings in which the City or City Council is a party.

- B. Role of Sspecial Ccounsel. Review of complaints of violation of this chapter and criminal prosecution, shall be conducted only by special counsel who shall be the District Attorney, the Attorney General, or such other qualified and independent special counsel, or combination of the foregoing, as may be appointed by the City Attorney. All special counsel shall have the authority to prosecute any and all Municipal Code violations of this chapter. However, Sspecial Ccounsel other than the Attorney General or District Attorney, shall not have authority to prosecute matters exclusively within the powers of the Attorney General or District Attorney under Government Code Section 91001. Special counsel shall also conduct civil litigation to compel compliance with this chapter or to enjoin conduct in violation of this chapter, and shall conduct administrative enforcement under Section 2.75.120 of this chapter.
- C. Appointment of Sspecial Ccounsel. At least ninety (90) days prior to a City Eelection, Sspecial Ccounsel shall be appointed by the City Attorney. Should the appointment of additional Sspecial Ccounsel become necessary or appropriate, the City Attorney may appoint such additional Sspecial Ccounsel as may be required. The appointment of Sspecial Ccounsel shall be in writing, and copies of the written appointment shall be provided to the City Council, City Manager, and City Clerk. The cost of Sspecial Ccounsel shall be paid from the City General Fund. Any activity by the Sspecial Ccounsel in accordance with this chapter, shall not be subject to review or control by the City Attorney or City Council.
- D. Initiation of Iinvestigations. Any person residing in the City who believes that a violation of this chapter has occurred, may file a written complaint requesting investigation of such violation by the Sspecial Ccounsel. If the Sspecial Ccounsel determines that there is reason to believe a violation of this chapter has occurred, the special counsel shall conduct an investigation and may commence such civil criminal, or administrative legal action as he or she deems necessary for the enforcement of this chapter.
- E. Investigative Ppowers of Sspecial Ccounsel. The Sspecial Ccounsel shall have such investigative powers as are necessary for the performance of duties described in this article, and may be furnished records of campaign contributions and expenditures of any person or committee. In the event that production of such records is refused, the Sspecial Ccounsel may commence civil litigation to compel such production.
- F. Immunity of Sspecial Ccounsel. The Sspecial Ccounsel shall be immune from liability for enforcement of this chapter.

2.75.110 Enforcement – Criminal or Civil Liability.

- A. Criminal and Ceivil Liability. Any knowing or willful violation of any provision of this chapter may be prosecuted either as an infraction or misdemeanor, at the discretion of the prosecutor. In addition to any other penalty provided by law, any willful or knowing failure to report truthfully any contribution or expenditure, shall be punishable by a fine of not less than one-thousand (\$1,000.00) dollars. The campaign treasurer of any committee shall be both criminally and civilly liable for any violation of this article by the committee. In addition, the candidate shall be both criminally and civilly liable for any violation by a committee controlled by the candidate.
- B. Forfeiture of Contributions. In any legal action brought under this chapter for injunctive relief or civil liability, where it is determined that a candidate or committee has accepted a contribution or contributions in excess of the applicable limits set forth in this chapter, the full amount of said contribution(s) shall be forfeited to the City's General Fund. If funds are not available in the election campaign account for this purpose, the candidate or campaign treasurer shall be personally liable to pay said amount to the City's General Fund.

#### 2.75.120 Enforcement – Administrative

- A. Additional to Other Remedies. The remedies provided for by this section are in addition to all other legal remedies, civil or criminal, which may be pursued by the City to address any violation of this chapter.
- B. Notice and Order. Whenever the Special Counsel appointed pursuant to Section 2.75.100, determines that there is probable cause that a violation of one or more provisions of this chapter has occurred or exists, a written notice and order may be issued to the alleged violator.
- C. Contents of Notice and Order. The Notice and Order shall refer to the code section violated and describe how the sections are or have been violated, and the dates of all violations. The notice and order shall also state a date, time and place for a hearing which shall be held no fewer than ten (10) days following service of the notice.
- D. Service of Notice and Order. The Notice and Order shall be served upon the alleged violator by personal service, or by certified mail, with postage prepaid and return receipt requested.
- E. Designation of Hearing Officer. The City Attorney shall designate a hearing officer, who shall not be a City employee. The compensation of the hearing officer, if any, shall be paid by the City. The retention and compensation of the hearing officer shall not be directly or indirectly conditioned upon the outcome of the hearing.

- F. Violation ~~E~~established by ~~P~~reponderance of ~~E~~evidence. At the hearing, the hearing officer shall consider whether a preponderance of evidence demonstrates the existence of a violation.
- G. Conduct of Hearing. Hearings shall be conducted in an expeditious manner to enable all interested parties to present relevant evidence. Formal rules of evidence shall not be applied. Time limits for presenting evidence, order of testimony, handling of exhibits, and similar matters, shall be determined at the discretion of the hearing officer. The alleged violator or any other interested persons may present testimony or documentary evidence concerning the existence of the violations, and the alleged violator may cross-examine witnesses. The hearing officer may continue the hearing to obtain additional evidence, or for other good cause.
- H. Failure to ~~A~~attend ~~H~~hearing. Failure of the alleged violator to attend the hearing shall constitute an admission of the violation by the alleged violator and a failure to exhaust administrative remedies that may bar judicial review.
- I. Decision by ~~H~~hearing ~~O~~fficer. After considering all the testimony and the evidence submitted at the hearing, the hearing officer shall issue a written decision, including findings regarding the existence of each violation, the reasons for the decision, and providing notice of the right to judicial review. The written decision shall be issued within thirty (30) days of the conclusion of the hearing, and served on the alleged violator within ten (10) days of its issuance. The decision shall be final upon service upon the alleged violator, subject only to judicial review as permitted by law.
- J. Imposition of ~~P~~penalty. If the hearing officer finds by a preponderance of the evidence that the alleged violator committed the violation, the hearing officer shall impose a penalty and a date the penalty and any costs of the hearing shall be due and payable by the violator.
- K. Amount of ~~P~~penalty. The administrative penalty for a violation of this chapter shall be a maximum one-thousand (\$1,000.00) dollars per violation, and the maximum total penalty shall not exceed ten-thousand (\$10,000.00) dollars. In determining the amount of penalty to be imposed, the hearing officer shall consider the following factors: duration of the violation, frequency of recurrence of the violation, seriousness of the violation, history of violations, good faith effort of the violator to correct the violation, economic effect of the violation on the violator, impact of the violation on the community and the City, and any other relevant factors that justice may require.
- L. Failure to ~~P~~pay ~~P~~penalty. Upon the failure of any person to pay the assessed administrative penalty by the date specified in the hearing officer's decision, the unpaid amount shall constitute a personal obligation of the violator. The City Attorney shall collect the obligation by use of any appropriate legal means.

- M. Judicial Rreview. Any person subject to the decision of the hearing officer, may obtain judicial review of the decision pursuant to the provisions of Government Code Section 53069.4.

2.75.130 Civil Actions by Residents.

- A. Any resident of the City may bring a civil action regarding the provisions of this chapter, as follows:
  - 1. To enjoin an actual or threatened violation;
  - 2. To compel compliance by a private person;
  - 3. To obtain declaratory relief.
- B. Any action brought under this Section 2.75.130, shall be commenced within six (6) months of the time the alleged violation occurred.

2.75.140 Time for Commencement of Actions. Except as provided in Section 2.75.130, any action brought alleging violation of this chapter must be commenced within two (2) years of the date of the alleged violation.

Section 2. That this Ordinance shall become effective on May 5, 2022.

**PASSED and ADOPTED this \_\_\_\_ day of April 5, 2022.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr.  
City Attorney

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY REPEALING AND REPLACING CHAPTER 2.75, TITLED, "ELECTION CAMPAIGN REGULATIONS," TO THE NATIONAL CITY MUNICIPAL CODE**

**WHEREAS**, in order to protect the integrity of the electoral process, and to serve the best interests of the people of National City, it is the desire of the City Council to adopt realistic and enforceable regulations applicable to political campaign contributions; and

**WHEREAS**, such regulations may be enacted pursuant to the authority granted to the City by Article XI, Section 7 of the California Constitution, and are specifically authorized by Sections 81013 and 85703(a) of the Government Code, found in the Political Reform Act of 1974; and

**WHEREAS**, the regulations hereby enacted are intended to supplement the provisions of state law with regard to the making, acceptance, expenditure, and reporting of campaign contributions.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** That Chapter 2.75 includes amendments to the National City Municipal Code, to read as follows:

CHAPTER 2.75

ELECTION CAMPAIGN REGULATIONS

Sections

2.75.010 Purpose and Intent

2.75.020 Definitions

2.75.025 – Campaign Statements and Filing Fees

2.75.030 Campaign Contributions – Limitations and Exclusions

2.75.040 Campaign Expenditures – Uncontrolled by Candidate or Committee

2.75.050 Retention of Records

2.75.060 Electioneering

2.75.070 City Measures – Exemption

2.75.080 Duties of City Clerk

2.75.090 Effect of Receipt of Funds on Voting

2.75.100 Enforcement Authority

2.75.110 Enforcement – Criminal or Civil Liability

2.75.120 Enforcement – Administrative



2.75.130 Civil Actions by Residents

2.75.140 Time for Commencement of Actions

2.75.010 Purpose and Intent. It is the purpose and intent of the City Council in enacting this Chapter:

- A. To place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in City elections.
- B. To preserve an orderly political forum in which individuals may express themselves effectively.
- C. To prevent the exercise by campaign contributors of potential undue or improper influence over elected officials.
- D. To promote participation in government and foster trust that the democratic process is not subverted by affluent special interest groups.
- E. To provide for the full and fair enforcement of the provisions of this chapter.

2.75.020 Definitions. For the purposes of this chapter, the words and phrases used herein shall have the meanings ascribed to them by the Political Reform Act of 1974, Government Code Section 82000 et seq., except as follows:

- A. "Candidate" applies to persons seeking an elective City office.
- B. "City Clerk" also applies to Deputy City Clerk as the person in the City Clerk's Office responsible for the daily operations and City Clerk in the absence of the elected City Clerk.
- C. "City Election" means any primary, general, or special election, including recall election, held within the City of National City, for elective City office.
- D. "Committee" means a candidate's controlled committee or a committee formed primarily to support or oppose a candidate, or a city general purpose committee active only in the City.
- E. "Contribution" shall have the same meaning as set forth in Government Code Section 82015, but with respect to an election for City office, except that the exclusion set forth therein for costs of a meeting or fund-raising event in the home or office of the occupant shall be limited to costs of \$1,000.00 or less.
- F. "Controlled Committee" means a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls, has a

significant influence on the actions or decisions of the committee.

- G. "Electioneering" means the visible display or audible dissemination of information that advocates for or against any candidate.
- H. "Elective City Office" means member of the City Council, including the Mayor.
- I. "Enforcement Authority" means the special counsel, officer, agent, or entity designated by action of the City Attorney to enforce the provisions of this chapter. Nothing in this chapter shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney from enforcing the provisions of this chapter where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.
- J. "Expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.
- K. "General Purpose Committee" shall have the same meaning as set forth in Government Code Section 82027.5.
- L. "Independent Committee" means a committee that receives contributions or makes expenditures for the purpose of influencing or attempting to influence a City election, which is not made with the cooperation, consultation, or in concert with, or at the request or suggestion of, any candidate or his or her committee, or any of their agents.
- M. "Individual" means a natural person, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, labor union, committee, and any other organization or group of persons acting in concert, who meets the definition set forth in Government Code Section 82047. "Individual" does not include a Political Party Committee, a Political Action Committee, or an Independent Committee.
- N. "Political Action Committee" means an organization that pools campaign contributions from members and donates those contributions to campaigns for or against candidates or ballot measures.
- O. "Party Committee" means the state central committee or county central committee of an organization that meets the requirements for recognition as a political party pursuant to Section 5100 or 5151 of the Elections Code.

#### 2.75.025 – Campaign Statements and Filing Fees

##### A. Campaign Statements.

Each Candidate and each Committee shall be required to file those campaign statements required by the Political Reform Act of 1974 in the manner required by the Act. Campaign statements filed with the City Clerk shall be a matter of public record. The City Clerk shall, within three (3) City business days of the date of filing, post copies of campaign statements online at the City's website if filed in paper. Campaign Statements filed through the City's Electronic Filing software are posted immediately after filing.

- B. **Late Filing of Campaign Statements.**  
 If any Person files a campaign statement after any deadline imposed, they shall, in addition to any other penalties or remedies established by this chapter, be liable to the City Clerk in the amounts as set forth by State guidelines per calendar day until the statement is filed. The City Clerk shall deposit any funds received under this section into the General Fund of the City to defray the cost of City Elections.
- C. **Filing Fees.**  
 A filing fee of twenty-five (\$25) dollars is established for a Candidate's Nomination Papers for City Elective Office. The filing fee shall be paid to the City Clerk by each Candidate for a City Elective Office at the time the Candidate's Nomination Paper is filed with the City Clerk, in addition to the Candidate statement fees determined in February of each odd numbered year. The City Clerk shall deposit all fees received into the General Fund. All filing fees and Candidate Statement Fees are non-refundable. (Government Code Section 10228).

2.75.030 Campaign Contributions – Limitations and Exclusions.

- A. Contributions by individuals to candidates or controlled committees. No individual shall make any contribution to a candidate and/or the candidate's controlled committee, with respect to any single City election, which will cause the total amount contributed by such individual to the candidate and the candidate's controlled committee, when combined, to exceed one-thousand (\$1000.00) dollars in a calendar year.
- B. Acceptance or solicitation by candidates or controlled committees from individuals. No candidate or controlled committee, including the candidate's campaign treasurer, shall solicit or accept any contribution from any individual with respect to any single City election, which will cause the total amount contributed by such individual to the candidate and the candidate's controlled committee, when combined, to exceed one-thousand (\$1,000.00) dollars in a calendar year.
- C. Contributions by candidates. The provisions of subsections A and B of this section shall not apply to contributions from a candidate to his or her controlled committee, nor to the expenditure by the candidate of his or her personal funds on behalf of his or her own candidacy.
- D. Contributions by political party committees, political action committees and independent committees to candidates or controlled committees. No political party committee, political action committee or independent committee, shall make any contribution to a candidate and/or the candidate's controlled committee, with respect to any single City election, which will cause the total amount contributed to the candidate and the candidate's controlled committee, when combined, to exceed two-thousand (\$2,000) dollars in a calendar year.
- E. Acceptance or solicitation by candidates or controlled committees from political party committees, political action committees and independent committees. No candidate or controlled committee, including the candidate's campaign treasurer, shall solicit or accept any contribution from any political party committee, political action committee, or independent committee, with respect to any single City election, which will cause the total amount accepted by such political party committee, political action committee, or independent committee to the candidate

and the candidate's controlled committee, when combined, to exceed two-thousand (\$2,000) dollars in a calendar year.

- F. Family contributions. Contributions by spouses shall be treated as separate contributions and shall not be aggregated. Contributions by children under eighteen (18) years of age shall be treated as contributions attributed equally to each parent or guardian.
- G. Anonymous Contributions. No Candidate or Controlled Committee, including the Candidate's Treasurer, shall accept anonymous Contributions of one-hundred (\$100) dollars or more. No person shall make a Contribution or loan for any other Person under an assumed name or under the name of any other Person.
- H. Extensions of Credit. Extensions of credit for a period of more than thirty days are prohibited. Extensions of credit of more than one thousand dollars annually are prohibited. Provided, however, a Candidate may personally borrow an unlimited amount and such funds shall be considered a Contribution by the Candidate to himself or herself; provided, further, that such transaction is fully disclosed and documented in accordance with applicable law.
- I. Candidate Loan to Campaign. If a Candidate is loaning the campaign money, such loan is required to be reported on Fair Political Practices Commission (FPPC) campaign filing forms in accordance with the applicable state law.
- J. Cash Contributions. No Candidate or Controlled Committee, including the Candidate's campaign treasurer, shall solicit or accept any cash Contribution from any Person totaling one hundred dollars or more. A cash Contribution shall not be deemed received if it is not negotiated or deposited, and is returned to the contributor before the closing date of the campaign statement on which the Contribution would otherwise be reported. If a cash Contribution, other than a late Contribution, as defined by Section 82036 of the Political Reform Act, is negotiated or deposited, it shall not be deemed received if it is refunded within seventy-two hours of receipt. In the case of a late Contribution, as defined by Section 82036 of the Political Reform Act, it shall not be deemed received if it is returned to the Contributor within forty-eight hours of receipt.
- K. Contributions of One Hundred Dollars or More. All Contributions totaling one hundred (\$100) dollars or more must be made by check, web portal, or electronic application which accepts Payments that are recordable. Contributions totaling one hundred dollars or more made by money order, cashier's check, or traveler's cheque are prohibited and must be returned to the contributor.
- L. Identification of Contributors. No Contribution shall be deposited into a Candidate or Committee's City Election campaign account totaling twenty-five dollars or more unless the full name, street address including zip code, are on file with the Candidate or Committee receiving the Contribution. For Contributions totaling one hundred dollars or more, the contributor's occupation and employer's name, or if self-employed, the name of the business of the Person making the Contribution, must also be recorded.
- M. Applicability of section to candidate and committees. The provisions of this section are applicable to any contributions made to a candidate or controlled committee whether used by such candidate or controlled committee to finance a current campaign, to pay debts incurred in prior campaigns, or otherwise.

- N. Contributions by city contractors. No individual who contracts with the City of National City, either for the rendition of personal services or for the furnishing of any materials, supplies, or equipment to the City, or for the sale or lease of any land or building, to or from the City, shall make any contribution to a City candidate or controlled committee at any time between the commencement of negotiations for and (i) the completion of performance of such contract or (ii) the termination of negotiations for such contract, whichever occurs later.
- O. Contributions from City employees.
1. It is unlawful for a candidate or a candidate's controlled committee, to solicit, directly or indirectly, a contribution from a City employee with knowledge that the person from whom the contribution is solicited is a City employee.
  2. This subsection shall not prohibit a candidate or a candidate's controlled committee from soliciting contributions from City employees if the solicitation is part of a solicitation made to a significant segment of the public that may include City employees, and the solicitation does not otherwise violate the provisions of this chapter.
  3. Nothing in this subsection prohibits a City employee from making a contribution to a candidate, and nothing in this subsection prohibits a candidate from accepting a contribution from a City employee.
  4. As used in this subsection, the term "City employee" means any employee of the City of National City (City) or any of its organizational subdivisions, agencies, offices, boards, commissions, or committees.
- P. Aggregation of contributions from different individuals financed, maintained, or controlled by same individual. Contributions from different individuals, but which are financed, maintained, or controlled by the same individual, shall be aggregated for purposes of the contribution limits of subsections A and B of this section. All contributions made by an individual whose contribution activity is financed, maintained, or controlled by an individual, shall be deemed to be made by the same individual.
- Q. A contribution drawn from a checking account or credit card account held by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this subsection, and may lawfully be received by a candidate for elected City office. A non-monetary contribution in the form of goods and services donated by an individual doing business as a sole proprietorship is considered a contribution from that individual for purposes of this subsection, and may lawfully be received by a candidate for elective City office and reported on Campaign Statement as In-Kind Contribution.
- R. Adjustments for cost of living. The campaign contribution limits and contribution acceptance and solicitation limits specified in subsections A, B, C and D of this section shall be adjusted in February of each odd-numbered year commencing in 2023, for changes in the Consumer Price Index (CPI) over the previous two-year period. The City Clerk shall apply the annual percent change in the CPI for All Urban Consumers (CPI-U) for the San Diego Metropolitan Area to determine the appropriate rate of increase or decrease. Adjustments made pursuant to this subsection shall be rounded to the nearest five (\$5.00) dollars.

2.75.040 Campaign Expenditures - Uncontrolled by Candidate or Committee.

Persons or organizations not subject to the control of a candidate or committee, but who make independent expenditures for or against a candidate or committee, shall indicate clearly on any material published, displayed, or broadcast the names of the persons or organizations who made the expenditures, the true names of any persons on whose behalf the expenditures were made, and that the expenditures were not authorized by a candidate or committee.

2.75.050 Retention of Records.

The candidate, committee, or authorized agent thereof shall retain all campaign records for a period of five (5) years, if unsuccessful, and indefinitely, if successful, after the election. This includes all receipts, and bank records in compliance with FPPC Regulation 18401(11)(B)(b)(2).

2.75.060 Electioneering.

It is unlawful for any person to participate in electioneering as a candidate, for a candidate, committee, or any other election campaign on City-owned property or at a City-hosted or City-sponsored event. This includes, but is not limited to, any of the following:

- A. A display of a candidate's name, likeness, or logo.
- B. A display of a ballot measure number, title, subject, or logo.
- C. Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
- D. Dissemination of audible electioneering information.
- E. At Vote-by-Mail Ballot Drop boxes, loitering near or disseminating visible or audible electioneering information.

2.75.070 City Measures - Exemptions.

This chapter shall not apply to contributions or expenditures by a person or committee on behalf of a committee supporting or opposing a City measure.

2.75.080 Duties of City Clerk.

In addition to other duties of the City Clerk under the terms of this chapter, the City Clerk must:

- A. Supply appropriate forms and manuals prescribed by the California Fair Political Practices Commission (FPPC). These forms and manuals must be furnished to all candidates and committees, and to all other persons required to report;
- B. Determine whether required documents have been filed, and if so, whether they conform with the requirements of state law;

- C. Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law;
- D. Report apparent violations of this chapter and applicable state law to the Enforcement Authority;
- E. Compile and maintain a current list of all statements or parts of statements filed with the City Clerk's office pertaining to each candidate and each measure;
- F. Cooperate with the City Attorney and Enforcement Authority in the performance of the duties of the Enforcement Authority as prescribed in this chapter and applicable state laws.

2.75.090 Effect of Receipt of Funds on Voting.

Within twelve (12) months after receiving income totaling one-thousand (\$1,000.00) dollars or more from any source, no holder of elective City Office shall make, participate in making, or attempt to influence, any government decision or action that will have a reasonably foreseeable material financial effect on any source of income that is distinguishable from its effect on the public generally, or on a significant segment of the public, as defined in the Political Reform Act of 1974.

2.75.100 Enforcement Authority.

- A. **Role of City Attorney.**  
The City Attorney shall not investigate or prosecute any alleged violations of this chapter, but shall defend the constitutionality and legality of this chapter in any civil proceedings in which the City or City Council is a party.
- B. **Role of Special Counsel.**  
Review of complaints of violation of this chapter and criminal prosecution, shall be conducted only by Special Counsel who shall be the District Attorney, the Attorney General, or such other qualified and independent special counsel, or combination of the foregoing, as may be appointed by the City Attorney. All special counsel shall have the authority to prosecute any and all Municipal Code violations of this chapter. However, special counsel other than the Attorney General or District Attorney, shall not have authority to prosecute matters exclusively within the powers of the Attorney General or District Attorney under Government Code Section 91001. Special Counsel shall also conduct civil litigation to compel compliance with this chapter or to enjoin conduct in violation of this chapter, and shall conduct administrative enforcement under Section 2.75.120 of this chapter.
- C. **Appointment of Special Counsel.**  
At least ninety (90) days prior to a City Election, Special Counsel shall be appointed by the City Attorney. Should the appointment of additional Special Counsel become necessary or appropriate, the City Attorney may appoint such additional Special Counsel as may be required. The appointment of Special Counsel shall be in writing, and copies of the written appointment shall be provided to the City Council, City Manager, and City Clerk. The cost of Special Counsel shall be paid from the City General Fund. Any activity by the Special Counsel in accordance with this chapter, shall not be subject to review or control by the City Attorney or City Council.

- D. **Initiation of Investigations.**  
Any person residing in the City who believes that a violation of this chapter has occurred, may file a written complaint requesting investigation of such violation by the Special Counsel. If the Special Counsel determines that there is reason to believe a violation of this chapter has occurred, the Special Counsel shall conduct an investigation and may commence such civil criminal, or administrative legal action as he or she deems necessary for the enforcement of this chapter.
- E. **Investigative Powers of Special Counsel.**  
The Special Counsel shall have such investigative powers as are necessary for the performance of duties described in this article, and may be furnished records of campaign contributions and expenditures of any person or committee. In the event that production of such records is refused, the special counsel may commence civil litigation to compel such production.
- F. **Immunity of Special Counsel.**  
The Special Counsel shall be immune from liability for enforcement of this chapter.

2.75.110 Enforcement – Criminal or Civil Liability.

- A. **Criminal and Civil Liability.**  
Any knowing or willful violation of any provision of this chapter may be prosecuted either as an infraction or misdemeanor, at the discretion of the prosecutor. In addition to any other penalty provided by law, any willful or knowing failure to report truthfully any contribution or expenditure, shall be punishable by a fine of not less than one-thousand (\$1,000.00) dollars. The campaign treasurer of any committee shall be both criminally and civilly liable for any violation of this article by the committee. In addition, the candidate shall be both criminally and civilly liable for any violation by a committee controlled by the candidate.
- B. **Forfeiture of Contributions.**  
In any legal action brought under this chapter for injunctive relief or civil liability, where it is determined that a candidate or committee has accepted a contribution or contributions in excess of the applicable limits set forth in this chapter, the full amount of said contribution(s) shall be forfeited to the City's General Fund. If funds are not available in the election campaign account for this purpose, the candidate or campaign treasurer shall be personally liable to pay said amount to the City's General Fund.

2.75.120 Enforcement – Administrative

- A. **Additional to Other Remedies.**  
The remedies provided for by this section are in addition to all other legal remedies, civil or criminal, which may be pursued by the City to address any violation of this chapter.
- B. **Notice and Order.**  
Whenever the Special Counsel appointed pursuant to Section 2.75.100, determines that there is probable cause that a violation of one or more provisions of this chapter has occurred or exists, a written notice and order may be issued to the alleged violator.



- C. Contents of Notice and Order.  
The Notice and Order shall refer to the code section violated and describe how the sections are or have been violated, and the dates of all violations. The notice and order shall also state a date, time and place for a hearing which shall be held no fewer than ten (10) days following service of the notice.
- D. Service of Notice and Order.  
The Notice and Order shall be served upon the alleged violator by personal service, or by certified mail, with postage prepaid and return receipt requested.
- E. Designation of Hearing Officer.  
The City Attorney shall designate a hearing officer, who shall not be a City employee. The compensation of the hearing officer, if any, shall be paid by the City. The retention and compensation of the hearing officer shall not be directly or indirectly conditioned upon the outcome of the hearing.
- F. Violation Established by Preponderance of Evidence.  
At the hearing, the hearing officer shall consider whether a preponderance of evidence demonstrates the existence of a violation.
- G. Conduct of Hearing.  
Hearings shall be conducted in an expeditious manner to enable all interested parties to present relevant evidence. Formal rules of evidence shall not be applied. Time limits for presenting evidence, order of testimony, handling of exhibits, and similar matters, shall be determined at the discretion of the hearing officer. The alleged violator or any other interested persons may present testimony or documentary evidence concerning the existence of the violations, and the alleged violator may cross-examine witnesses. The hearing officer may continue the hearing to obtain additional evidence, or for other good cause.
- H. Failure to Attend Hearing.  
Failure of the alleged violator to attend the hearing shall constitute an admission of the violation by the alleged violator and a failure to exhaust administrative remedies that may bar judicial review.
- I. Decision by Hearing Officer.  
After considering all the testimony and the evidence submitted at the hearing, the hearing officer shall issue a written decision, including findings regarding the existence of each violation, the reasons for the decision, and providing notice of the right to judicial review. The written decision shall be issued within thirty (30) days of the conclusion of the hearing, and served on the alleged violator within ten (10) days of its issuance. The decision shall be final upon service upon the alleged violator, subject only to judicial review as permitted by law.
- J. Imposition of Penalty.  
If the hearing officer finds by a preponderance of the evidence that the alleged violator committed the violation, the hearing officer shall impose a penalty and a date the penalty and any costs of the hearing shall be due and payable by the violator.
- K. Amount of Penalty.  
The administrative penalty for a violation of this chapter shall be a maximum one-thousand (\$1,000.00) dollars per violation, and the maximum total penalty shall not exceed ten-thousand (\$10,000.00) dollars. In determining the amount of penalty

to be imposed, the hearing officer shall consider the following factors: duration of the violation, frequency of recurrence of the violation, seriousness of the violation, history of violations, good faith effort of the violator to correct the violation, economic effect of the violation on the violator, impact of the violation on the community and the City, and any other relevant factors that justice may require.

- L. Failure to Pay Penalty.  
Upon the failure of any person to pay the assessed administrative penalty by the date specified in the hearing officer's decision, the unpaid amount shall constitute a personal obligation of the violator. The City Attorney shall collect the obligation by use of any appropriate legal means.
- M. Judicial Review.  
Any person subject to the decision of the hearing officer, may obtain judicial review of the decision pursuant to the provisions of Government Code Section 53069.4.

2.75.130 Civil Actions by Residents.

- A. Any resident of the City may bring a civil action regarding the provisions of this chapter, as follows:
  - 1. To enjoin an actual or threatened violation;
  - 2. To compel compliance by a private person;
  - 3. To obtain declaratory relief.
- B. Any action brought under this Section 2.75.130, shall be commenced within six (6) months of the time the alleged violation occurred.

2.75.140 Time for Commencement of Actions.

Except as provided in Section 2.75.130, any action brought alleging violation of this chapter must be commenced within two (2) years of the date of the alleged violation.

**Section 2.** That this Ordinance shall become effective on May 5, 2022.

**PASSED and ADOPTED this \_\_\_\_ day of April 5, 2022.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr.  
City Attorney

The following page(s) contain the backup material for Agenda Item: [Public Hearing and Adoption of an Ordinance of the City Council of the City of National City, California, Amending Municipal Code 9.60.230 \(Evidence of a Cannabis Owner\(s\), and Representatives\(s\) Background Check Required\) and 9.60.230\(j\) \(general Operating Requirements for all Commercial Cannabis Businesses. \(City Manager\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.**

**ITEM TITLE:**

Public Hearing and Adoption of an Ordinance of the City of National City, California, Amending National City Municipal Code 9.60.110 (Evidence of a Cannabis Owner(s), and Representative(s) Background Check Required) and 9.60.230(j) (General Operating Requirements for all Commercial Cannabis Businesses). (City Manager)

**PREPARED BY:**

Megan Gamwell, Economic Development Specialist

**DEPARTMENT:**

City Manager's Office

**PHONE:** 619-336-4216

**APPROVED BY:**



**EXPLANATION:**

See Attachment 2; Ordinance Chapter 9.60 to the National City Municipal Code regulating Commercial Cannabis Activity.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_

Finance

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_

MIS

**ENVIRONMENTAL REVIEW:**

n/a

**ORDINANCE:** INTRODUCTION:

FINAL ADOPTION:

**STAFF RECOMMENDATION:**

Adoption the Ordinance..

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

1. Ordinance - Clean Copy
2. Ordinance - Underline and Strikethrough Version

**ORDINANCE NO. 2021 -****NATIONAL CITY ORDINANCE ADDING CHAPTER 9.60 TO THE NATIONAL CITY MUNICIPAL CODE REGULATION OF COMMERCIAL CANNABIS ACTIVITY****Section 9.60.010. Purpose and Intent.**

It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons in need of cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to same. It is also the purpose and intent of this Chapter to provide access to adult-use cannabis for persons aged twenty-one (21) and over as authorized by the Control, Tax & Regulate the Adult Use Cannabis Act (“AUMA” or “Proposition 64” approved by California voters in 2016), while imposing sensible regulations on the use of land to protect the City of National City’s residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this Chapter to regulate the cultivation, processing, manufacturing testing, sale, delivery, distribution and transportation of cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City of National City and to enforce rules and regulations consistent with state and local law. It is the further purpose of intent of this Chapter to require all commercial cannabis operators to obtain and renew annually a commercial cannabis business permit to operate within the City of National City. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purposes that violate state or local law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City of National City, and are in addition to any permits, licenses and approval required under state, City, or other law.

**Section 9.60.020. Legal Authority.**

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the MAUCRSA, and any subsequent state legislation and/or regulations regarding same, the City of National City is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of National City to all commercial cannabis activity.

**Section 9.60.030. Cannabis Cultivation and Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.**

Except as specifically authorized in this Chapter, the commercial cultivation, manufacture, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation (other than as provided under Bus. & Prof. Code Section 26090(e), of cannabis or cannabis product is expressly prohibited in the City of National City.

**Section 9.60.040. Compliance with State and Local Laws.**

It is the responsibility of the owners and operators of the commercial cannabis business, or any other responsible person(s), to ensure that it is, always, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions that violate state law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business, or any other responsible person(s), to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, including the MAUCRSA, and any subsequently enacted state or local law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis business permit.

**Section 9.60.050. Definitions.**

All definitions pertaining to cannabis regulation that appear in Business and Professions Code Section 26001, as codified by Senate Bill 94, MAUCRSA, are hereby incorporated by reference. Definitions appearing in this ordinance are either those that are not covered by state law, pre-date Proposition 64 and the MAUCRSA, or are outside the scope of Section 26001.

(a) "Adult Use" means the use of cannabis for recreational purposes by persons twenty-one (21) years of age or older.

(b) "Canopy" shall have the same meaning as that appearing in Title 3, Section 8000(f) of the California Code of Regulations.

(c) "Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.

(d) "Distributor" shall have the same meaning as that appearing in Section 26070 of the Business and Professions Code.

(e) "Commercial cannabis business" means any business or operation which

engages in medicinal or adult-use commercial cannabis activity.

(f) “Commercial cannabis business permit” means a regulatory permit issued by the City of National City pursuant to this Chapter, to a commercial cannabis business and is required before any commercial cannabis activity may be conducted in the City of National City. The initial permit and annual renewal of a commercial cannabis business is made expressly contingent upon the business’ ongoing compliance with all of the requirements of this Chapter, any regulations adopted by the City of National City governing the commercial cannabis activity at issue, and any other state and local laws and regulations.

(g) “Consumption lounge” means an area that is part of the premises of a state-licensed, locally permitted commercial cannabis retail business, and that is designated for consumption of cannabis or cannabis products.

(h) “Dispensing” means any activity involving the retail sale of cannabis or cannabis products from a retailer.

(i) “Electronic Smoking Device” means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. “Electronic Smoking Device” also includes cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device charges, and any other item specifically designed for the preparation, charging, or use of Electronic Smoking Devices.

(j) “Limited-access area” means an area in which cannabis is stored or held and is only accessible to some licensee and authorized personnel.

(k) “Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

(l) “Manufacturing site” means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the City of National City and, a valid state license as required for manufacturing of cannabis products.

(m) “Microbusiness” shall have the same meaning as that contained in Section 26070(a)(3) of the Business and Professions Code.

(n) “Non-volatile solvent” means any solvent used in the extraction process that is not a volatile solvent as defined by state law. For purposes of this chapter, a nonvolatile solvent includes carbon dioxide (CO<sub>2</sub>) used for extraction and ethanol used for extraction or post-extraction processing.

(o) “Package” means any container or receptacle used for holding cannabis or cannabis products.

(p) “Patient” or “qualified patient” shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.22.

(q) “Person with an identification card” shall have the meaning given that term by California Health and Safety Code Section 11362.7.

(r) “Processing” means a cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and non-manufactured cannabis products.

(s) “Retail Ancillary/Accessory Use” Shall be determined when less than forty percent of a business’s gross floor area is devoted to the use, display, and/or sales of cannabis products and/or paraphernalia and no approved Retail Ancillary/Accessory Use shall be permitted without a licensed and operational primary use.

(t) “Responsible person(s)” shall include but not be limited to a property owner, tenant, manager, permit holder, or any other person with a legal interest in the affected real property and any person in possession of the affected real property.

(u) “Retailer” shall have the same meaning as the definition appearing in Section 26070(a)(1) of the Business and Professions Code.

(v) “State license” means a permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in commercial cannabis activity. A state license alone will not authorize the holder to operate a cannabis business, as state law also requires a permit or other authorization issued by a local jurisdiction.



(w) “THC” means Tetrahydrocannabinol, the primary active ingredient in cannabis. It is a psychotropic intoxicant causing euphoria and capable of altering human perception and motor skills.

(x) “Topical cannabis” means a product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.

(y) “Transport” means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same. Transport can only be performed by licensed distributors and does not include deliveries of cannabis or cannabis products.

(z) “Vape cartridge” means a small attachment to a cannabis e-cigarette or vape pen that is a pre-filled container of cannabis oil. Vape cartridges are sold pre-filled with cannabis concentrates which contain cannabis' active ingredients. The liquid in such products usually contains a propylene glycol or vegetable glycerin-based liquid with flavoring and other chemicals and metals. Many vape cartridges are high in THC, but some contain cannabidiol (CBD, a non-psychoactive cannabinoid used as an analgesic), or terpenes (the chemicals that give cannabis its flavorful tastes and aromas).

(aa) “Vaping” means the action or practice of inhaling and exhaling the vapor produced by an electronic cigarette or similar device.

(bb) "Volatile solvent" means a solvent as defined by Health and Safety Code Section 11362.3(b)(3) as of the effective date of this article and as subsequently amended.

(cc) “Youth center” means any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where 10 or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or state parks. This definition shall not include

any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

**Section 9.60.060. Authorization to Engage in Commercial Cannabis Business.**

- (a) No person may engage in any authorized commercial cannabis business or in any commercial cannabis activity within the City of National City including cultivation, manufacturing, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person has the following:
- (1) a valid commercial cannabis business permit issued by the City of National City;
  - (2) a valid business license issued by the City of National City;
  - (3) a mandatory building inspection and all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the National City Fire Department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.
  - (4) a valid state license for the commercial cannabis activity corresponding to the business permit issued by the City of National City;
  - (5) requisite approvals from the Planning Division of the National City Community Development Department;
  - (6) a valid development agreement jointly negotiated with the City of National City;
  - (7) a valid State of California Seller's Permit.
- (b) Development agreement
- (c) No permit shall be issued pursuant to this Chapter for outdoor commercial cannabis cultivation, which is prohibited. It is a violation of this Chapter for any person or entity to engage in any outdoor commercial cannabis cultivation of any kind.

### **Section 9.60.070. Location and Design of Cannabis Businesses.**

Cannabis businesses permitted by the City of National City to engage in Cultivation, Distribution, Manufacturing, Microbusiness, Testing Labs, or Retail ancillary/Accessory use to the primary activity of the business, for cannabis and cannabis products are subject to the following zoning and locational requirements:

- (a) Cultivation, Distribution, Manufacturing, Microbusiness, Testing Labs, or Retail ancillary/ accessory use must be located in the following zones: IL (Light Industrial), IM (Medium Industrial), IH (Heavy Industrial) and must meet all of the requirements for development in these zones (see Section 18.20.020, National City Municipal Code). The cannabis businesses must also meet all of the following distance requirements:
  - (1) It shall be no closer than six hundred (600) feet from any zoned parcel in the City of National City designated by state law as a sensitive use, and pursuant to Section 9.60.070 (a) (3). The distance measured shall be the horizontal distance measured in a straight line from the property line of those parcels in Section 9.60.070 (a) (3) to the closest property line of the lot on which the cannabis business is located.
  - (2) Cannabis businesses providing Retail ancillary/accessory use to the primary activity of the business shall be no closer than two hundred fifty (250) feet of any residential parcel in the City of National City as of the date the cannabis business permit is issued. The distance between the cannabis business and the residential parcel shall be measured from the outer boundaries of the residential parcel to the first structure on the property seeking the commercial cannabis permit.
  - (3) It shall be no closer than six hundred (600) feet from any parcel containing any of the following:
    - A. A school providing instruction in kindergarten or any grades 1 through 12, (whether public or private, or charter, including pre-school, transitional kindergarten, and K-12);
    - B. A commercial daycare center licensed by the State, County or City or that is in existence at the time the license is issued, unless the State licensing authority or the City of National City specifies a different radius.
    - C. A youth center that is in existence at the time the license is issued, unless the State licensing authority or the City of National City specifies a different radius.

- (b) Consumption lounges must be located in the following: CT (Tourist Commercial) West of Interstate 5 and must meet all of the requirements for development in these zones (see Section 18.20.020, National City Municipal Code). They must also comply with the buffer zone requirements contained in 9.60.070(a).
- (c) Each proposed cannabis business project shall:
  - (1) Conform with the City of National City's general plan, any applicable specific plans, master plans, and design requirements.
  - (2) Comply with all applicable zoning and related development standards.
  - (3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.
  - (4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.
  - (5) Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.
  - (6) Be provided with adequate electricity, sewerage, disposal, water, fire protection and storm drainage facilities for the intended purpose.

**Section 9.60.080. Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.**

- (a) The number of each type of commercial cannabis business that shall be permitted to operate in the City of National City shall be established by resolution by the City Council.
- (b) Section 9.60.080 is only intended to create a process in determining the maximum number of commercial cannabis businesses that may be issued permits to operate in the City of National City under each category. Nothing in this Chapter creates a mandate that the City Council must issue any or all of the commercial cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements, or by further amendments to the application process, or if the City Council upon further deliberation determines that the issuance of any or

all commercial cannabis business permits will negatively impact the public safety, welfare or other public policy concerns.

- (c) Each year following the City Council's initial award of permits, if any, or at any time in the City Council's discretion, the City Council may reassess the number of commercial cannabis business permits which are authorized for issuance. The City Council at its discretion, may determine that the number of commercial cannabis permits should stay the same, be expanded, or reduced.

#### **Section 9.60.090. Fees and Charges.**

- (a) No person may commence or continue any commercial cannabis activity in the City of National City, without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the City Council which may be amended from time to time.
- (b) All commercial cannabis businesses authorized to operate under this Chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with the City of National City with respect to any reasonable request to audit the commercial cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

#### **Section 9.60.100. Development Agreement.**

Prior to operating in the City of National City and as a condition of issuance of a regulatory permit, the operator of each cannabis facility shall enter into a Development Agreement with the City of National City setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this Chapter, including, but not limited to community benefits such as public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

**Section 9.60.110. Evidence of Cannabis Owner(s), and Representative(s) Background Check Required.**

- (a) Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorize city authorities to access state and local criminal history information for employment, licensing, or certification purposes, every applicant must undergo a criminal history background check to demonstrate they do not provide “good cause” for denial which include the following:
- 1) Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of a violent felony or serious as defined by California Penal Code 667.5 or Section 1192.7(c), or equivalent offenses in other states;
  - 2) Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California Penal Code Sections 186.11, 470, 484, and 504a, respectively; or equivalent offenses in other states; or
  - 3) Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of a felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
  - 4) Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of a felony conviction for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code.
  - 5) Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, not including cannabis-related

offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

- (b) Evidence of a conviction of any the offenses enumerated in Section 9.60.110(a), absent a Certificate of Rehabilitation, shall be grounds for immediate disqualification of the applicant.
- (c) Evidence of a conviction of any the offenses enumerated in Section 9.60.110(a) may be grounds for denial of employment.
- (d) Violation of this section may be grounds for immediate suspension of the business' operating permit. The business operator shall have the right to an appeal pursuant to section 9.60.380.

**Section 9.60.120. Persons Prohibited from Holding a Commercial Cannabis License.**

- (a) Any person, including but not limited to any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit ("applicant"), in which any of the following actions or notices have been issued for non-compliance or if they have been engaging or have engaged in the following activity, shall be prohibited from holding a cannabis commercial license or a cannabis business permit in the City of National City:
  - (1) The applicant has had a license suspended or revoked by any City, county, City and county or any other state cannabis licensing authority;
  - (2) Evidence that the applicant is delinquent in payment of federal, state or local commercial taxes and/or fees;
  - (3) Applicant was conducting (or has conducted) commercial cannabis activity in the City of National City in violation of local and/or state law, not including commercial cannabis-related offenses for which the conviction occurred after the City banned cannabis in 2012.
  - (4) If any person enters into either a verbal or written agreement to lease, sublease, or any other agreement for any terms of use of the premises granted by a property owner, commercial broker or any third party, that is in violation of Section 9.60.060 and Section 9.60.150. Any such lease, sublease or agreement shall not contain terms or conditions

requiring the cannabis permit licensee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the City of National City. In addition, all leases, subleases, or other agreements must be based on a monthly rate.

**Section 9.60.130. Persons Prohibited from Employment by a Commercial Cannabis Business.**

- (a) Any person, including but not limited to any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, in which any of the following actions or notices have been issued for non-compliance or if they have been engaging or have engaged in the following activity, shall be prohibited from employment with a cannabis business permittee in the City of National City:
- (1) The person has had a license suspended or revoked by any City, County, or City and County, or any other state cannabis licensing authority;
  - (2) Evidence that the person is delinquent in payment of federal, state or local commercial taxes and/or fees.
  - (3) The person was conducting commercial cannabis activity in the City of National City in violation of local and/or state, not including commercial cannabis-related offenses for which the conviction occurred after the city banned cannabis in 2012.

**Section 9.60.140. Certification from the Community Development Department.**

Prior to submitting any applications for a commercial cannabis business, applicant must first obtain a certification from the City of National City Community Development Department or its designee(s) certifying that the business is located on a site that meets all of the requirements of Sections 9.60.070 and 9.60.230 of this Chapter.

**Section 9.60.150. Right to Occupy and to Use Property.**

Prior to submitting any applications for a commercial cannabis business, applicant must obtain approval from the owner of the real property where the proposed commercial



cannabis business will be located (if approved). Applicants are not required to have a signed lease, but a letter from the property owner indicating that:

- (a) The property owner is aware of and approves of the use being proposed.
- (b) The property owner will lease the property to the cannabis related use upon approval of the application.
- (c) The property owner understands that licenses for cannabis related uses are for one year and can be revoked at the City of National City's sole discretion with or without reason.

Property owners are permitted to issue letters detailing such contingent lease agreements for a maximum of two (2) independent applicants.

In the event the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the commercial cannabis business on the owner's property.

**Section 9.60.160. Application Procedure for a Cannabis Business Permit.**

- (a) The City of National City will establish by administrative policies and procedures promulgated by the City Manager or their designee the procedures to prepare the necessary forms, adopt any necessary rules related to the application process, solicit applications, and conduct initial evaluations of the applicants.
- (b) At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City of National City in the application process.
- (c) The application procedure process shall include a component on community benefits. Any community benefits that a commercial cannabis business agrees to provide shall be incorporated into the terms and conditions under which the commercial cannabis business will operate with the City of National City's approval, if and when a Development Agreement is issued. Such terms and conditions shall be in addition to the requirements of this Chapter. The City of National City may establish the procedures for determining community benefits by Resolution and/or by the implementation of administrative policies and procedures promulgated by the City Manager or their designee.
- (d) The City of National City's Reservation of Rights.

The City of National City reserves the right to reject any or all applications. Prior to permit issuance, the City of National City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City of National City further reserves the right to request and obtain additional information from any candidate submitting an application.

(e) Grounds for Rejection of Application.

In addition to a failure to comply with other requirements in this Chapter, an application risks being rejected for any of the following reasons:

- (1) The application was received after the designated time and date of the deadline.
- (2) The application did not contain the required elements, exhibits, or was not organized in the required format.
- (3) The application was considered not fully responsive to the request for a permit application, i.e. was substantially incomplete.

**Section 9.60.180. Operations Plan and Standards.**

A Certificate of Approval issued by the Planning Division of the National City Community Development Department for a facility must include, as conditions of approval, the operating standards set forth below. In addition, the Certificate of Approval must incorporate by reference an Operations Plan approved by the City Manager or their designee, that implements not only the operating standards set forth in this Chapter, but such additional conditions that the City Manager or their designee finds reasonably necessary to implement this Chapter when considering the location, size and other characteristics of the proposed facility.

**Section 9.60.190. Limitations on City's Liability.**

To the fullest extent permitted by law, the City of National City shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to this Chapter or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis business

permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial cannabis business permit:

- (a) Execute an agreement, in a form approved by the City Attorney or their designee, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of National City, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City of National City's issuance of the commercial cannabis business permit, the City of National City's decision to approve the operation of the commercial cannabis business or activity, the process used by the City of National City in making its decision, or the alleged violation of any federal, state or local laws by the commercial cannabis business or any of its officers, employees or agents.
- (b) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Manager, City Attorney, and the City's Risk Manager or their designee.
- (c) Reimburse the City of National City for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City of National City may be required to pay as a result of any legal challenge related to the City of National City's approval of the applicant's commercial cannabis business permit, or related to the City of National City's approval of a commercial cannabis activity. The City of National City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

**Section 9.60.200. Restriction on Alcohol & Tobacco Sales.**

- (a) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.
- (b) No person shall cause or permit the sale of tobacco products on or about the premises of the commercial cannabis business.

**Section 9.60.225. Restriction on Consumption of Cannabis or other Substances.**

No person shall consume cannabis, cannabis products, tobacco or alcohol on the premises of any commercial cannabis business. The sole exception shall be authorized cannabis consumption lounges of which tobacco and alcohol shall also be prohibited.

**Section 9.60.230. General Operating Requirements for all Commercial Cannabis Businesses.**

- (a) Commercial cannabis businesses may operate only during the hours specified in the commercial cannabis business permit issued by the City. No person under the age of twenty-one (21) shall operate, maintain, be employed at, or be issued a permit for, a commercial cannabis business of any kind.
- (b) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (c) Reporting and Tracking of Product and of Gross Sales with an accounting software system capable of providing point of sale data as well as audit trails or both product and cash, where applicable. Each commercial cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City of National City. The commercial cannabis business shall ensure that such information is compatible with the City of National City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the City Manager or their designee prior to being used by the permittee.
- (d) All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.
- (e) Emergency Contact. Each commercial cannabis business shall provide the City Manager or their designee with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.
- (f) Signage and Notices.
  - (1) In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business

shall conform to the requirements of the City of National City ordinance, Chapter 18.47, including, but not limited to, seeking the issuance of a City of National City sign permit.

- (2) No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
- (3) Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited. This provision shall not apply to consumption lounges (see Section 9.60.265).
- (4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
- (5) Signage shall not depict any image of cannabis or cannabis products. No banners, flags, billboards or other prohibited signs may be used at any time.
- (6) In accordance with state law and regulations or as stipulated in the City of National City regulatory permit, holders of a commercial cannabis business permit shall agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any commercial cannabis business located in the City of National City utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising. This paragraph is not intended to place limitations on the ability of a commercial cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

(g) Minors.

- (1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any

person at a commercial cannabis business who is not at least twenty-one (21) years of age.

- (2) Notwithstanding Section 9.60.230(g)(1), persons aged eighteen (18) to twenty (20) years shall be allowed on the premises of a commercial cannabis business if they can produce a physician's recommendation. In that event, such persons can lawfully purchase cannabis for the sole purpose of addressing the medical need that is the subject of the physician's recommendation. This provision shall not apply to consumption lounges. Only persons twenty-one (21) and older shall be granted admittance to consumption lounges. Access to persons under twenty-one (21) is prohibited.
  - (3) The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.
- (h) Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the City Manager or their designee determine is a more effective method or technology:
- (1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
  - (2) An air system that creates negative air pressure between the commercial cannabis business's interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.
- (i) Display of Permit and City Business License. The original copy of the commercial cannabis business permit and the business license issued by the City of National City pursuant to this Chapter shall be posted inside the commercial cannabis business in a location readily visible to the public.

- (j) **Background Check.** Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorize city authorities to access state and local criminal history information for employment, licensing, or certification purposes, every applicant must undergo a criminal history background check to demonstrate they do not provide “good cause” for denial as outlined in Section 9.60.110. A fee for the cost of the background investigation, which shall be the actual cost to the City of National City to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis business permit is submitted. Evidence of a conviction of any of the offenses enumerated in Business and Professions Code Section 26057(b)(4), absent a Certificate of Rehabilitation, shall be grounds for immediate disqualification of the applicant.
- (k) **Loitering.** The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises. The cannabis business shall notify the National City Police Department if anyone continues to loiter around the building or premises after all reasonable action has been taken to remove the individual(s) and the action has failed to do so in a timely manner.
- (l) **Employee Training and Customer Education.** Each commercial cannabis operator shall establish minimum training standards for all employees, including but not limited to the variety of products offered for sale, their potency, absorption time if known, and effects of the products. Employees shall educate all customers on these items in an effort to ensure responsible consumption. The retailer shall provide with each purchase educational brochures containing this information. The City Manager, or their designee shall have the discretion to require other training for the business operations as they find necessary under any circumstances.
- (m) **Security Requirements.** A permitted commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the City Manager, or their designee, these security measures shall include, but may not be limited to, all of the following:
- (1) Alarm system (perimeter, fire, and panic buttons).
  - (2) Remote monitoring of alarm systems by a security company licensed by the State of California Bureau of Security and Investigative Services.

(3) Perimeter lighting systems (including motion sensors) for after-hours security.

(4) Perimeter security and lightning as approved by the City Manager or their designee.

(5) Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaged in an activity directly related to the permitted operations of the commercial cannabis business.

(6) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.

(7) Except for live growing plants which are being cultivated at a cultivation operation, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

(8) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. Video recordings shall be maintained for a minimum of ninety (90) days and shall be made available to the City Manager or their designee upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business and shall be capable of enlargement via projection or other means.

(9) Sensors shall be installed to detect entry and exit from all secure areas and shall be monitored in real time by a security



company licensed by the State of California Bureau of Security and Investigative Services.

(10) Panic buttons shall be installed in all commercial cannabis businesses with direct notification to the National City Police Department dispatch and shall be configured to immediately alert dispatch for the National City Police Department.

(11) Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building in compliance with all federal, state and local laws.

(12) Security personnel shall be on-site 24 hours a day or alternative security as authorized by the City Manager or their designee and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager, or their designee, with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty, if permitted by the San Diego County Sheriff's Department and authorized by the Chief of Police.

(13) Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(14) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the commercial cannabis business; or (b) a licensed security professional.

(15) Each commercial cannabis business shall demonstrate to the City Manager or their designee, compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.

(16) Each commercial cannabis business shall have a professionally installed video surveillance system, access control and intrusion alarm systems designed to protect the

inventory, facility, and employees. Each business shall have network security protocols that are certified by Underwriters Laboratories.

(17) Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(18) Emergency access and emergency evacuation plans that are in compliance with state and local fire safety standards.

(19) Each commercial cannabis business shall identify a designated security representative/liaison to the City of National City, who shall be reasonably available to meet with the City Manager or their designee regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the commercial cannabis business, annually maintain a copy of the current security plan on the premises of the business, to present to the City Manager or their designee upon request that meets the requirements of Section 9.60.230(m).

(20) As part of the application and permitting process each commercial cannabis business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, any hazardous materials that may be used by the business, and any currency.

(21) The commercial cannabis business shall cooperate with the City of National City whenever the City Manager or their designee makes a request, with or without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.

(22) A commercial cannabis business shall notify the City Manager or their designee within twenty-four (24) hours of discovering any of the following:

- (a) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or their designee.

- (b) Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.
- (c) The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the commercial cannabis business.
- (d) Any other breach of security.

(23) Compliance with the foregoing requirements shall be verified by the City Manager or their designee prior to commencing business operations. The City Manager or their designee may supplement these security requirements once operations begin, subject to review by the City Manager or their designee if requested by the business owner.

(24) Retailers and microbusinesses authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this division.

- (1) The sale and delivery of cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.
- (2) Retailers or microbusinesses shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within or about a motor vehicle.
- (3) No cannabis goods shall be sold and/or delivered by any means or method to any person within a motor vehicle.
- (4) All cannabis goods sold by a retail business shall be contained in child-resistant packaging.
- (5) Retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of

any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity. A retail licensee or microbusiness licensee who is engaged in retail sale shall hire or contract for security personnel who are at least twenty-one (21) years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Chapters 11.4 and 11.5 of Division 3 of the Business and Professions Code.

(n) Records and Recordkeeping.

- (1) Each owner and operator of a commercial cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this Chapter), or at any time upon reasonable request of the City of National City, each commercial cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous twelve (12) month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes and fees paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or their designee(s).
- (2) Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the City Manager or their designee(s) upon a reasonable request.

- (3) If an applicant operated a cannabis collective, cooperative, or other business prior to the enactment of MAUCRSA, then once a state license is obtained, the commercial cannabis business must maintain such records only to the extent permitted or required by MAUCRSA.
- (4) All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth MAUCRSA.
- (5) Each commercial cannabis business shall allow the City of National City officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination at any time during the business's business hours. If not otherwise available, books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

**Section 9.60.240. Amendments to General Operating Requirements.**

The City Manager or their designee may develop other commercial cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

**Section 9.60.250. Additional Operating Requirements for Store Front Retail Facilities.**

- (a) Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of eighteen (18) years. If the potential customer is eighteen (18) to twenty (20) years old, retailer shall confirm the customer's possession of a valid doctor's recommendation and/or Health and Safety Code Section 11362.71 identification card (Medical Cannabis Card). For adult use or recreational purchases, retailers shall verify that all customers are twenty-one (21) years of age or older for the purchase of cannabis or cannabis products.
  - (1) Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least twenty-one (21) years of age.

- (2) Notwithstanding Section 9.60.250 (a)(1), individuals who are at least eighteen (18) years of age and in possession of a valid physician's recommendation shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis consistent with the physician's recommendation.
  - (3) All individuals seeking access to the commercial cannabis retail business must show their government-issued identification, and, if appropriate, doctor's recommendation of Medical Cannabis card, in order to gain access into the retailer. These documents must also be shown at the point of sale station at the time of purchase. Doctor recommendations are not to be obtained or provided at the retail location.
- (b) Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retailer to separate it from the reception/lobby area.
  - (c) Retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.
  - (d) All restroom facilities shall remain locked and under the control of management.
  - (e) Limited Access Areas. A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least twenty-one (21) years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the City Manager or their designee upon request.
  - (f) Microbusiness – Commercial Activity. All cultivation, manufacturing, distribution, and retail activities performed by a licensee under a Type 12-Microbusiness permit shall occur on the same licensed premises. Areas of the premises for manufacturing and cultivation shall be separated from the distribution and retail areas by a wall and all doors between the areas shall remain closed when not in use.

- (g) Operating hours of the Store Front Retailer License shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week.
- (h) Store Front/Retail Security Requirements. All provisions incorporated within Section 9.60.230(m) of this Chapter (Security Requirements), are directly applicable to and binding on all commercial cannabis businesses, including all Store Front/Retail businesses. Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if permitted by San Diego County Sheriff's Department and authorized by the Chief of Police.

**Section 9.60.260. Additional Operating Requirements for Non-Store Front Retail Facilities.**

All Store Front Retailers, Non-Store Front Retailers (delivery) and Microbusinesses which conduct deliveries into or within the City of National City shall be required to obtain a delivery permit from the City of National City in order to conduct retail sales regardless if they are located in the City or another local jurisdiction.

- (a) Operating hours of the Non-Store Front Retailer License shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week.
- (b) The commercial Non-Store Front Retailer shall only sell cannabis or cannabis products to a natural person twenty-one (21) years of age or older, or a natural person eighteen (18) years of age or older who possesses a physician's recommendation for cannabis medical use only. The age and/or any necessary documentation including a valid doctor's recommendation of each medical customer shall be verified. Doctor recommendations are not to be obtained or provided at the retail location.
- (c) The commercial cannabis Non-Store Front Retailer may only have on-site that quantity of cannabis and cannabis products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale.

**Section 9.60.265. Operating Requirements for Consumption Lounges.**

- (a) Any consumption lounge operating within the City of National City must be contained within the premises of a state-licensed retail business or microbusiness, must be locally permitted pursuant to Section 9.60.140, must meet the other requirements of this Chapter, and must be compliant with the following additional requirements:

- (1) Access to the area where cannabis consumption is allowed is restricted to persons twenty-one (21) years of age or older.
  - (2) Cannabis consumption is not visible from any public place or non-age-restricted area.
  - (3) Sale or consumption of alcohol or tobacco is not allowed on the premises.
  - (4) Patrons cannot bring cannabis, tobacco or alcohol or other substances into the consumption lounge – they can only consume whatever cannabis they purchase on site.
- (b) An applicant must obtain a secondary on-site consumption permit in order for cannabis to be consumed on the premises of an adult-use retail business and shall comply with the following
- (1) Cannabis consumption areas shall be well ventilated private areas of the retail establishment and are designed to prevent the flow of smoke to any other area of the establishment.
- (c) A commercial cannabis retail business with a retail lounge on its premises shall adopt procedures ensuring that its customers may only gain access to the lounge once they have purchased a product or products from the retail business.
- (d) The on-site sale of food is permitted. A Permittee shall comply with laws governing Cannabis Businesses and retail food establishments, including but not limited to the California Retail Food Code.
- (e) The owner/operator of the consumption lounge shall be responsible for maintaining dedicated and sufficient staff during operating hours to verify the identity and age of all patrons seeking admittance to the lounge. Persons under twenty-one (21) shall be denied entry without exception.
- (f) The owner/operator of the consumption lounge shall be responsible for ensuring that a state-licensed security guard is on duty during operating hours.
- (g) The City Manager or his/or designee shall establish conditions for approval for each onsite consumption permit including but not limited to a parking plan, ventilation plan, anti-drugged driving plan, design plan, and set hours of operation. Set hours of operation may only be adjusted by submitting a written request to and obtaining approval from city.



- (h) Cannabis consumption areas shall only provide cannabis to an individual in an amount consistent with personal possession and use limits allowed by the state.

**Section 9.60.270. In-City Delivery Vehicle Requirements.**

Prior to commencing delivery operations, any locally permitted cannabis retail operation shall provide the following information to the City of National City:

- (a) Proof of ownership of the vehicle or a valid lease for all vehicles that will be used to deliver cannabis or cannabis products.
- (b) The year, make, model, color, license plate number, and numerical Vehicle Identification Number (VIN) for all vehicles that will be used to deliver cannabis goods.
- (c) Proof of insurance as required in Section 9.60.210(b) for any and all vehicles being used to deliver cannabis goods.
- (d) The licensee shall provide the City with any changes to the information required by this section in writing within thirty (30) calendar days.

**Section 9.60.275. Out-of-City Delivery Vehicle Requirements.**

Prior to commencing operations, a cannabis out of City of National City delivery service shall comply with the following requirements:

- (a) Obtain from the City a permit authorizing the delivery of cannabis and cannabis products within the City limits. A copy of this permit shall be retained by all drivers.
- (b) The retail business operating the delivery service shall provide the City Manager or their designee, with evidence of a valid state license for a commercial cannabis business on whose authorization the delivery service is performing the delivery function.
- (c) The retail business operating the delivery service shall furnish to the City Manager or their designee, the year, make, model, color, license plate number, and numerical Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods.

**Section 9.60.280. Additional Operating Requirements for a Cultivation Facility Operation.**

- (a) Outdoor Commercial Cultivation is prohibited.
- (b) In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- (c) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- (d) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (e) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- (f) All applicants for a cannabis cultivation permit shall submit to the following in addition to the information generally otherwise required for a commercial cannabis business:
  - (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.
  - (2) A description of a legal water source, irrigation plan, and projected water use.
  - (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.

- (4) Plan for addressing odor and other public nuisances that may derive from the cultivation site.

**Section 9.60.290. Additional Operating Requirements for Distributors.**

- (a) A distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premise. For the purposes of this section, non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in Title 16, Section 5000(c) of the California Code of Regulations.
- (b) After taking physical possession of a cannabis goods batch, the distributor shall contact a testing laboratory and arrange for a laboratory employee to come to the distributor's licensed premises to select a representative sample for laboratory testing.
- (c) A distributor shall ensure that all cannabis goods are stored separately and distinctly from other cannabis goods on the distributor's premises.
- (d) The distributor shall ensure that the batch size from which the sample is taken meets the requirements of state law, specifically the testing provisions within the California Code of Regulations.
- (e) A distributor or an employee of the distributor shall be physically present to observe the laboratory employee obtain the sample of cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded, and the recording kept available to state and local authorities for a minimum of one hundred eighty (180) days, pursuant to Title 16, Section 5305 of the California Code of Regulations.
- (f) A distributor shall not transport cannabis or cannabis products to a licensed retail facility until and unless it has verified that the cannabis or cannabis products have been tested and certified by a testing lab as being in compliance with state health and safety requirements pursuant to Title 16, Sections 5705, 5710 and 5714 of the California Code of Regulations.

**Section 9.60.300. Additional Operating Requirements for Testing Labs.**

- (a) Testing Labs shall be required to conduct all testing in a manner pursuant to Business and Professions Code Section 26100 and shall be subject to state

and local law. Each Testing Lab shall be subject to additional regulations as determined from time to time as more regulations are developed under this Chapter and any subsequent State of California legislation regarding the same.

- (b) Testing Labs shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.
- (c) All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.
- (d) Testing labs shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the bureau unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the bureau.
- (e) Each operator shall ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing required by state law and that the testing laboratory employee transports the sample to the testing laboratory.
- (f) Except as provided by state law, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with state law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.
- (g) A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A testing lab shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received.

**Section 9.60.310. Additional Operating Requirements for Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products.**

Cannabis manufacturing shall only be permitted pursuant to state law, this chapter and or any subsequently created manufacturing state license as defined in MAUCRSA, and may be permitted to operate only within those zone districts as defined in Section 9.60.070 of this Chapter and Section 18.20.020 of the City of National City Municipal Code.

Any compressed gases used in the manufacturing process shall not be stored on any property within the City of National City in containers that exceeds the amount which is approved by the National City Fire Department and authorized by the regulatory permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of tanks as authorized by the National City Fire Department on the property at any time. Additional operating requirements include:

- (a) Cannabis manufacturing facilities may use heat, screens, presses, steam distillation, ice water, ethanol and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.
- (b) If an extraction process uses a professional grade closed loop CO<sub>2</sub> gas extraction system every vessel must be certified by the manufacturer for its safe use as referenced in Section 9.60.310 (f). The CO<sub>2</sub> must be of at least ninety-nine percent purity.
- (c) Closed loop systems for compressed gas extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.
- (d) Certification from an engineer licensed by the State of California, or by a certified industrial hygienist, must be provided to the Community Development Department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:
  - (1) The American Society of Mechanical Engineers (ASME);
  - (2) American National Standards Institute (ANSI);
  - (3) Underwriters Laboratories (UL); or
  - (4) The American Society for Testing and Materials (ASTM)

- (e) The certification document must contain the signature and stamp of the professional engineer or industrial hygienist and serial number of the extraction unit being certified.
- (f) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Fire Department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.
- (g) Cannabis Manufacturing Facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.
- (h) Cannabis Manufacturing Facilities creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.
- (i) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.
- (j) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

**Section 9.60.320. Additional Operating Requirements for a Microbusiness-Cultivation Facility.**

Microbusinesses shall comply with all local operating requirements under this Chapter and all requirements imposed by state law that apply to the specific activities operating under the umbrella of the individual microbusiness.

- (a) Outdoor Commercial Cultivation is prohibited.
- (b) In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- (c) Commercial cannabis cultivation which is permitted in the City of National City shall not exceed 10,000 square feet of canopy space permitted by state law as part of a microbusiness license.
- (d) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water

quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

- (e) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (f) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- (g) All applicants for a microbusiness permit which includes cannabis cultivation shall submit to the following in addition to the information generally otherwise required for a commercial cannabis business:
  - (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.
  - (2) A description of a legal water source, irrigation plan, and projected water use.
  - (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
  - (4) Plan for addressing odor and other public nuisances that may derive from the cultivation site.

**Section 9.60.330. Permissible Delivery Locations and Customers.**

All retail businesses conducting cannabis delivery operations within the City of National City are subject to the following requirements:

- (a) A licensed cannabis business shall not deliver cannabis goods to an address located on publicly owned land or any address on land or in a building leased by a public agency.

- (b) A licensed cannabis business shall comply with all requirements of state and local law pertaining to the cannabis permit and all subsequent policies, procedures and regulations which may be amended by the City Manager from time to time in order to enforce this Chapter.
- (c) Any kiosk, i-Pad, tablet, smartphone, fixed location or technology platform, whether manned or unmanned, other than a retail location permitted by the city, that facilitates, directs, or assists the retail sale or delivery of cannabis or cannabis products is prohibited and shall be a violation of this Chapter.

**Section 9.60.340. Expiration of Commercial Cannabis Business Permits.**

Each commercial cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Commercial cannabis permits may be renewed as provided in Section 9.60.350.

**Section 9.60.350. Renewal of Cannabis Business Permits.**

- (a) An application for renewal of a commercial cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.
- (b) The renewal application shall contain all the information required for new applications.
- (c) The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City of National City to administer the program created under this Chapter.
- (d) An application for renewal of a commercial cannabis business permit shall be rejected if any of the following exists:
  - (1) The application is filed less than sixty (60) days before its expiration.
  - (2) The commercial cannabis business permit is suspended or revoked at the time of the application.
  - (3) The commercial cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.



- (4) The commercial cannabis business has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter, or is in violation of any other state or local laws and regulations.
  - (5) The permittee fails or is unable to renew its State of California license.
  - (6) If the state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of the state rules and regulations, and the state has determined that the violation is grounds for termination or revocation of the commercial cannabis business permit.
- (e) The City Manager or their designee is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Manager or their designee is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the City Manager or their designee shall be handled pursuant to Sections 9.60.380 through 9.60.400.
- (f) If a renewal application is rejected, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.

#### **Section 9.60.360. Revocation or Suspension of Permits.**

Commercial cannabis business permits may be revoked or suspended for any violation of any relevant law and/or any rule, regulation and/or standard adopted pursuant to this Chapter, including any amendments to those standards, or pursuant to any policy, procedure or regulation in this Chapter or in the National City Municipal Code.

#### **Section 9.60.370. Effect of State License Suspension, Revocation, or Termination.**

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the City of National City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of National City. A cannabis business owner wishing to recommence operations shall re-

apply for a local permit at such time as it can demonstrate that the grounds for revocation of the license by the state no longer exist, or that the underlying deficiency has otherwise been cured.

**Section 9.60.380. Appeals.**

Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this Chapter from a decision of the City Manager or their designee, the appeal shall be conducted as prescribed in this Chapter.

**Section 9.60.390. Written Request for Appeal.**

- (a) Within ten (10) calendar days after the date of a decision of the City Manager or their designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an applicant may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper. Reasons shall be stated with specificity.
- (b) At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council.

**Section 9.60.400. Appeal Hearing Process.**

- (a) Upon receipt of the written appeal, the City Clerk shall schedule the matter for a hearing before a hearing officer.
- (b) The appeal shall be set within a reasonable time after the date of receipt of the written appeal, but in no event shall be set later than thirty (30) City of National City working days from the date of the receipt of the written appeal. The hearing shall be held no later than ninety (90) City of National City working days from the date of the receipt of the written appeal. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing. The appellant can waive the right to have their appeal set no later than thirty (30) City of National City working days and/or held no later than ninety (90) City of National City working days from the date of the receipt of the written appeal.
- (c) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The applicant may have the assistance of counsel or may appear by counsel.

- (d) After the City Manager or their designee has presented the statement of facts upon which the determination was made, the burden to show that the action taken by the City Manager or their designee was not based on substantial evidence, or was arbitrary, capricious, or unjustified shall be upon the appealing party.
- (e) If the applicant, or counsel representing the applicant, fails to appear at the hearing, the appeal is abandoned and the action of the City Manager or their designee is final.
- (f) The hearing officer may uphold the denial, suspension, or revocation, may allow that which has been denied, reinstate that which has been suspended or revoked, reverse or modify any other decision of the City Manager or their designee that is the subject of the appeal.
- (g) If the decision of the hearing officer is to deny the appeal, then that decision shall be final and conclusive and shall constitute the exhaustion of the administrative remedy.
- (h) A copy of the written decision of the hearing officer specifying findings of fact and the reasons for the decision shall be given to the applicant or the designated representative and the City Manager or their designee within thirty (30) calendar days of the hearing. If the hearing officer determines the complexity of the case required additional time in which to render a decision, the time in which to render the decision is automatically extended another thirty (30) calendar days. Service of the decision shall govern the commencement of any period of limitation for judicial review under Code of Civil Procedure Section 1094.6 or 1084.8, whichever is applicable.

#### **Section 9.60.420. Transfer of Cannabis Business Permit.**

- (a) The owner of a cannabis business permit shall not transfer ownership or control of the permit, within the first year of obtaining said permit, to another person or entity unless and until the transferee obtains an amendment to the permit from the City Manager or their designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the City Manager or their designee in accordance with all provisions of this Chapter (as though the transferee were applying for an original cannabis business permit). The proposed transferee's application shall be accompanied by a transfer fee in an amount set by resolution of the City Council (or if not set, shall be the same amount as the application fee) and an acknowledgment that any labor agreements in existence at the time of transfer will be upheld by transferee.

- (b) The City Manager or their designee shall conduct a hearing to determine whether the transferee passed the background check required for permittees and meets all other requirements of this Chapter.
- (c) Commercial cannabis business permits issued through the grant of a transfer by the City Manager or their designee shall be valid for a period of one year beginning on the day the City Manager or their designee approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this Chapter.
- (d) Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 25% of the original ownership), must be approved by the City Manager or their designee through the transfer process contained in this subsection (a). Failure to comply with this provision is grounds for permit revocation.
- (e) A permittee may change the form of business entity without applying to the City Manager or their designee for a transfer of permit, provided that either:
  1. The membership of the new business entity is substantially similar to original permit holder business entity (at least 25% of the membership is identical), or

Although a transfer is not required in this circumstance, the permit holder is required to notify the City Manager or their designee in writing of the change within ten (10) days of the change. Failure to comply with this provision is grounds for permit revocation.
- (f) No commercial cannabis business permit may be transferred when the City Manager or their designee has notified the permittee that the permit has been or may be suspended or revoked.
- (g) Any attempt to transfer a commercial cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

**Section 9.60.430. Change in Location; Updated Permit Application.**

- (a) Any time the dispensing, cultivation, manufacturing, transportation and distribution location specified in the regulatory permit is changed, the applicant shall re-file a permit application with the City Manager or their

designee(s) containing the updated information. The process and the fees for this re-registration shall be the same as the process and fees set forth for registration in Sections 9.60.420(c) and 9.60.160.

- (b) Within fifteen (15) calendar days of any other change in the information provided in the permit application form or any change in status of compliance with the provisions of this Chapter, including any change in the commercial cannabis business ownership or management members, the applicant shall file an updated permit application form with the City Manager or their designee(s) for review along with a application amendment fee, as set forth in Sections 9.60.420(c) and 9.60.160).

**Section 9.60.440. Promulgation of Regulations, Standards and Other Legal Duties.**

- (a) In addition to any regulations adopted by the City Council, the City Manager or their designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis business permits, the ongoing operation of commercial cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter.
- (b) Regulations will be published on the City's website.
- (c) Regulations promulgated by the City Manager shall become effective upon date of publication. Commercial cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or their designee.
- (d) Testing Labs, Distribution facilities, Out of City Delivery Services and Special Events shall be subject to state law and shall be subject to additional City regulations as determined from time to time as more regulations are developed under Section 9.60.020 of this Chapter and any subsequent State of California legislation regarding the same.

**Section 9.60.450. Community Relations.**

- (a) Each facility must provide the City Manager or designee with the name, telephone number, and email address of an on-site community relations or staff person or other representative to whom the city can provide notice if there are operating problems associated with the facility or refer members of the public who may have any concerns or complaints regarding the operation of the facility. Each facility must also provide the above information to all businesses and residences located within 100 feet of the facility.

- (b) During the first year of operation of a facility authorized under this Chapter, the owner, manager, and community relations representative from each such facility must attend a monthly meeting with the City Manager or their designee to discuss costs, benefits and other community issues arising as a result of implementation of the Certificate of Approval authorized by this Chapter. After the first year of operation, the owner, manager, and community relations representative from each such facility must meet with the City Manager or their designee when and as requested by the City Manager or their designee, with reasonable notice.

**Section 9.60.460. Fees Deemed Debt to the City of National City.**

The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of National City that is recoverable via an authorized administrative process as set forth in the City ordinance, or in any court of competent jurisdiction.

**Section 9.60.470. Responsibility for Violations.**

All Responsible persons pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of National City, whether committed by the property owner, permittee or any employee or agent of the property owner or permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

**Section 9.60.480. Inspection and Enforcement.**

- (a) The City Manager, or their designee charged with enforcing the provisions of the City of National City Municipal Code, or any provision thereof, may enter the location of a commercial cannabis business at any time, without notice, to check for compliance with all state and local laws and inspect the location of any commercial cannabis business as well as any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.
- (b) It is unlawful for any responsible persons, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this Chapter or under state or local law.

- (c) The City Manager, or their designee charged with enforcing the provisions of this Chapter may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of National City shall be logged, recorded, and maintained in accordance with established procedures by the City of National City's City Manager or their designee or these regulations.

**Section 9.60.490. Compliance with State Regulations.**

It is the stated intent of this Chapter to regulate commercial cannabis activity in the City of National City in compliance with all provisions MAUCRSA and any subsequent state legislation.

**Section 9.60.500. Violations Declared a Public Nuisance.**

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance and may be enjoined civilly or administratively. In addition, and to the extent not expressly provided elsewhere in this code, it is unlawful and a misdemeanor to maintain a public nuisance.

**Section 9.60.510. Each Violation a Separate Offense.**

Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of National City. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any permit issued pursuant to this Chapter being deemed null and void, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of National City may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity.

**Section 9.60.520. Serious Violations Grounds for Immediate Suspension of License or Permit.**

The City shall retain the authority, pursuant to Chapter 1.12, to address serious violations that rise to the level of posing an imminent threat to the public health, safety or welfare of the City, by immediately suspending the commercial cannabis license or permit issued by the City with a stop order. Such action by the City may be appealed pursuant to Sections 9.60.380 to 9.60.400 of this Chapter.

**Section 9.60.530. Criminal Penalties.**

Each and every violation of the provisions of this Chapter may in the discretion of the District Attorney or City Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the County jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

**Section 9.60.540. Remedies Cumulative and Not Exclusive.**

- (a) The remedies provided herein are not to be construed as exclusive remedies. The City of National City is authorized to pursue any proceedings or remedies provided by law.
- (b) The City Attorney may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal, or enjoinder thereof, in any manner provided by law,

**PASSED and ADOPTED this 4<sup>TH</sup> day of May, 2021.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney



**ORDINANCE NO. 2021 -****NATIONAL CITY ORDINANCE ADDING CHAPTER 9.60 TO THE NATIONAL CITY MUNICIPAL CODE REGULATION OF COMMERCIAL CANNABIS ACTIVITY****Section 9.60.010. Purpose and Intent.**

It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons in need of cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to same. It is also the purpose and intent of this Chapter to provide access to adult-use cannabis for persons aged twenty-one (21) and over as authorized by the Control, Tax & Regulate the Adult Use Cannabis Act (“AUMA” or “Proposition 64” approved by California voters in 2016), while imposing sensible regulations on the use of land to protect the City of National City’s residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this Chapter to regulate the cultivation, processing, manufacturing testing, sale, delivery, distribution and transportation of cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City of National City and to enforce rules and regulations consistent with state and local law. It is the further purpose of intent of this Chapter to require all commercial cannabis operators to obtain and renew annually a commercial cannabis business permit to operate within the City of National City. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purposes that violate state or local law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City of National City, and are in addition to any permits, licenses and approval required under state, City, or other law.

**Section 9.60.020. Legal Authority.**

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the MAUCRSA, and any subsequent state legislation and/or regulations regarding same, the City of National City is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of National City to all commercial cannabis activity.

**Section 9.60.030. Cannabis Cultivation and Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.**

Except as specifically authorized in this Chapter, the commercial cultivation, manufacture, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation (other than as provided under Bus. & Prof. Code Section 26090(e), of cannabis or cannabis product is expressly prohibited in the City of National City.

**Section 9.60.040. Compliance with State and Local Laws.**

It is the responsibility of the owners and operators of the commercial cannabis business, or any other responsible person(s), to ensure that it is, always, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions that violate state law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business, or any other responsible person(s), to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, including the MAUCRSA, and any subsequently enacted state or local law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis business permit.

**Section 9.60.050. Definitions.**

All definitions pertaining to cannabis regulation that appear in Business and Professions Code Section 26001, as codified by Senate Bill 94, MAUCRSA, are hereby incorporated by reference. Definitions appearing in this ordinance are either those that are not covered by state law, pre-date Proposition 64 and the MAUCRSA, or are outside the scope of Section 26001.

(a) "Adult Use" means the use of cannabis for recreational purposes by persons twenty-one (21) years of age or older.

(b) "Canopy" shall have the same meaning as that appearing in Title 3, Section 8000(f) of the California Code of Regulations.

(c) "Caregiver" or "primary caregiver" has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.

(d) "Distributor" shall have the same meaning as that appearing in Section 26070 of the Business and Professions Code.

(e) "Commercial cannabis business" means any business or operation which

engages in medicinal or adult-use commercial cannabis activity.

(f) “Commercial cannabis business permit” means a regulatory permit issued by the City of National City pursuant to this Chapter, to a commercial cannabis business and is required before any commercial cannabis activity may be conducted in the City of National City. The initial permit and annual renewal of a commercial cannabis business is made expressly contingent upon the business’ ongoing compliance with all of the requirements of this Chapter, any regulations adopted by the City of National City governing the commercial cannabis activity at issue, and any other state and local laws and regulations.

(g) “Consumption lounge” means an area that is part of the premises of a state-licensed, locally permitted commercial cannabis retail business, and that is designated for consumption of cannabis or cannabis products.

(h) “Dispensing” means any activity involving the retail sale of cannabis or cannabis products from a retailer.

(i) “Electronic Smoking Device” means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. “Electronic Smoking Device” also includes cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device charges, and any other item specifically designed for the preparation, charging, or use of Electronic Smoking Devices.

(j) “Limited-access area” means an area in which cannabis is stored or held and is only accessible to some licensee and authorized personnel.

(k) “Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

(l) “Manufacturing site” means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the City of National City and, a valid state license as required for manufacturing of cannabis products.

(m) “Microbusiness” shall have the same meaning as that contained in Section 26070(a)(3) of the Business and Professions Code.

(n) “Non-volatile solvent” means any solvent used in the extraction process that is not a volatile solvent as defined by state law. For purposes of this chapter, a nonvolatile solvent includes carbon dioxide (CO<sub>2</sub>) used for extraction and ethanol used for extraction or post-extraction processing.

(o) “Package” means any container or receptacle used for holding cannabis or cannabis products.

(p) “Patient” or “qualified patient” shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.22.

(q) “Person with an identification card” shall have the meaning given that term by California Health and Safety Code Section 11362.7.

(r) “Processing” means a cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and non-manufactured cannabis products.

(s) “Retail Ancillary/Accessory Use” Shall be determined when less than forty percent of a business’s gross floor area is devoted to the use, display, and/or sales of cannabis products and/or paraphernalia and no approved Retail Ancillary/Accessory Use shall be permitted without a licensed and operational primary use.

(t) “Responsible person(s)” shall include but not be limited to a property owner, tenant, manager, permit holder, or any other person with a legal interest in the affected real property and any person in possession of the affected real property.

(u) “Retailer” shall have the same meaning as the definition appearing in Section 26070(a)(1) of the Business and Professions Code.

(v) “State license” means a permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in commercial cannabis activity. A state license alone will not authorize the holder to operate a cannabis business, as state law also requires a permit or other authorization issued by a local jurisdiction.

(w) “THC” means Tetrahydrocannabinol, the primary active ingredient in cannabis. It is a psychotropic intoxicant causing euphoria and capable of altering human perception and motor skills.

(x) “Topical cannabis” means a product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.

(y) “Transport” means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same. Transport can only be performed by licensed distributors and does not include deliveries of cannabis or cannabis products.

(z) “Vape cartridge” means a small attachment to a cannabis e-cigarette or vape pen that is a pre-filled container of cannabis oil. Vape cartridges are sold pre-filled with cannabis concentrates which contain cannabis' active ingredients. The liquid in such products usually contains a propylene glycol or vegetable glycerin-based liquid with flavoring and other chemicals and metals. Many vape cartridges are high in THC, but some contain cannabidiol (CBD, a non-psychoactive cannabinoid used as an analgesic), or terpenes (the chemicals that give cannabis its flavorful tastes and aromas).

(aa) “Vaping” means the action or practice of inhaling and exhaling the vapor produced by an electronic cigarette or similar device.

(bb) “Volatile solvent” means a solvent as defined by Health and Safety Code Section 11362.3(b)(3) as of the effective date of this article and as subsequently amended.

(cc) “Youth center” means any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where 10 or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or state parks. This definition shall not include

any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

**Section 9.60.060. Authorization to Engage in Commercial Cannabis Business.**

- (a) No person may engage in any authorized commercial cannabis business or in any commercial cannabis activity within the City of National City including cultivation, manufacturing, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person has the following:
- (1) a valid commercial cannabis business permit issued by the City of National City;
  - (2) a valid business license issued by the City of National City;
  - (3) a mandatory building inspection and all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the National City Fire Department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.
  - (4) a valid state license for the commercial cannabis activity corresponding to the business permit issued by the City of National City;
  - (5) requisite approvals from the Planning Division of the National City Community Development Department;
  - (6) a valid development agreement jointly negotiated with the City of National City;
  - (7) a valid State of California Seller's Permit.
- (b) Development agreement
- (c) No permit shall be issued pursuant to this Chapter for outdoor commercial cannabis cultivation, which is prohibited. It is a violation of this Chapter for any person or entity to engage in any outdoor commercial cannabis cultivation of any kind.

**Section 9.60.070. Location and Design of Cannabis Businesses.**

Cannabis businesses permitted by the City of National City to engage in Cultivation, Distribution, Manufacturing, Microbusiness, Testing Labs, or Retail ancillary/Accessory use to the primary activity of the business, for cannabis and cannabis products are subject to the following zoning and locational requirements:

- (a) Cultivation, Distribution, Manufacturing, Microbusiness, Testing Labs, or Retail ancillary/ accessory use must be located in the following zones: IL (Light Industrial), IM (Medium Industrial), IH (Heavy Industrial) and must meet all of the requirements for development in these zones (see Section 18.20.020, National City Municipal Code). The cannabis businesses must also meet all of the following distance requirements:
  - (1) It shall be no closer than six hundred (600) feet from any zoned parcel in the City of National City designated by state law as a sensitive use, and pursuant to Section 9.60.070 (a) (3). The distance measured shall be the horizontal distance measured in a straight line from the property line of those parcels in Section 9.60.070 (a) (3) to the closest property line of the lot on which the cannabis business is located.
  - (2) Cannabis businesses providing Retail ancillary/accessory use to the primary activity of the business shall be no closer than two hundred fifty (250) feet of any residential parcel in the City of National City as of the date the cannabis business permit is issued. The distance between the cannabis business and the residential parcel shall be measured from the outer boundaries of the residential parcel to the first structure on the property seeking the commercial cannabis permit.
  - (3) It shall be no closer than six hundred (600) feet from any parcel containing any of the following:
    - A. A school providing instruction in kindergarten or any grades 1 through 12, (whether public or private, or charter, including pre-school, transitional kindergarten, and K-12);
    - B. A commercial daycare center licensed by the State, County or City or that is in existence at the time the license is issued, unless the State licensing authority or the City of National City specifies a different radius.
    - C. A youth center that is in existence at the time the license is issued, unless the State licensing authority or the City of National City specifies a different radius.

- (b) Consumption lounges must be located in the following: CT (Tourist Commercial) West of Interstate 5 and must meet all of the requirements for development in these zones (see Section 18.20.020, National City Municipal Code). They must also comply with the buffer zone requirements contained in 9.60.070(a).
- (c) Each proposed cannabis business project shall:
  - (1) Conform with the City of National City's general plan, any applicable specific plans, master plans, and design requirements.
  - (2) Comply with all applicable zoning and related development standards.
  - (3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.
  - (4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.
  - (5) Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.
  - (6) Be provided with adequate electricity, sewerage, disposal, water, fire protection and storm drainage facilities for the intended purpose.

**Section 9.60.080. Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.**

- (a) The number of each type of commercial cannabis business that shall be permitted to operate in the City of National City shall be established by resolution by the City Council.
- (b) Section 9.60.080 is only intended to create a process in determining the maximum number of commercial cannabis businesses that may be issued permits to operate in the City of National City under each category. Nothing in this Chapter creates a mandate that the City Council must issue any or all of the commercial cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements, or by further amendments to the application process, or if the City Council upon further deliberation determines that the issuance of any or



all commercial cannabis business permits will negatively impact the public safety, welfare or other public policy concerns.

- (c) Each year following the City Council's initial award of permits, if any, or at any time in the City Council's discretion, the City Council may reassess the number of commercial cannabis business permits which are authorized for issuance. The City Council at its discretion, may determine that the number of commercial cannabis permits should stay the same, be expanded, or reduced.

#### **Section 9.60.090. Fees and Charges.**

- (a) No person may commence or continue any commercial cannabis activity in the City of National City, without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the City Council which may be amended from time to time.
- (b) All commercial cannabis businesses authorized to operate under this Chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with the City of National City with respect to any reasonable request to audit the commercial cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

#### **Section 9.60.100. Development Agreement.**

Prior to operating in the City of National City and as a condition of issuance of a regulatory permit, the operator of each cannabis facility shall enter into a Development Agreement with the City of National City setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this Chapter, including, but not limited to community benefits such as public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

### **Section 9.60.110. Evidence of Cannabis Owner(s), and Representative(s) Background Check Required.**

- (a) Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorize city authorities to access state and local criminal history information for employment, licensing, or certification purposes, ~~and authorize access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every applicant must undergo a criminal history background check to demonstrate they do not provide “good cause” for denial which include the following: for a Certificate of Approval (including owners, managers, supervisors and any individual who will be participating in the direction, control, or management of the cannabis business must submit fingerprints and other information deemed necessary by the City Manager or their designee for a background check by the National City Police Department or a third party. A fee for the cost of the background investigation, which shall be the actual cost to the City of National City to conduct the background investigation as it deems necessary and appropriate, including City of National City staff time and costs, shall be paid at the time the person submits for the background check.~~
- (b) The criminal background check must at a minimum identify the following:
- 1) Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of a violent felony or serious as defined by California Penal Code 667.5 or Section 1192.7(c), or equivalent offenses in other states;
  - 2) Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California Penal Code Sections 186.11, 470, 484, and 504a, respectively; or equivalent offenses in other states; or
  - 3) Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of a felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell,

furnishing, offering to furnish, administering, or giving any controlled substance to a minor.

- 4) Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of a felony conviction for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code.
  - 5) Whether the owners, managers, supervisors and any individual who will be participating in the direction, control, or management has ever been convicted of the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, not including cannabis-related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.
- (b) Evidence of a conviction of any the offenses enumerated in Section 9.60.110(a)(b) , absent a Certificate of Rehabilitation, shall be grounds for immediate disqualification of the applicant. ~~may be grounds for denial of employment.~~
- (c) Evidence of a conviction of any the offenses enumerated in Section 9.60.110(a) may be grounds for denial of employment.
- (d) Violation of this section may be grounds for immediate suspension of the business' operating permit. The business operator shall have the right to an appeal pursuant to section 9.60.380.

### **Section 9.60.120. Persons Prohibited from Holding a Commercial Cannabis License.**

- (a) Any person, including but not limited to any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit ("applicant"), in which any of the following actions or notices have been issued for non-compliance or if they have been engaging or have engaged in the following activity, shall be prohibited from holding a cannabis commercial license or a cannabis business permit in the City of National City:
  - (1) The applicant has had a license suspended or revoked by any City, county, City and county or any other state cannabis licensing authority;

- (2) Evidence that the applicant is delinquent in payment of federal, state or local commercial taxes and/or fees;
- (3) Applicant was conducting (or has conducted) commercial cannabis activity in the City of National City in violation of local and/or state law, not including commercial cannabis-related offenses for which the conviction occurred after the City banned cannabis in 2012.
- (4) If any person enters into either a verbal or written agreement to lease, sublease, or any other agreement for any terms of use of the premises granted by a property owner, commercial broker or any third party, that is in violation of Section 9.60.060 and Section 9.60.150. Any such lease, sublease or agreement shall not contain terms or conditions requiring the cannabis permit licensee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the City of National City. In addition, all leases, subleases, or other agreements must be based on a monthly rate.

**Section 9.60.130. Persons Prohibited from Employment by a Commercial Cannabis Business.**

- (a) Any person, including but not limited to any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, in which any of the following actions or notices have been issued for non-compliance or if they have been engaging or have engaged in the following activity, shall be prohibited from employment with a cannabis business permittee in the City of National City:
  - (1) The person has had a license suspended or revoked by any City, County, or City and County, or any other state cannabis licensing authority;
  - (2) Evidence that the person is delinquent in payment of federal, state or local commercial taxes and/or fees.
  - (3) The person was conducting commercial cannabis activity in the City of National City in violation of local and/or state, not including

commercial cannabis-related offenses for which the conviction occurred after the city banned cannabis in 2012.

**Section 9.60.140. Certification from the Community Development Department.**

Prior to submitting any applications for a commercial cannabis business, applicant must first obtain a certification from the City of National City Community Development Department or its designee(s) certifying that the business is located on a site that meets all of the requirements of Sections 9.60.070 and 9.60.230 of this Chapter.

**Section 9.60.150. Right to Occupy and to Use Property.**

Prior to submitting any applications for a commercial cannabis business, applicant must obtain approval from the owner of the real property where the proposed commercial cannabis business will be located (if approved). Applicants are not required to have a signed lease, but a letter from the property owner indicating that:

- (a) The property owner is aware of and approves of the use being proposed.
- (b) The property owner will lease the property to the cannabis related use upon approval of the application.
- (c) The property owner understands that licenses for cannabis related uses are for one year and can be revoked at the City of National City's sole discretion with or without reason.

Property owners are permitted to issue letters detailing such contingent lease agreements for a maximum of two (2) independent applicants.

In the event the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the commercial cannabis business on the owner's property.

**Section 9.60.160. Application Procedure for a Cannabis Business Permit.**

- (a) The City of National City will establish by administrative policies and procedures promulgated by the City Manager or their designee the procedures to prepare the necessary forms, adopt any necessary rules related to the application process, solicit applications, and conduct initial evaluations of the applicants.

- (b) At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City of National City in the application process.
- (c) The application procedure process shall include a component on community benefits. Any community benefits that a commercial cannabis business agrees to provide shall be incorporated into the terms and conditions under which the commercial cannabis business will operate with the City of National City's approval, if and when a Development Agreement is issued. Such terms and conditions shall be in addition to the requirements of this Chapter. The City of National City may establish the procedures for determining community benefits by Resolution and/or by the implementation of administrative policies and procedures promulgated by the City Manager or their designee.
- (d) The City of National City's Reservation of Rights.

The City of National City reserves the right to reject any or all applications. Prior to permit issuance, the City of National City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City of National City further reserves the right to request and obtain additional information from any candidate submitting an application.

- (e) Grounds for Rejection of Application.

In addition to a failure to comply with other requirements in this Chapter, an application risks being rejected for any of the following reasons:

- (1) The application was received after the designated time and date of the deadline.
- (2) The application did not contain the required elements, exhibits, or was not organized in the required format.
- (3) The application was considered not fully responsive to the request for a permit application, i.e. was substantially incomplete.

### **Section 9.60.180. Operations Plan and Standards.**

A Certificate of Approval issued by the Planning Division of the National City Community Development Department for a facility must include, as conditions of approval, the operating standards set forth below. In addition, the Certificate of Approval must incorporate by reference an Operations Plan approved by the City Manager or their designee, that implements not only the operating standards set forth in this Chapter, but such additional conditions that the City Manager or their designee finds reasonably necessary to implement this Chapter when considering the location, size and other characteristics of the proposed facility.

### **Section 9.60.190. Limitations on City's Liability.**

To the fullest extent permitted by law, the City of National City shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to this Chapter or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial cannabis business permit:

- (a) Execute an agreement, in a form approved by the City Attorney or their designee, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of National City, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City of National City's issuance of the commercial cannabis business permit, the City of National City's decision to approve the operation of the commercial cannabis business or activity, the process used by the City of National City in making its decision, or the alleged violation of any federal, state or local laws by the commercial cannabis business or any of its officers, employees or agents.
- (b) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Manager, City Attorney, and the City's Risk Manager or their designee.
- (c) Reimburse the City of National City for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City of National City may be required to pay as a result of any legal challenge related to the City of National City's approval of the applicant's commercial cannabis business permit, or related to the City of National City's approval of a commercial cannabis activity. The City of National City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

**Section 9.60.200. Restriction on Alcohol & Tobacco Sales.**

- (a) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.
- (b) No person shall cause or permit the sale of tobacco products on or about the premises of the commercial cannabis business.

**Section 9.60.225. Restriction on Consumption of Cannabis or other Substances.**

No person shall consume cannabis, cannabis products, tobacco or alcohol on the premises of any commercial cannabis business. The sole exception shall be authorized cannabis consumption lounges of which tobacco and alcohol shall also be prohibited.

**Section 9.60.230. General Operating Requirements for all Commercial Cannabis Businesses.**

- (a) Commercial cannabis businesses may operate only during the hours specified in the commercial cannabis business permit issued by the City. No person under the age of twenty-one (21) shall operate, maintain, be employed at, or be issued a permit for, a commercial cannabis business of any kind.
- (b) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (c) Reporting and Tracking of Product and of Gross Sales with an accounting software system capable of providing point of sale data as well as audit trails or both product and cash, where applicable. Each commercial cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City of National City. The commercial cannabis business shall ensure that such information is compatible with the City of National City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be



approved and authorized by the City Manager or their designee prior to being used by the permittee.

- (d) All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.
- (e) Emergency Contact. Each commercial cannabis business shall provide the City Manager or their designee with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.
- (f) Signage and Notices.
  - (1) In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of National City ordinance, Chapter 18.47, including, but not limited to, seeking the issuance of a City of National City sign permit.
  - (2) No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
  - (3) Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited. This provision shall not apply to consumption lounges (see Section 9.60.265).
  - (4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
  - (5) Signage shall not depict any image of cannabis or cannabis products. No banners, flags, billboards or other prohibited signs may be used at any time.
  - (6) In accordance with state law and regulations or as stipulated in the City of National City regulatory permit, holders of a commercial cannabis business permit shall agree that, as an express and

ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any commercial cannabis business located in the City of National City utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising. This paragraph is not intended to place limitations on the ability of a commercial cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

- (g) Minors.
- (1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
  - (2) Notwithstanding Section 9.60.230(g)(1), persons aged eighteen (18) to twenty (20) years shall be allowed on the premises of a commercial cannabis business if they can produce a physician's recommendation. In that event, such persons can lawfully purchase cannabis for the sole purpose of addressing the medical need that is the subject of the physician's recommendation. This provision shall not apply to consumption lounges. Only persons twenty-one (21) and older shall be granted admittance to consumption lounges. Access to persons under twenty-one (21) is prohibited.
  - (3) The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.
- (h) Odor Control. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and

maintain the following equipment, or any other equipment which the City Manager or their designee determine is a more effective method or technology:

- (1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
  - (2) An air system that creates negative air pressure between the commercial cannabis business's interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.
- (i) Display of Permit and City Business License. The original copy of the commercial cannabis business permit and the business license issued by the City of National City pursuant to this Chapter shall be posted inside the commercial cannabis business in a location readily visible to the public.
  - (j) ~~Background Check. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes City of National City authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, and any individual who will be participating in the direction, control, or management in a commercial cannabis business must submit fingerprints and other information deemed necessary by the City Manager or their designee for a background check by the City of National City Police Department. Pursuant to California Penal Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record. No person shall be issued a permit to operate a commercial cannabis business unless they have first cleared the background check, as determined by the City Manager or their designee, as required by this section. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorize city authorities to access state and local criminal history information for employment, licensing, or certification purposes, every applicant must undergo a criminal history background check to demonstrate they do not provide "good cause" for denial as outlined in Section 9.60.110. A fee for the cost of the background investigation, which shall be the actual cost to the City of National City to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis business permit is submitted. Evidence of a conviction of any of~~

the offenses enumerated in Business and Professions Code Section 26057(b)(4), absent a Certificate of Rehabilitation, shall be grounds for immediate disqualification of the applicant.

- (k) Loitering. The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises. The cannabis business shall notify the National City Police Department if anyone continues to loiter around the building or premises after all reasonable action has been taken to remove the individual(s) and the action has failed to do so in a timely manner.
- (l) Employee Training and Customer Education. Each commercial cannabis operator shall establish minimum training standards for all employees, including but not limited to the variety of products offered for sale, their potency, absorption time if known, and effects of the products. Employees shall educate all customers on these items in an effort to ensure responsible consumption. The retailer shall provide with each purchase educational brochures containing this information. The City Manager, or their designee shall have the discretion to require other training for the business operations as they find necessary under any circumstances.
- (m) Security Requirements. A permitted commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the City Manager, or their designee, these security measures shall include, but may not be limited to, all of the following:
  - (1) Alarm system (perimeter, fire, and panic buttons).
  - (2) Remote monitoring of alarm systems by a security company licensed by the State of California Bureau of Security and Investigative Services.
  - (3) Perimeter lighting systems (including motion sensors) for after-hours security.
  - (4) Perimeter security and lightning as approved by the City Manager or their designee.
  - (5) Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaged in an activity directly related to the permitted operations of the commercial cannabis business.

(6) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.

(7) Except for live growing plants which are being cultivated at a cultivation operation, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

(8) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weather-proof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. Video recordings shall be maintained for a minimum of ninety (90) days and shall be made available to the City Manager or their designee upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business and shall be capable of enlargement via projection or other means.

(9) Sensors shall be installed to detect entry and exit from all secure areas and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

(10) Panic buttons shall be installed in all commercial cannabis businesses with direct notification to the National City Police Department dispatch and shall be configured to immediately alert dispatch for the National City Police Department.

(11) Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the

interior of the building in compliance with all federal, state and local laws.

(12) Security personnel shall be on-site 24 hours a day or alternative security as authorized by the City Manager or their designee and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager, or their designee, with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty, if permitted by the San Diego County Sheriff's Department and authorized by the Chief of Police.

(13) Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(14) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either; (a) an employee of the commercial cannabis business; or (b) a licensed security professional.

(15) Each commercial cannabis business shall demonstrate to the City Manager or their designee, compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.

(16) Each commercial cannabis business shall have a professionally installed video surveillance system, access control and intrusion alarm systems designed to protect the inventory, facility, and employees. Each business shall have network security protocols that are certified by Underwriters Laboratories.

(17) Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(18) Emergency access and emergency evacuation plans that are in compliance with state and local fire safety standards.

(19) Each commercial cannabis business shall identify a designated security representative/liaison to the City of National City, who shall be reasonably available to meet with the City Manager or their designee regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the commercial cannabis business, annually maintain a copy of the current security plan on the premises of the business, to present to the City Manager or their designee upon request that meets the requirements of Section 9.60.230(m).

(20) As part of the application and permitting process each commercial cannabis business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, any hazardous materials that may be used by the business, and any currency.

(21) The commercial cannabis business shall cooperate with the City of National City whenever the City Manager or their designee makes a request, with or without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.

(22) A commercial cannabis business shall notify the City Manager or their designee within twenty-four (24) hours of discovering any of the following:

- (a) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or their designee.
- (b) Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.
- (c) The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the commercial cannabis business.
- (d) Any other breach of security.

(23) Compliance with the foregoing requirements shall be verified by the City Manager or their designee prior to commencing business operations. The City Manager or their designee may supplement these security requirements once operations begin, subject to review by the City Manager or their designee if requested by the business owner.

(24) Retailers and microbusinesses authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this division.

- (1) The sale and delivery of cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.
- (2) Retailers or microbusinesses shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within or about a motor vehicle.
- (3) No cannabis goods shall be sold and/or delivered by any means or method to any person within a motor vehicle.
- (4) All cannabis goods sold by a retail business shall be contained in child-resistant packaging.
- (5) Retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity. A retail licensee or microbusiness licensee who is engaged in retail sale shall hire or contract for security personnel who are at least twenty-one (21) years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with



Chapters 11.4 and 11.5 of Division 3 of the  
Business and Professions Code.

(n) Records and Recordkeeping.

- (1) Each owner and operator of a commercial cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this Chapter), or at any time upon reasonable request of the City of National City, each commercial cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous twelve (12) month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes and fees paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or their designee(s).
- (2) Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the City Manager or their designee(s) upon a reasonable request.
- (3) If an applicant operated a cannabis collective, cooperative, or other business prior to the enactment of MAUCRSA, then once a state license is obtained, the commercial cannabis business must maintain such records only to the extent permitted or required by MAUCRSA.
- (4) All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth MAUCRSA.

- (5) Each commercial cannabis business shall allow the City of National City officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination at any time during the business's business hours. If not otherwise available, books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

**Section 9.60.240. Amendments to General Operating Requirements.**

The City Manager or their designee may develop other commercial cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

**Section 9.60.250. Additional Operating Requirements for Store Front Retail Facilities.**

- (a) Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of eighteen (18) years. If the potential customer is eighteen (18) to twenty (20) years old, retailer shall confirm the customer's possession of a valid doctor's recommendation and/or Health and Safety Code Section 11362.71 identification card (Medical Cannabis Card). For adult use or recreational purchases, retailers shall verify that all customers are twenty-one (21) years of age or older for the purchase of cannabis or cannabis products.
- (1) Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least twenty-one (21) years of age.
  - (2) Notwithstanding Section 9.60.250 (a)(1), individuals who are at least eighteen (18) years of age and in possession of a valid physician's recommendation shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis consistent with the physician's recommendation.
  - (3) All individuals seeking access to the commercial cannabis retail business must show their government-issued identification, and, if appropriate, doctor's recommendation of Medical Cannabis card, in order to gain access into the retailer. These documents must also be shown at the point of sale station at the time of purchase. Doctor

recommendations are not to be obtained or provided at the retail location.

- (b) Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retailer to separate it from the reception/lobby area.
- (c) Retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.
- (d) All restroom facilities shall remain locked and under the control of management.
- (e) Limited Access Areas. A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least twenty-one (21) years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the City Manager or their designee upon request.
- (f) Microbusiness – Commercial Activity. All cultivation, manufacturing, distribution, and retail activities performed by a licensee under a Type 12-Microbusiness permit shall occur on the same licensed premises. Areas of the premises for manufacturing and cultivation shall be separated from the distribution and retail areas by a wall and all doors between the areas shall remain closed when not in use.
- (g) Operating hours of the Store Front Retailer License shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week.
- (h) Store Front/Retail Security Requirements. All provisions incorporated within Section 9.60.230(m) of this Chapter (Security Requirements), are directly applicable to and binding on all commercial cannabis businesses, including all Store Front/Retail businesses. Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if permitted by San Diego County Sheriff's Department and authorized by the Chief of Police.

**Section 9.60.260. Additional Operating Requirements for Non-Store Front Retail Facilities.**

All Store Front Retailers, Non-Store Front Retailers (delivery) and Microbusinesses which conduct deliveries into or within the City of National City shall be required to obtain a delivery permit from the City of National City in order to conduct retail sales regardless if they are located in the City or another local jurisdiction.

- (a) Operating hours of the Non-Store Front Retailer License shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week.
- (b) The commercial Non-Store Front Retailer shall only sell cannabis or cannabis products to a natural person twenty-one (21) years of age or older, or a natural person eighteen (18) years of age or older who possesses a physician's recommendation for cannabis medical use only. The age and/or any necessary documentation including a valid doctor's recommendation of each medical customer shall be verified. Doctor recommendations are not to be obtained or provided at the retail location.
- (c) The commercial cannabis Non-Store Front Retailer may only have on-site that quantity of cannabis and cannabis products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale.

**Section 9.60.265. Operating Requirements for Consumption Lounges.**

- (a) Any consumption lounge operating within the City of National City must be contained within the premises of a state-licensed retail business or microbusiness, must be locally permitted pursuant to Section 9.60.140, must meet the other requirements of this Chapter, and must be compliant with the following additional requirements:
  - (1) Access to the area where cannabis consumption is allowed is restricted to persons twenty-one (21) years of age or older.
  - (2) Cannabis consumption is not visible from any public place or non-age-restricted area.
  - (3) Sale or consumption of alcohol or tobacco is not allowed on the premises.
  - (4) Patrons cannot bring cannabis, tobacco or alcohol or other substances into the consumption lounge – they can only consume whatever cannabis they purchase on site.

- (b) An applicant must obtain a secondary on-site consumption permit in order for cannabis to be consumed on the premises of an adult-use retail business and shall comply with the following
  - (1) Cannabis consumption areas shall be well ventilated private areas of the retail establishment and are designed to prevent the flow of smoke to any other area of the establishment.
- (c) A commercial cannabis retail business with a retail lounge on its premises shall adopt procedures ensuring that its customers may only gain access to the lounge once they have purchased a product or products from the retail business.
- (d) The on-site sale of food is permitted. A Permittee shall comply with laws governing Cannabis Businesses and retail food establishments, including but not limited to the California Retail Food Code.
- (e) The owner/operator of the consumption lounge shall be responsible for maintaining dedicated and sufficient staff during operating hours to verify the identity and age of all patrons seeking admittance to the lounge. Persons under twenty-one (21) shall be denied entry without exception.
- (f) The owner/operator of the consumption lounge shall be responsible for ensuring that a state-licensed security guard is on duty during operating hours.
- (g) The City Manager or his/or designee shall establish conditions for approval for each onsite consumption permit including but not limited to a parking plan, ventilation plan, anti-drugged driving plan, design plan, and set hours of operation. Set hours of operation may only be adjusted by submitting a written request to and obtaining approval from city.
- (h) Cannabis consumption areas shall only provide cannabis to an individual in an amount consistent with personal possession and use limits allowed by the state.

#### **Section 9.60.270. In-City Delivery Vehicle Requirements.**

Prior to commencing delivery operations, any locally permitted cannabis retail operation shall provide the following information to the City of National City:

- (a) Proof of ownership of the vehicle or a valid lease for all vehicles that will be used to deliver cannabis or cannabis products.

- (b) The year, make, model, color, license plate number, and numerical Vehicle Identification Number (VIN) for all vehicles that will be used to deliver cannabis goods.
- (c) Proof of insurance as required in Section 9.60.210(b) for any and all vehicles being used to deliver cannabis goods.
- (d) The licensee shall provide the City with any changes to the information required by this section in writing within thirty (30) calendar days.

**Section 9.60.275. Out-of-City Delivery Vehicle Requirements.**

Prior to commencing operations, a cannabis out of City of National City delivery service shall comply with the following requirements:

- (a) Obtain from the City a permit authorizing the delivery of cannabis and cannabis products within the City limits. A copy of this permit shall be retained by all drivers.
- (b) The retail business operating the delivery service shall provide the City Manager or their designee, with evidence of a valid state license for a commercial cannabis business on whose authorization the delivery service is performing the delivery function.
- (c) The retail business operating the delivery service shall furnish to the City Manager or their designee, the year, make, model, color, license plate number, and numerical Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods.

**Section 9.60.280. Additional Operating Requirements for a Cultivation Facility Operation.**

- (a) Outdoor Commercial Cultivation is prohibited.
- (b) In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- (c) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

- (d) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (e) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.
- (f) All applicants for a cannabis cultivation permit shall submit to the following in addition to the information generally otherwise required for a commercial cannabis business:
  - (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.
  - (2) A description of a legal water source, irrigation plan, and projected water use.
  - (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
  - (4) Plan for addressing odor and other public nuisances that may derive from the cultivation site.

**Section 9.60.290. Additional Operating Requirements for Distributors.**

- (a) A distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premise. For the purposes of this section, non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in Title 16, Section 5000(c) of the California Code of Regulations.

- (b) After taking physical possession of a cannabis goods batch, the distributor shall contact a testing laboratory and arrange for a laboratory employee to come to the distributor's licensed premises to select a representative sample for laboratory testing.
- (c) A distributor shall ensure that all cannabis goods are stored separately and distinctly from other cannabis goods on the distributor's premises.
- (d) The distributor shall ensure that the batch size from which the sample is taken meets the requirements of state law, specifically the testing provisions within the California Code of Regulations.
- (e) A distributor or an employee of the distributor shall be physically present to observe the laboratory employee obtain the sample of cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded, and the recording kept available to state and local authorities for a minimum of one hundred eighty (180) days, pursuant to Title 16, Section 5305 of the California Code of Regulations.
- (f) A distributor shall not transport cannabis or cannabis products to a licensed retail facility until and unless it has verified that the cannabis or cannabis products have been tested and certified by a testing lab as being in compliance with state health and safety requirements pursuant to Title 16, Sections 5705, 5710 and 5714 of the California Code of Regulations.

### **Section 9.60.300. Additional Operating Requirements for Testing Labs.**

- (a) Testing Labs shall be required to conduct all testing in a manner pursuant to Business and Professions Code Section 26100 and shall be subject to state and local law. Each Testing Lab shall be subject to additional regulations as determined from time to time as more regulations are developed under this Chapter and any subsequent State of California legislation regarding the same.
- (b) Testing Labs shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.
- (c) All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.
- (d) Testing labs shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the bureau



unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the bureau.

- (e) Each operator shall ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing required by state law and that the testing laboratory employee transports the sample to the testing laboratory.
- (f) Except as provided by state law, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with state law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.
- (g) A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A testing lab shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received.

**Section 9.60.310. Additional Operating Requirements for Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products.**

Cannabis manufacturing shall only be permitted pursuant to state law, this chapter and or any subsequently created manufacturing state license as defined in MAUCRSA, and may be permitted to operate only within those zone districts as defined in Section 9.60.070 of this Chapter and Section 18.20.020 of the City of National City Municipal Code.

Any compressed gases used in the manufacturing process shall not be stored on any property within the City of National City in containers that exceeds the amount which is approved by the National City Fire Department and authorized by the regulatory permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of tanks as authorized by the National City Fire Department on the property at any time. Additional operating requirements include:

- (a) Cannabis manufacturing facilities may use heat, screens, presses, steam distillation, ice water, ethanol and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.
- (b) If an extraction process uses a professional grade closed loop CO<sub>2</sub> gas extraction system every vessel must be certified by the manufacturer for its safe use as referenced in Section 9.60.310 (f). The CO<sub>2</sub> must be of at least ninety-nine percent purity.
- (c) Closed loop systems for compressed gas extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.
- (d) Certification from an engineer licensed by the State of California, or by a certified industrial hygienist, must be provided to the Community Development Department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:
  - (1) The American Society of Mechanical Engineers (ASME);
  - (2) American National Standards Institute (ANSI);
  - (3) Underwriters Laboratories (UL); or
  - (4) The American Society for Testing and Materials (ASTM)
- (e) The certification document must contain the signature and stamp of the professional engineer or industrial hygienist and serial number of the extraction unit being certified.
- (f) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Fire Department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.
- (g) Cannabis Manufacturing Facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

- (h) Cannabis Manufacturing Facilities creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.
- (i) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.
- (j) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

**Section 9.60.320. Additional Operating Requirements for a Microbusiness-Cultivation Facility.**

Microbusinesses shall comply with all local operating requirements under this Chapter and all requirements imposed by state law that apply to the specific activities operating under the umbrella of the individual microbusiness.

- (a) Outdoor Commercial Cultivation is prohibited.
- (b) In no case, shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.
- (c) Commercial cannabis cultivation which is permitted in the City of National City shall not exceed 10,000 square feet of canopy space permitted by state law as part of a microbusiness license.
- (d) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.
- (e) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.
- (f) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the commercial cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure

the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.

- (g) All applicants for a microbusiness permit which includes cannabis cultivation shall submit to the following in addition to the information generally otherwise required for a commercial cannabis business:
  - (1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.
  - (2) A description of a legal water source, irrigation plan, and projected water use.
  - (3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.
  - (4) Plan for addressing odor and other public nuisances that may derive from the cultivation site.

### **Section 9.60.330. Permissible Delivery Locations and Customers.**

All retail businesses conducting cannabis delivery operations within the City of National City are subject to the following requirements:

- (a) A licensed cannabis business shall not deliver cannabis goods to an address located on publicly owned land or any address on land or in a building leased by a public agency.
- (b) A licensed cannabis business shall comply with all requirements of state and local law pertaining to the cannabis permit and all subsequent policies, procedures and regulations which may be amended by the City Manager from time to time in order to enforce this Chapter.
- (c) Any kiosk, i-Pad, tablet, smartphone, fixed location or technology platform, whether manned or unmanned, other than a retail location permitted by the city, that facilitates, directs, or assists the retail sale or delivery of cannabis or cannabis products is prohibited and shall be a violation of this Chapter.

**Section 9.60.340. Expiration of Commercial Cannabis Business Permits.**

Each commercial cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Commercial cannabis permits may be renewed as provided in Section 9.60.350.

**Section 9.60.350. Renewal of Cannabis Business Permits.**

- (a) An application for renewal of a commercial cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.
- (b) The renewal application shall contain all the information required for new applications.
- (c) The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City of National City to administer the program created under this Chapter.
- (d) An application for renewal of a commercial cannabis business permit shall be rejected if any of the following exists:
  - (1) The application is filed less than sixty (60) days before its expiration.
  - (2) The commercial cannabis business permit is suspended or revoked at the time of the application.
  - (3) The commercial cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.
  - (4) The commercial cannabis business has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter, or is in violation of any other state or local laws and regulations.
  - (5) The permittee fails or is unable to renew its State of California license.
  - (6) If the state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of the state rules and regulations, and the state has determined that the violation

is grounds for termination or revocation of the commercial cannabis business permit.

- (e) The City Manager or their designee is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Manager or their designee is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the City Manager or their designee shall be handled pursuant to Sections 9.60.380 through 9.60.400.
- (f) If a renewal application is rejected, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.

#### **Section 9.60.360. Revocation or Suspension of Permits.**

Commercial cannabis business permits may be revoked or suspended for any violation of any relevant law and/or any rule, regulation and/or standard adopted pursuant to this Chapter, including any amendments to those standards, or pursuant to any policy, procedure or regulation in this Chapter or in the National City Municipal Code.

#### **Section 9.60.370. Effect of State License Suspension, Revocation, or Termination.**

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the City of National City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of National City. A cannabis business owner wishing to recommence operations shall re-apply for a local permit at such time as it can demonstrate that the grounds for revocation of the license by the state no longer exist, or that the underlying deficiency has otherwise been cured.

#### **Section 9.60.380. Appeals.**

Unless specifically provided elsewhere to the contrary, whenever an appeal is provided for in this Chapter from a decision of the City Manager or their designee, the appeal shall be conducted as prescribed in this Chapter.

**Section 9.60.390. Written Request for Appeal.**

- (a) Within ten (10) calendar days after the date of a decision of the City Manager or their designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an applicant may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper. Reasons shall be stated with specificity.
- (b) At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council.

**Section 9.60.400. Appeal Hearing Process.**

- (a) Upon receipt of the written appeal, the City Clerk shall schedule the matter for a hearing before a hearing officer.
- (b) The appeal shall be set within a reasonable time after the date of receipt of the written appeal, but in no event shall be set later than thirty (30) City of National City working days from the date of the receipt of the written appeal. The hearing shall be held no later than ninety (90) City of National City working days from the date of the receipt of the written appeal. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing. The appellant can waive the right to have their appeal set no later than thirty (30) City of National City working days and/or held no later than ninety (90) City of National City working days from the date of the receipt of the written appeal.
- (c) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The applicant may have the assistance of counsel or may appear by counsel.
- (d) After the City Manager or their designee has presented the statement of facts upon which the determination was made, the burden to show that the action taken by the City Manager or their designee was not based on substantial evidence, or was arbitrary, capricious, or unjustified shall be upon the appealing party.
- (e) If the applicant, or counsel representing the applicant, fails to appear at the hearing, the appeal is abandoned and the action of the City Manager or their designee is final.

- (f) The hearing officer may uphold the denial, suspension, or revocation, may allow that which has been denied, reinstate that which has been suspended or revoked, reverse or modify any other decision of the City Manager or their designee that is the subject of the appeal.
- (g) If the decision of the hearing officer is to deny the appeal, then that decision shall be final and conclusive and shall constitute the exhaustion of the administrative remedy.
- (h) A copy of the written decision of the hearing officer specifying findings of fact and the reasons for the decision shall be given to the applicant or the designated representative and the City Manager or their designee within thirty (30) calendar days of the hearing. If the hearing officer determines the complexity of the case required additional time in which to render a decision, the time in which to render the decision is automatically extended another thirty (30) calendar days. Service of the decision shall govern the commencement of any period of limitation for judicial review under Code of Civil Procedure Section 1094.6 or 1084.8, whichever is applicable.

**Section 9.60.420. Transfer of Cannabis Business Permit.**

- (a) The owner of a cannabis business permit shall not transfer ownership or control of the permit, within the first year of obtaining said permit, to another person or entity unless and until the transferee obtains an amendment to the permit from the City Manager or their designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the City Manager or their designee in accordance with all provisions of this Chapter (as though the transferee were applying for an original cannabis business permit). The proposed transferee's application shall be accompanied by a transfer fee in an amount set by resolution of the City Council (or if not set, shall be the same amount as the application fee) and an acknowledgment that any labor agreements in existence at the time of transfer will be upheld by transferee.
- (b) The City Manager or their designee shall conduct a hearing to determine whether the transferee passed the background check required for permittees and meets all other requirements of this Chapter.
- (c) Commercial cannabis business permits issued through the grant of a transfer by the City Manager or their designee shall be valid for a period of one year beginning on the day the City Manager or their designee approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this Chapter.



- (d) Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 25% of the original ownership), must be approved by the City Manager or their designee through the transfer process contained in this subsection (a). Failure to comply with this provision is grounds for permit revocation.
- (e) A permittee may change the form of business entity without applying to the City Manager or their designee for a transfer of permit, provided that either:
  1. The membership of the new business entity is substantially similar to original permit holder business entity (at least 25% of the membership is identical), or

Although a transfer is not required in this circumstance, the permit holder is required to notify the City Manager or their designee in writing of the change within ten (10) days of the change. Failure to comply with this provision is grounds for permit revocation.
- (f) No commercial cannabis business permit may be transferred when the City Manager or their designee has notified the permittee that the permit has been or may be suspended or revoked.
- (g) Any attempt to transfer a commercial cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

**Section 9.60.430. Change in Location; Updated Permit Application.**

- (a) Any time the dispensing, cultivation, manufacturing, transportation and distribution location specified in the regulatory permit is changed, the applicant shall re-file a permit application with the City Manager or their designee(s) containing the updated information. The process and the fees for this re-registration shall be the same as the process and fees set forth for registration in Sections 9.60.420(c) and 9.60.160.
- (b) Within fifteen (15) calendar days of any other change in the information provided in the permit application form or any change in status of compliance with the provisions of this Chapter, including any change in the commercial cannabis business ownership or management members, the applicant shall file an updated permit application form with the City Manager or their designee(s) for review along with a application

amendment fee, as set forth in Sections 9.60.420(c) and 9.60.160).

**Section 9.60.440. Promulgation of Regulations, Standards and Other Legal Duties.**

- (a) In addition to any regulations adopted by the City Council, the City Manager or their designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis business permits, the ongoing operation of commercial cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter.
- (b) Regulations will be published on the City's website.
- (c) Regulations promulgated by the City Manager shall become effective upon date of publication. Commercial cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or their designee.
- (d) Testing Labs, Distribution facilities, Out of City Delivery Services and Special Events shall be subject to state law and shall be subject to additional City regulations as determined from time to time as more regulations are developed under Section 9.60.020 of this Chapter and any subsequent State of California legislation regarding the same.

**Section 9.60.450. Community Relations.**

- (a) Each facility must provide the City Manager or designee with the name, telephone number, and email address of an on-site community relations or staff person or other representative to whom the city can provide notice if there are operating problems associated with the facility or refer members of the public who may have any concerns or complaints regarding the operation of the facility. Each facility must also provide the above information to all businesses and residences located within 100 feet of the facility.
- (b) During the first year of operation of a facility authorized under this Chapter, the owner, manager, and community relations representative from each such facility must attend a monthly meeting with the City Manager or their designee to discuss costs, benefits and other community issues arising as a result of implementation of the Certificate of Approval authorized by this Chapter. After the first year of operation, the owner, manager, and community relations representative from each such facility must meet with the City Manager or their designee when and as requested by the City Manager or their designee, with reasonable notice.

**Section 9.60.460. Fees Deemed Debt to the City of National City.**

The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of National City that is recoverable via an authorized administrative process as set forth in the City ordinance, or in any court of competent jurisdiction.

**Section 9.60.470. Responsibility for Violations.**

All Responsible persons pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of National City, whether committed by the property owner, permittee or any employee or agent of the property owner or permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

**Section 9.60.480. Inspection and Enforcement.**

- (a) The City Manager, or their designee charged with enforcing the provisions of the City of National City Municipal Code, or any provision thereof, may enter the location of a commercial cannabis business at any time, without notice, to check for compliance with all state and local laws and inspect the location of any commercial cannabis business as well as any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.
- (b) It is unlawful for any responsible persons, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this Chapter or under state or local law.
- (c) The City Manager, or their designee charged with enforcing the provisions of this Chapter may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of National City shall be logged, recorded, and maintained in accordance with established procedures by the City of National City's City Manager or their designee or these regulations.

### **Section 9.60.490. Compliance with State Regulations.**

It is the stated intent of this Chapter to regulate commercial cannabis activity in the City of National City in compliance with all provisions MAUCRSA and any subsequent state legislation.

### **Section 9.60.500. Violations Declared a Public Nuisance.**

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance and may be enjoined civilly or administratively. In addition, and to the extent not expressly provided elsewhere in this code, it is unlawful and a misdemeanor to maintain a public nuisance.

### **Section 9.60.510. Each Violation a Separate Offense.**

Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of National City. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any permit issued pursuant to this Chapter being deemed null and void, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of National City may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity.

### **Section 9.60.520. Serious Violations Grounds for Immediate Suspension of License or Permit.**

The City shall retain the authority, pursuant to Chapter 1.12, to address serious violations that rise to the level of posing an imminent threat to the public health, safety or welfare of the City, by immediately suspending the commercial cannabis license or permit issued by the City with a stop order. Such action by the City may be appealed pursuant to Sections 9.60.380 to 9.60.400 of this Chapter.

### **Section 9.60.530. Criminal Penalties.**

Each and every violation of the provisions of this Chapter may in the discretion of the District Attorney or City Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the County jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

### **Section 9.60.540. Remedies Cumulative and Not Exclusive.**

- (a) The remedies provided herein are not to be construed as exclusive remedies. The City of National City is authorized to pursue any proceedings or remedies provided by law.
- (b) The City Attorney may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal, or enjoinder thereof, in any manner provided by law,

**PASSED and ADOPTED this 4<sup>TH</sup> day of May, 2021.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Mayor

**ATTEST:**

\_\_\_\_\_  
Luz Molina, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., City Attorney

The following page(s) contain the backup material for Agenda Item: [Notice of Decision – Planning Commission approval of a Conditional Use Permit for beer and wine sales at an existing restaurant \(Teriyaki Sun\) located at 4 N. Euclid Avenue, Suite A. \(Applicant: Jose Armando Lua\) \(Case File 2021-24 CUP\) \(Planning\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** | April 5, 2022 |

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Notice of Decision – Planning Commission approval of a Conditional Use Permit for beer and wine sales at an existing restaurant (Teriyaki Sun) located at 4 N. Euclid Avenue, Suite A. (Applicant: Jose Armando Lua) (Case File 2021-24 CUP)

**PREPARED BY:** David Welch DW

**DEPARTMENT:** Community Development

**PHONE:** | 619-336-4224 |

**APPROVED BY:**   
Director of Community Development

**EXPLANATION:**

The applicant is requesting to sell beer and wine for on-site consumption (ABC Type 41), in conjunction with food sales, at an existing 2,600 square-foot restaurant (Teriyaki Sun) in the National City Plaza shopping center. Proposed hours of operation are 10:00 a.m. to 9:00 p.m. Sunday through Thursday and 10:00 a.m. to 9:30 p.m. Friday and Saturday. There is indoor seating for 68.

The Planning Commission conducted a public hearing on March 7, 2022. The Commission voted to recommend approval of the request based on the attached findings and recommended Conditions of Approval.

The attached Planning Commission staff report describes the proposal in detail.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**  
**APPROVED:** \_\_\_\_\_ **MIS**

**ACCOUNT NO.** |

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

**ORDINANCE:** INTRODUCTION:  FINAL ADOPTION:

**STAFF RECOMMENDATION:**

Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

**BOARD / COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of the Conditional Use Permit.  
Ayes: Dela Paz, Natividad, Roman, Sanchez, Sendt, Valenzuela, Yamane

**ATTACHMENTS:**

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 1. Overhead                         | 4. Reduced Plans                     |
| 2. Planning Commission Staff Report | 5. PowerPoint slides from PC meeting |
| 3. Resolution No. 2022-06           |                                      |

2021-24 CUP – 4 N. Euclid Ave., Ste. A – Overhead



ATTACHMENT 1





COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR BEER AND WINE SALES AT AN EXISTING RESTAURANT (TERIYAKI SUN) LOCATED AT 4 NORTH EUCLID AVENUE, SUITE A.

Case File No.: 2021-24 CUP

Location: Northwest corner of Division Street and North Euclid Avenue

Assessor’s Parcel Nos.: 552-283-11

Staff report by: David Welch – Associate Planner

Applicant: Jose Armando Lua

Zoning designation: MXD-1 (Minor Mixed-Use District)

Adjacent use and zoning:

- North: Single-family residential / RS-2 (Small Lot Residential)
- East: Gas station and 7-11 across North Euclid Avenue / MXD-1
- South: Single-family residential across Division Street / RS-2
- West: Single-family residential / RS-2

Environmental review: Not a project per California Environmental Quality Act (CEQA) as defined in Section 15378

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the request for beer and wine sales, subject to the attached recommended conditions. The sale of beer and wine is a conditionally-allowed use in the Minor Mixed-Use District (MXD-1) zone and would be accessory to food sales at the restaurant.

Executive Summary

The suite is an existing restaurant (Teriyaki Sun). The restaurant proposes to sell beer and wine, in conjunction with food sales, from 10:00 a.m. to 9:00 p.m. Sunday through Thursday and 10 a.m. to 9:30 p.m. Friday and Saturday. Teriyaki Sun is an existing family-run Japanese restaurant.

Site Characteristics

The project site is within a shopping center located on the northwest corner of Division Street and North Euclid Avenue. The property is approximately six acres in size. The suite occupied by the restaurant is 2,600 square feet in size. There is no outdoor seating area proposed or existing for the restaurant. The shopping center has adequate parking and permits have been submitted recently for ADA improvements and new signs.

Commercial businesses in the area are mostly contained within the National City Plaza shopping center with a gas station and 7-11 also located across North Euclid Street. Planet Fitness has recently moved into the largest suite on the property. Teriyaki Sun is on the southwestern corner of the property and faces both the parking area and Division Street. All other surrounding properties are single-family residential and a solid, six-foot high masonry wall separates the shopping center from neighboring residences. The property is in census tract 119.02, which includes the area from East 4<sup>th</sup> Street north to the City border, between Interstate 805 and North Euclid Avenue, and from East 8<sup>th</sup> Street north to the City border east of North Euclid Avenue. The attached census tract map shows the location of the subject tract (Attachment 6).

Proposed Use

The applicant is proposing to sell beer and wine in conjunction with on-site food sales in the 2,600 square-foot restaurant (ABC Type 41 license). Proposed hours of operation are 10:00 a.m. to 9:00 p.m. Sunday through Thursday and 10 a.m. to 9:30 p.m. Friday and Saturday. The seating area is comprised of 1,695 square feet that is all located indoors. There is room for 68 patrons. No live entertainment is proposed.

Analysis

Section 18.30.050 of the Land Use Code allows for on-site alcohol sales with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements.

Mailing – All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications. Notice of this public hearing was sent to 437 occupants and owners.

Community Meeting – Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Wednesday, February 16, 2022 from 10:15 a.m. to 11:45 a.m. at the subject restaurant. The meeting advertisement is attached (Attachment 8); there was one attendee from the community. The applicant stated that the same occupants that were notified of the Planning Commission meeting were notified of the community meeting. The local resident that attended was concerned about the business having loud music long into the evening. No live music is proposed with this CUP application and the latest the restaurant proposes to be open is 9:30 p.m.

Distance Requirements – Chapter 18.030.050 (D) of the National City Zoning Code requires a 660-foot distance from any public school; there is a school within 660 feet of the site; however, restaurants with greater than 30 percent of their area devoted to seating are exempt from this distance requirement. The property in question has approximately 65 percent of its floor area devoted to seating, in excess of the minimum requirement.

Alcohol Sales Concentration/Location

Per the California Department of Alcoholic Beverage Control (ABC), there are no current on-site sale licenses in census tract 119.02 where a maximum of eight are recommended, meaning that the census tract is not considered by ABC to be over-saturated with regard to alcohol sales outlets.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 10 points, which places it in the Low Risk category (Low Risk is considered 12 points or less). PD provided a risk assessment, which is included as Attachment 7. The application is in a census tract with a high crime rate. The Police Department rates businesses where the sale of alcohol occurs in a high crime rate census tract as a

“three” (on a scale of 1 to 3) on their rating system, which usually indicates a higher risk. The business is in a census tract with a high crime rate. However, because of the business type and lack of alcohol licenses in the census tract, the overall points are lower than normally seen.

Institute for Public Strategies (IPS)

No comments were received from IPS as of the writing of this report, although they usually recommend at least the need for Responsible Beverage Sales and Service (RBSS) training for all staff. This is a standard condition of approval and is included with this report.

Findings for Approval

The Municipal Code contains six required findings for CUPs as follows:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the MXD-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. There is no Specific Plan in the area.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

No expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed alcohol sales would be incidental to the primary use of food sales. A restaurant currently exists on the site.

5. Granting the permit would not 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.

The proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available. Beer and wine will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

The project is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted in the MXD-1 zone.

The following two findings are also included with alcohol CUPs:

7. The proposed use is deemed essential and desirable to the public convenience or necessity.

Alcohol sales will contribute to the viability of the restaurant, an allowed use in the MXD-1 zone.

8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

#### Conditions of Approval

Standard Conditions of Approval have been included with this permit as well as conditions specific to on-site alcohol sales per Council Policy 707 (hours of operation, employee training, and accessory sales, etc.).

Summary

The proposed use is consistent with the General Plan due to alcohol sales for on-site consumption being a conditionally-allowed use in the MXD-1 zone. The proposed use would be incidental to the proposed restaurant use in a commercial area. The addition of on-site beer and wine sales is not expected to increase the demand for parking, other services on the property, or have any significant effects on the area. The census tract in which the restaurant is located is not considered to be over-concentrated with regard to on-sale alcohol licenses, and beer and wine will only be available with the sale of food.

Options

1. Approve 2021-24 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2021-24 CUP based on findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2021-24 CUP, dated 11/8/2021)
5. Public Hearing Notice (Sent to 437 property owners & occupants)
6. Census Tract & Police Beat Maps
7. PD comments
8. Community Meeting Advertisement
9. Resolution



DAVID WELCH  
Associate Planner



ARMANDO VERGARA  
Director of Community Development

## **RECOMMENDED FINDINGS FOR APPROVAL**

### 2021-24 CUP – TERIYAKI SUN

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is permitted within the MXD-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. There is no Specific Plan in the area. In addition, a restaurant use is consistent with the MXD-1 land use designation contained in the Land Use and Community Character element of the General Plan.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed alcohol sales would be accessory to the primary use of food sales, and because a restaurant currently exists on the site.
5. Granting the permit would not 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 the proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available. Beer and wine will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive Responsible Beverage Sales and Service (RBSS) training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted in the MXD-1 zone.



7. The proposed use is deemed essential and desirable to the public convenience or necessity, because alcohol sales will contribute to the viability of the restaurant, an allowed use in the MXD-1 zone.

## RECOMMENDED CONDITIONS OF APPROVAL

### 2021-24 CUP – TERIYAKI SUN

#### General

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at a proposed restaurant (Teriyaki Sun) located at 4 North Euclid Avenue, Suite A. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2021-24 CUP, dated 11/8/2021.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.
3. This permit shall become null and void at such time as there is no longer a Type 41 California Department of Alcoholic Beverage Control license associated with the property.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
5. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
6. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

#### Planning

7. No alcohol sales are permitted until the applicant has been issued a Type 41 license from the California Department of Alcoholic Beverage Control.
8. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must

be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

9. The sale of alcoholic beverages shall only be permitted between the hours of 10:00 a.m. and 9:00 p.m. Sunday through Thursday and 10:00 a.m. and 9:30 p.m. Friday and Saturday.
10. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
11. Alcohol shall be available only in conjunction with the purchase of food.
12. No live entertainment shall be permitted without modification of this CUP.
13. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.
14. The permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.



CITY OF NATIONAL CITY - PLANNING DIVISION  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING  
CONDITIONAL USE PERMIT FOR BEER AND WINE SALES  
AT AN EXISTING RESTAURANT (TERIYAKI SUN)  
LOCATED AT 4 NORTH EUCLID AVENUE, SUITE A.  
CASE FILE NO.: 2021-24 CUP

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, March 7, 2022**, on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Jose Armando Lua)

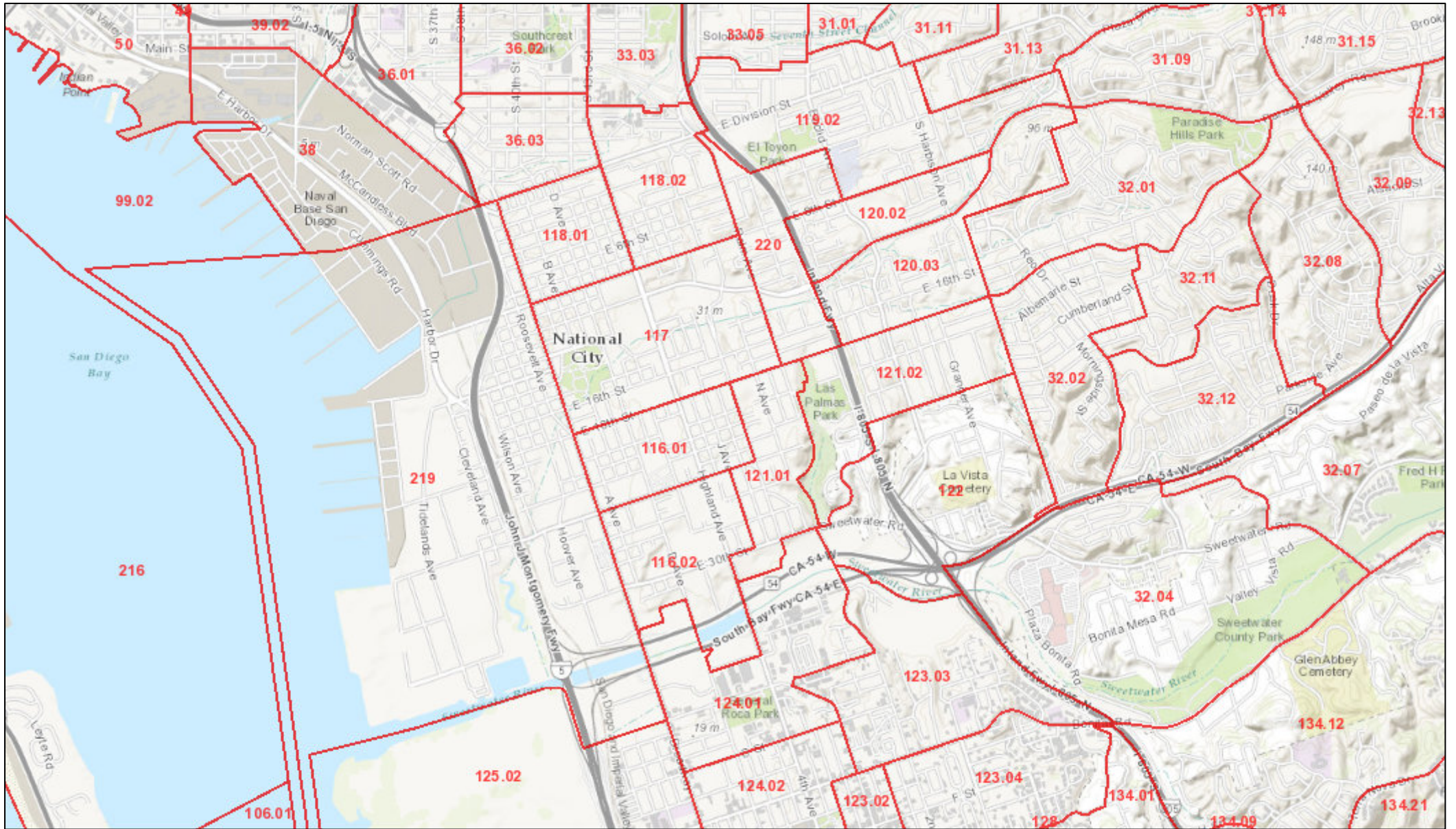
Due to the precautions taken to combat the continued spread of coronavirus (COVID-19), City Council Chambers are closed to the public. Anyone interested in this public hearing may observe it on the City's website at <http://nationalcityca.new.swagit.com/views/33>.

The applicant is proposing to add beer and wine sales at the existing restaurant. Proposed operating hours are 10:00 a.m. to 9:00 p.m. Sunday through Thursday and 10:00 a.m. to 9:30 p.m. Friday and Saturday.

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **March 7, 2022**, by submitting it to [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov). Planning staff can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

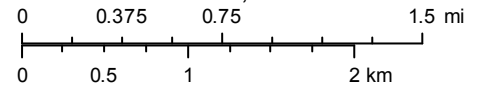
NATIONAL CITY PLANNING DIVISION



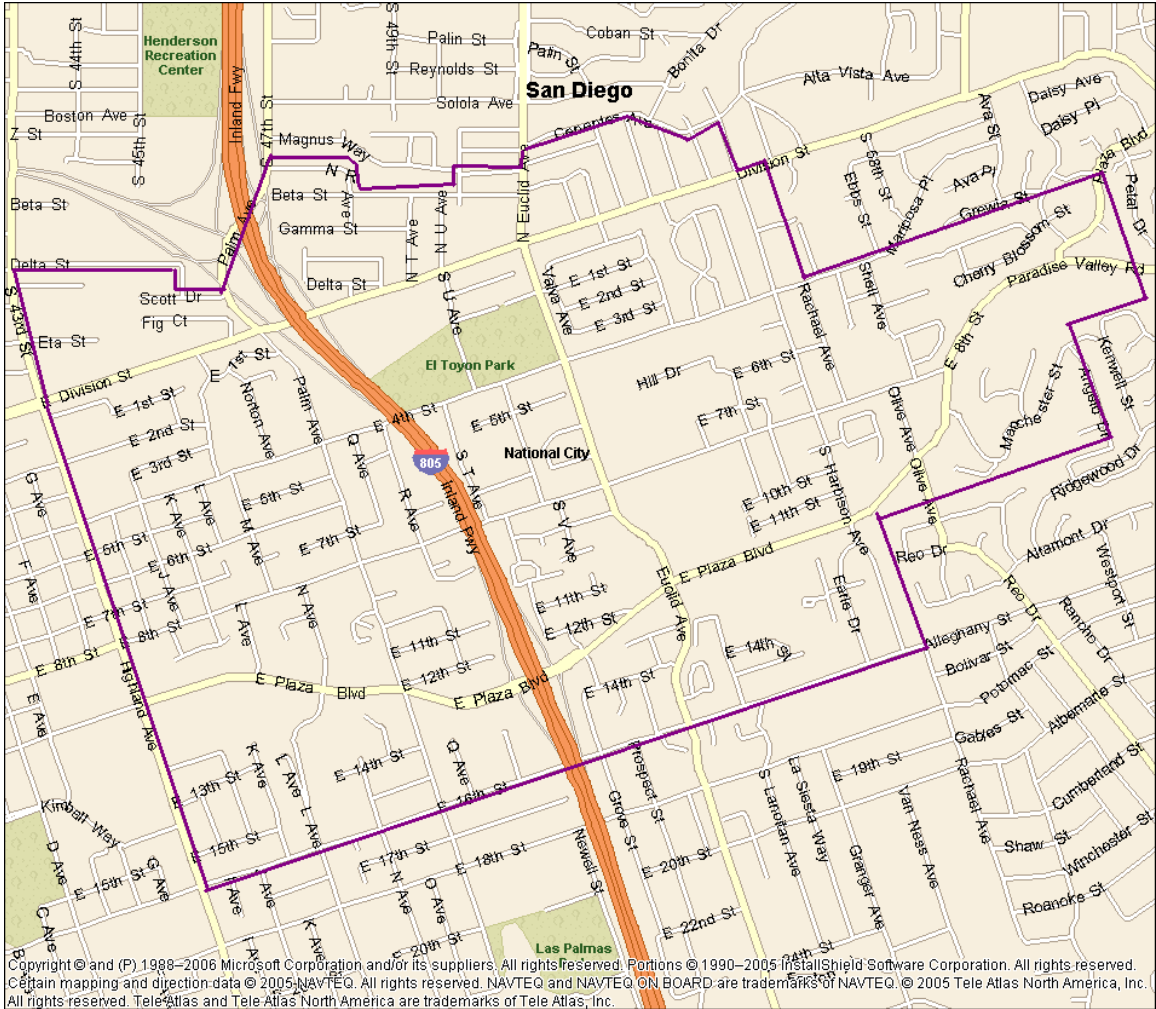
August 25, 2014

CensusTracts 2010

1:45,467



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



# City of National City Beat 21

Source: Microsoft Mappoint  
NCPD CAU, 4/18/07



**NATIONAL CITY POLICE DEPARTMENT**  
**ALCOHOL BEVERAGE CONTROL**  
**RISK ASSESSMENT**

DATE: 11/22/2021

BUSINESS NAME: Teriyaki Sun

ADDRESS: 4 North Euclid Avenue

OWNER NAME: Jose Lua DOB: 09-06-1998

OWNER ADDRESS: 25311 Jesmond Dene Road 92026

(add additional owners on page 2)

**I. Type of Business**

- Restaurant (1 pt)
- Market (2 pts)
- Bar/Night Club (3 pts)

**II. Hours of Operation**

- Daytime hours (1 pt)
- Close by 10pm (2 pts)
- Close after 10pm (3 pts)

**III. Entertainment**

- Music (1 pt)
- Live Music (2 pts)
- Dancing/Live Music (3 pts)

**IV. Crime Rate**

- Low (1 pt)
- Medium (2 pts)
- High (3 pts)

**V. Alcohol Businesses per Census Tract**

- Below (1 pt)
- Average (2 pts)
- Above (3 pts)

<p><b>Notes:</b></p> <p>Currently, there are 0 on sale license in tract 119.02</p> <hr/> <p>Currently, there are 2 active off sale licenses in tract 119.02</p> <hr/> <hr/> <p>*The crime rate is high as a result of calls for service in the area.</p> <hr/> <p>*Homeless calls and calls at El Toyon Park make up the majority of the calls in this area.</p> <hr/> <p>*There have only been (5) calls for service related to the business over the past year.</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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**VI. Calls for Service at Location (for previous 6 months)**

- Below (1 pt)
- Average (2 pts)
- Above (3 pts)

Low Risk ( 12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts)  <b>Total Points</b> <u>10</u>
--

**VII. Proximity Assessment (1/4 mile radius of location)**

- Mostly commercial businesses (1 pt)
- Some businesses, some residential (2 pts)
- Mostly residential (3 pts)

**VIII. Owner(s) records check**

- No criminal incidents (0 pts)
- Minor criminal incidents (2 pts)
- Multiple/Major criminal incidents (3 pts)

OWNER NAME: Jose Lua DOB: 09/06/1998

OWNER ADDRESS: 25311 Jesmond Dene Road ESCO 92026

OWNER NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_

**Recommendation:**

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Completed by: W. Walters, Sergeant Badge ID: 398





CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

Having trouble viewing the report?

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**Results for:** Active Retail Licenses

**County:** SAN DIEGO County

**Census Tract:** 119.02

**Report Date:** Monday, November 22, 2021

---

## Search

Results will be filtered as you type

0 Results

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**License Number:** 390654

**Status:**ACTIVE **License Type:**20 **Orig. Iss. Date:**10/25/2002 **Expir. Date:**06/30/2022

15 N EUCLID AVE,  
NATIONAL CITY, CA 91950

**Primary Owner:**7 ELEVEN INC **Premises Addr.:**Census Tract: 0119.02

**Business Name:** 7 ELEVEN STORE 2131 13564F **Geo Code:**3708

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**License Number:** 372525



**Status:**REVPEN **License Type:**21 **Orig. Iss. Date:**02/01/2001 **Expir. Date:**08/31/2021

34 N EUCLID AVE,  
NATIONAL CITY, CA 91950-1934

**Primary Owner:**MADLAIN INC **Premises Addr.:**Census Tract: 0119.02

**Business Name:** WRIGLEYS SUPERMARKET **Geo Code:**3708

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You are invited to attend a:

## **COMMUNITY MEETING**

**Date:** WEDNESDAY, FEBRUARY 16, 2022

**Time:** 11:00AM TO 12:00 NOON

**Address:** TERIYAKI SUN, 4 N EUCLID AVE, NATIONAL CITY CA 91950

This meeting is to inform citizens of a use permit application that has been filed for the service of alcoholic beverages at Teriyaki Sun, 4 N Euclid Ave, National City, CA 91950

We are looking forward to meeting you and discussing any concerns or questions you may have regarding this proposed restaurant operations. If you can't attend the meeting, or if you have any questions before then, please feel free to contact George Panagiotou, the Applicant's representative at 858-300-0033 or via email [info@olympuslawcorp.com](mailto:info@olympuslawcorp.com)

*This notice is being sent to you in fulfillment of the City of National City requirements. This outreach effort to our neighbors is necessary because an application for development or use has been filed with the City of National City Planning Department.*

RESOLUTION NO. 2022-06

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
APPROVING A CONDITIONAL USE PERMIT  
FOR BEER AND WINE SALES AT AN  
EXISTING RESTAURANT (TERIYAKI SUN)  
LOCATED AT 4 NORTH EUCLID AVENUE, SUITE A.  
CASE FILE NO. 2021-24 CUP  
APN: 552-283-11

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for beer and wine sales at an existing restaurant (Teriyaki Sun) located at 4 North Euclid Ave, Suite A at a duly advertised public hearing held on March 7, 2022, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2021-24 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on November 15, 2021, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is permitted within the MXD-1 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. There is no Specific Plan in the area. In addition, a restaurant use is consistent with the MXD-1 land use designation contained in the Land Use and Community Character element of the General Plan.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion of the building is proposed. The proposal involves an existing commercial space, which was previously analyzed for traffic impacts when it was constructed.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed alcohol sales would be accessory to the primary use of food sales, and because a restaurant currently exists on the site.
5. Granting the permit would not 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 the proposed use will be subject to conditions that limit the sale of beer and wine as well as the hours that it will be available. Beer and wine will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive Responsible Beverage Sales and Service (RBSS) training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted in the MXD-1 zone.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because alcohol sales will contribute to the viability of the restaurant, an allowed use in the MXD-1 zone.

BE IT FURTHER RESOLVED that the application for a Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes the sale of beer and wine for on-site consumption at a proposed restaurant (Teriyaki Sun) located at 4 North Euclid Avenue, Suite A. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2021-24 CUP, dated 11/8/2021.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form

within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.

3. This permit shall become null and void at such time as there is no longer a Type 41 California Department of Alcoholic Beverage Control license associated with the property.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
5. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
6. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

#### Planning

7. No alcohol sales are permitted until the applicant has been issued a Type 41 license from the California Department of Alcoholic Beverage Control.
8. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
9. The sale of alcoholic beverages shall only be permitted between the hours of 10:00 a.m. and 9:00 p.m. Sunday through Thursday and 10:00 a.m. and 9:30 p.m. Friday and Saturday.
10. The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be

necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.

11. Alcohol shall be available only in conjunction with the purchase of food.
12. No live entertainment shall be permitted without modification of this CUP.
13. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.
14. The permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 7, 2022, by the following vote:

AYES: Sendt, Yamane, Natividad, Roman, Sanchez, Dela Paz, Valenzuela

NAYS: None.

ABSENT: None.

ABSTAIN: None.

DocuSigned by:  
*Ditas Yamane*  
206B8BB8493D4BD...

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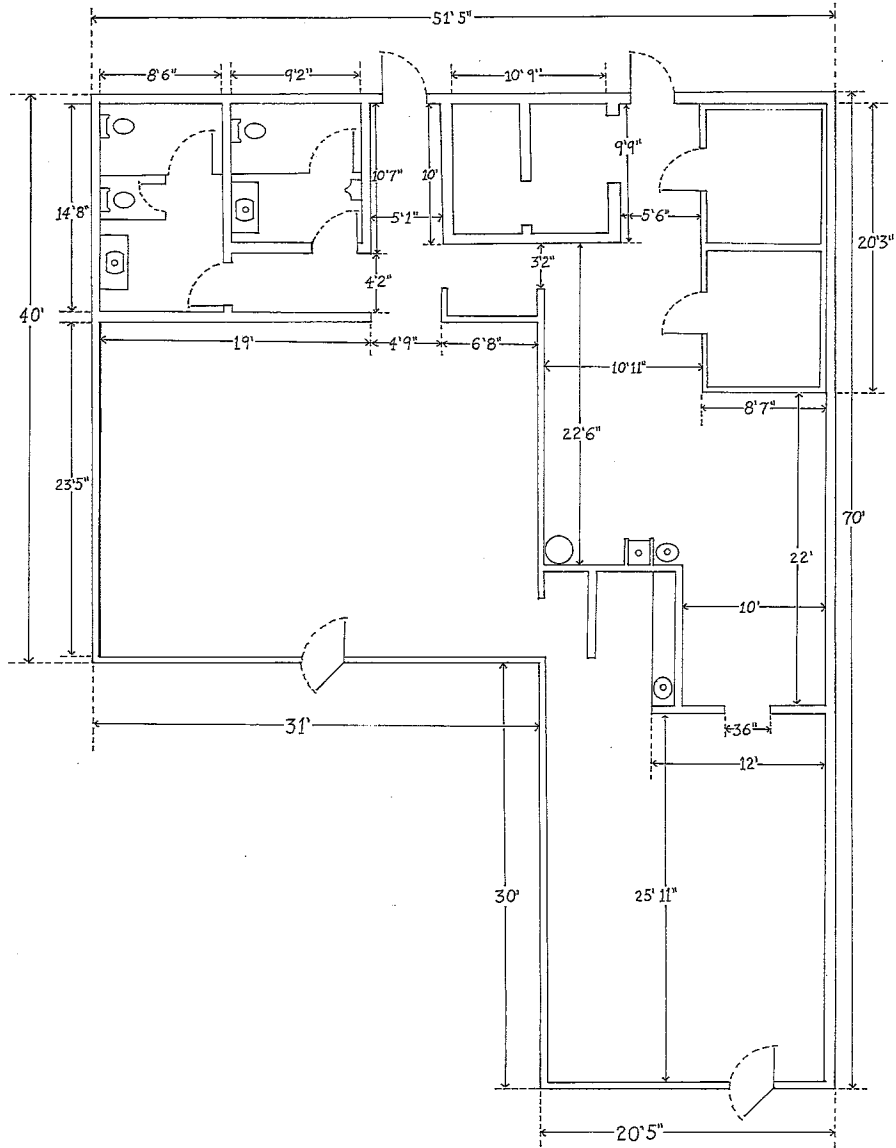
**CHAIRPERSON**

Ditas Yamane

3/21/2022



Exhibit A  
 Case File No. 2021-24 CUP  
 Date: 1/8/2021



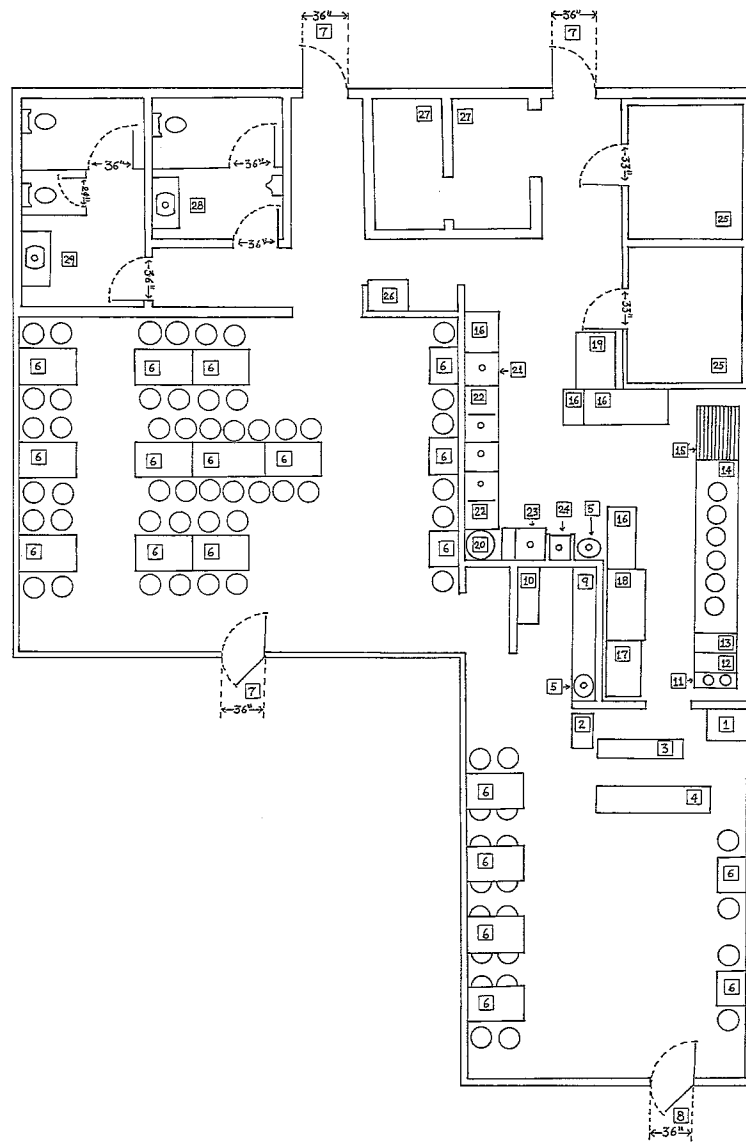
Teniyaki Sun Floor Plans  
 4 N Euclid Ave  
 National City CA 91950  
 Kitchen Area 905.5 sf  
 Customer Area 1694.5 sf  
 Total Area 2600 sf

ATTACHMENT 4

REVISIONS	BY

Date	11-01-21
Scale	1/4" = 1 ft.
Drawn	G.O.
Job	Teniyaki Sun
Sheet	1
of	2 sheets

Teriyaki Sun Floor Plans  
 National City Plaza  
 4 N. Euclid Ave.  
 National City, CA 91950



- 1- Beer and Wine Refrigerator
- 2- Soda Machine
- 3- Order Receiver Counter
- 4- Front Counter and Cash Register
- 5- Hand Sink
- 6- Customer Tables and Chairs
- 7- 84" Emergency Exit Door
- 8- 80" Main Entrance Door
- 9- Counter with Customer Hand Sink
- 10- Soda Rack
- 11- Two Burner Stove
- 12- Working Table
- 13- Fryer
- 14- Large Six Burner Stove
- 15- Grill
- 16- Preparation Table
- 17- Refrigerator
- 18- Salad Bar
- 19- Sushi Salad Bar
- 20- Water Heater
- 21- Vegetables Washer Sink
- 22- Three Compartment Sink
- 23- Meat Washer Sink
- 24- Mop Sink
- 25- Walk in Freezer
- 26- Ice Machine
- 27- Storage
- 28- Men's Bathroom
- 29- Women Bathroom

REVISIONS	BY

Draw 11-01-21  
 Scale 1/4" = 1 ft.  
 Drawn G.O.  
 Job Teriyaki Sun  
 Sheet 2  
 of 2 Sheets



**Public Hearing**  
Conditional Use Permit  
for beer and wine sales at  
Teriyaki Sun restaurant  
located at 4 N. Euclid Ave. Ste. A

**Overhead**



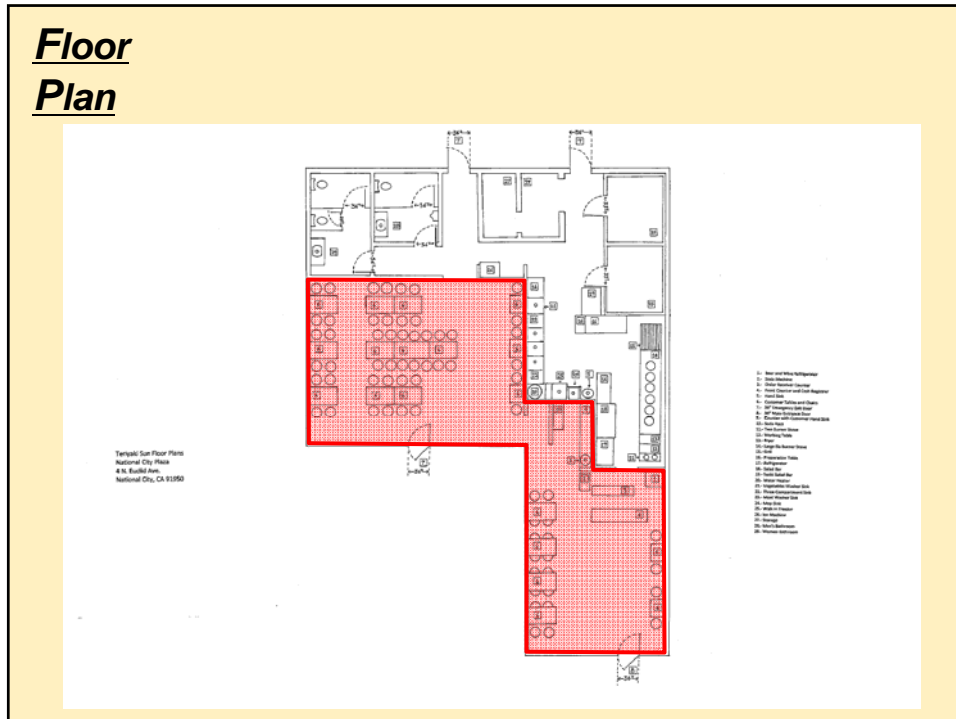
**Site Characteristics:**

- Shopping center at northwest corner of Division St. and N. Euclid Ave.
  - 6 acres in size
  - MXD-1 zone
- Existing family-run Japanese restaurant (Teriyaki Sun)
  - 2,600 ft<sup>2</sup> in size
  - 1,695 ft<sup>2</sup> seating area
  - No outdoor dining
  - Six-foot high masonry wall separates shopping center from adjacent properties

**Proposal:**

- Applicant requesting beer and wine sales
  - Incidental to restaurant use
- Hours of operation are 10:00 a.m. to 9:00 p.m. Sunday through Thursday and 10:00 a.m. to 9:30 p.m. Friday and Saturday
- Alcohol sales hours proposed to be the same
- No live entertainment is proposed
- 68 seats all located indoors

## Floor Plan



### Analysis:

- Request consistent with Code requirements (alcohol):
  - Mailing – 660 feet owners/occupants (437)
  - Community Meeting (2/16)
  - Distance from schools (n/a)
- Census Tract 119.02
  - E. 8<sup>th</sup> St. north to City boundary; Highland Ave. to Palm Ave.
- Tract not considered over-concentrated
  - No on-sale licenses where 8 recommended

**Analysis (cont.):**

- PD comments:
  - Risk Assessment
  - 10 points (low risk)
  
- IPS comments
  - No comments
  - RBSS training

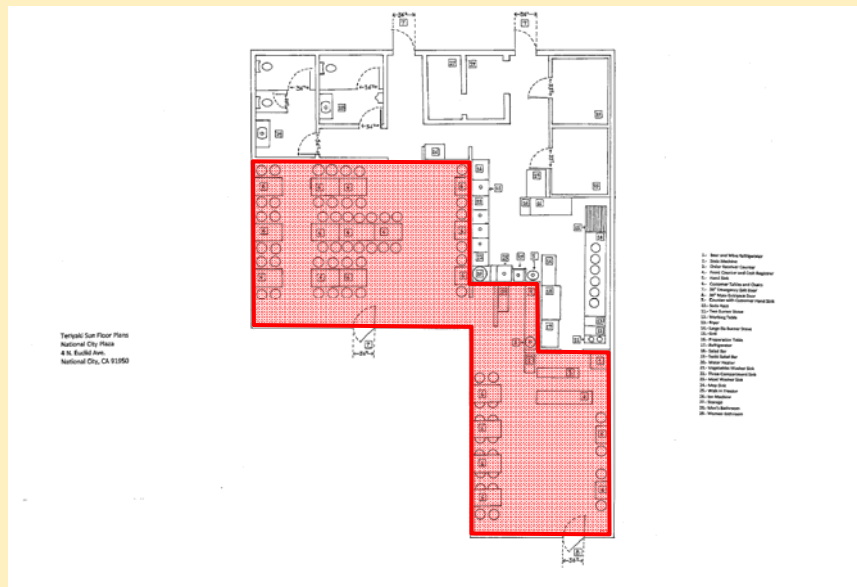
**Conditions/Summary:**

- Conditions of Approval
  - Standard conditions specific to on-site alcohol sales (per Council Policy 707)
    - Hours of operation, employee training, accessory sales
- Proposed use consistent with General Plan
  - Alcohol sales conditionally-allowed use in MXC-2 zone
  - Alcohol sales would be accessory to restaurant use in established commercial area
  - Addition of beer and wine sales not expected to increase demand for parking, other services on the property
  - Census tract not considered to be over-concentrated
  - Beer and wine will only be available with the sale of food

**Options:**

- Approve CUP based on attached findings / findings determined by the Commission; or
- Deny CUP based on findings determined by the Commission; or
- Continue the item for additional information
- Staff recommending approval
- Notice of Decision to City Council

**Floor Plan**



The following page(s) contain the backup material for Agenda Item: [Notice of Decision – Planning Commission approval of a Conditional Use Permit for distilled spirits sales \(Type 21\) at a proposed retail outlet \(Tahona Mercado\) to be located at 802 ‘B’ Avenue. \(Applicant: Amar Harrag\) \(Case File 2021-27 CUP\) \(Planning\)](#)  
Please scroll down to view the backup material.



**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** | April 5, 2022 |

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Notice of Decision – Planning Commission approval of a Conditional Use Permit for distilled spirits sales (Type 21) at a proposed retail outlet (Tahona Mercado) to be located at 802 ‘B’ Avenue. (Applicant: Amar Harrag) (Case File 2021-27 CUP)

**PREPARED BY:** Martin Reeder, AICP *MR*

**DEPARTMENT:** Community Development

**PHONE:** | 619-336-4313 |

**APPROVED BY:** \_\_\_\_\_  
Director of Community Development

**EXPLANATION:**

The project location is a vacant commercial suite in the new Parco development, a mixed-use residential and commercial building occupying the half block between East 8<sup>th</sup> and 9<sup>th</sup> Streets and between ‘B’ Avenue and the alley to the west. The suite is 600 square-feet in size and located along ‘B’ Avenue. The applicant wishes to operate a high-end craft liquor store in a new commercial suite in the Parco development in downtown National City. The store will sell high-quality liquor, mostly sourced from small producers and artisanal companies from remote areas of Mexico. Most of the products will be exclusive batches and unique to the applicant’s brand. The business would employ three people.

The Planning Commission conducted a public hearing on March 7, 2022. Commissioners asked questions regarding the site and the proposal. The Commission voted to recommend approval of the request based on the attached findings and recommended Conditions of Approval.

The attached Planning Commission staff report describes the proposal in detail.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**  
**APPROVED:** \_\_\_\_\_ **MIS**

**ACCOUNT NO.** |

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

**ORDINANCE:** INTRODUCTION:  FINAL ADOPTION:

**STAFF RECOMMENDATION:**

Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

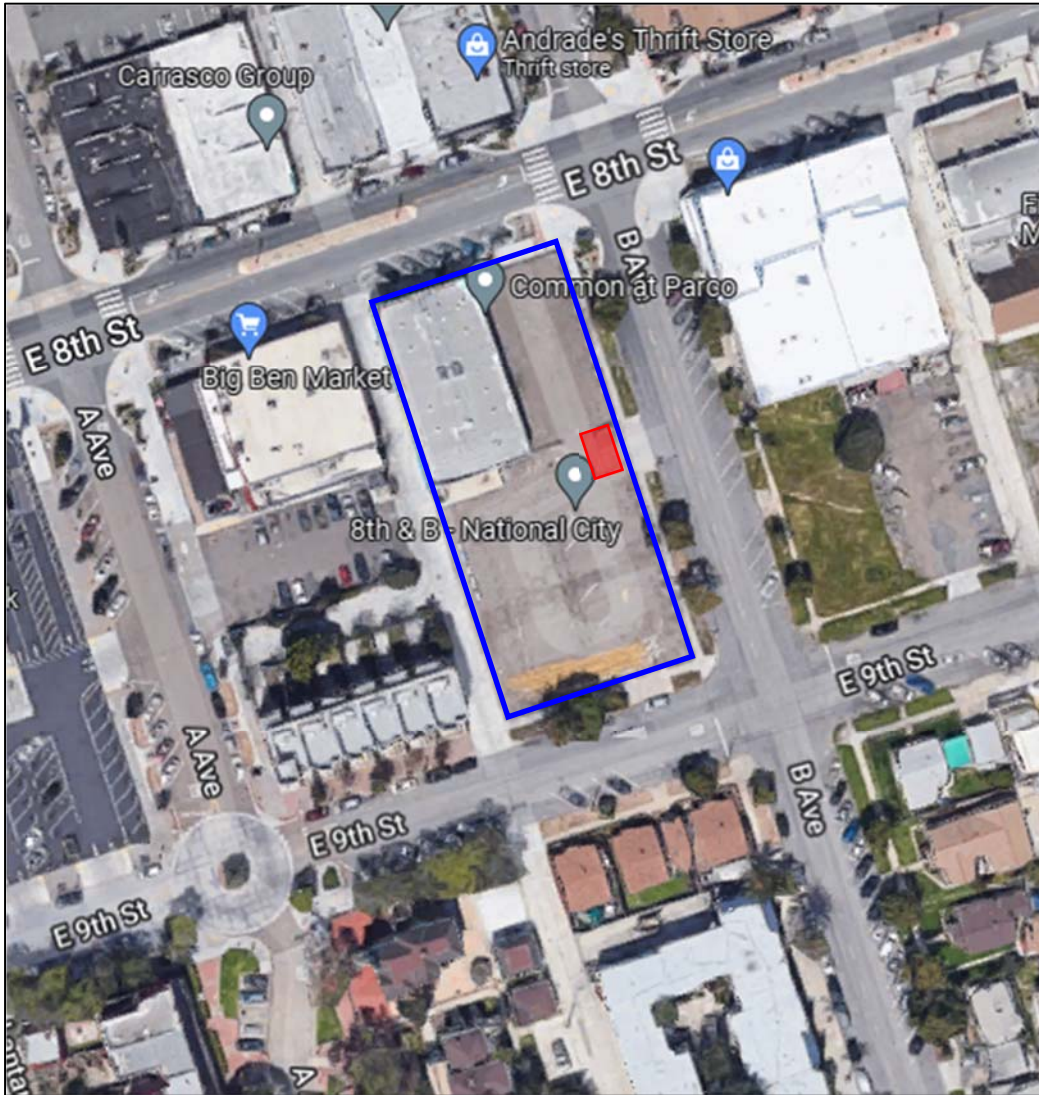
**BOARD / COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of the Conditional Use Permit.  
Ayes: DeLa Paz, Natividad, Roman, Sanchez, Sendt, Valenzuela, Yamane

**ATTACHMENTS:**

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 1. Overhead                         | 4. Plans                             |
| 2. Planning Commission Staff Report | 5. PowerPoint slides from PC meeting |
| 3. Resolution No. 2022-07           |                                      |

2021-27 CUP – Tahona Mercado – Overhead



ATTACHMENT 1



COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

**PLANNING COMMISSION STAFF REPORT**

Title: CONDITIONAL USE PERMIT FOR DISTILLED SPIRITS SALES (TYPE 21) AT A PROPOSED RETAIL OUTLET (TAHONA MERCADO) TO BE LOCATED AT 802 'B' AVENUE.

Case File No.: 2021-27 CUP

Location: Near southwest corner of East 8<sup>th</sup> St. and 'B' Avenue

Assessor's Parcel Nos.: 556-472-26

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Amar Harrag

Zoning designation: Downtown Specific Plan Development Zone 9 (DZ 9)

Adjacent use and zoning:

- North: Commercial across East 8<sup>th</sup> Street / DZ 9
- East: Commercial across 'B' Avenue / DZ 9
- South: Parco (8<sup>th</sup> & B) Mixed-use project / DZ 9
- West: Big Ben Market across alley / DZ 9

Environmental review: Not a project per California Environmental Quality Act (CEQA) as defined in Section 15378

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the request for the sale of distilled spirits, subject to the attached recommended conditions. The sale of alcohol is a conditionally-allowed use in DZ 9 and would contribute to the diversity of commercial offerings in the area.

Executive Summary

The applicant is proposing to operate a craft liquor store (ABC Type 21) in the 600 square-foot retail suite. The business (Tahona Mercado) will focus on small batch and artisanal Mexican liquor. Proposed operation hours are 11:00 am to 9:00 pm Monday through Friday and 10:00 am to 10:00 pm Saturday and Sunday.

Site Characteristics

The project location is a vacant commercial suite in the new Parco development, a mixed-use residential and commercial building occupying the half block between East 8<sup>th</sup> and 9<sup>th</sup> Streets and between 'B' Avenue and the alley to the west. The suite is 600 square-feet in size and located along 'B' Avenue. The area is mostly adjacent to commercial uses, although there are residential uses located to the south across East 9<sup>th</sup> Street.

Proposed Use

The applicant wishes to operate a high-end craft liquor store in a new commercial suite in the Parco development in downtown National City. The store will sell high-quality liquor, mostly sourced from small producers and artisanal companies from remote areas of Mexico. Most of the products will be exclusive batches and unique to the applicant's brand. The business would employ three people.

Analysis

Section 18.30.050 of the Land Use Code allows for off-site alcohol sales with an approved CUP. Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements. The same is required for modification of an existing CUP. There are also specific conditions required as part of City Council Policy 707, which regulates alcohol licenses.

Mailing – All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications. Notice of this public hearing was sent to 684 occupants and owners.

Community Meeting - Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held Friday, November 26, 2021 at 4:30 p.m. at the subject suite. The meeting advertisement and minutes are attached (Attachment 8); three residents were in attendance and indicated their support for the request.

Distance Requirements - Chapter 18.030.050 (D) requires that businesses that sell alcohol as a principal use maintain a 660-foot distance from [Institutionally-zoned] schools. While there is a school within 660 feet (Integrity Charter School), it is not an institutionally-zoned property and thus not subject to the distance requirement. The nearest school in the Institutional zone is Central Elementary School, located over 750 feet away.

This chapter also requires that liquor stores be a minimum of 500 feet from each other. The nearest liquor store (Wilson’s Liquor) is over 2,000 feet away. There is a market (Big Ben Market) next door to the subject business, but is not included in the distance requirement.

Alcohol Sales Concentration/Location

Per the California Department of Alcoholic Beverage Control (ABC), there are currently 8 off-sale licenses in this census tract (117) where a maximum of four are recommended, meaning that the census tract is considered by ABC to be over-saturated with regard to alcohol sales outlets. For reference, the outlets are:

<b>Name</b>	<b>Address</b>	<b>License Type*</b>	<b>CUP</b>
Seafood City	1420 E. Plaza Blvd. Suite C	21	Y
Big Ben Market	108 E. 8 <sup>th</sup> St.	21	Y
Wal Mart	1200 Highland Ave.	20	Y
Smart & Final	1220 E. Plaza Blvd. Suite 510	21	Y
CVS Pharmacy	1201 E. Plaza Blvd.	21	Y
7 Eleven	1539 Highland Ave.	20	Y
Wilson’s Liquor	916 E. 8 <sup>th</sup> St.	21	Y
Bottles & More Liquor	1535 E. 18 <sup>th</sup> St.	21	-

\* Type 20 - Off-Sale of Beer and Wine

\* Type 21 - Off-Sale of Beer, Wine, and Distilled Spirits

Census tract 117 includes the area between National City Boulevard and “N” Avenue, and between East 8<sup>th</sup> Street and East 18<sup>th</sup> Street. The attached census tract map shows the location of the subject tract (Attachment 6).

Many of the issues related to liquor sales are related to availability of smaller quantities and cheaper products, most of which are contained to businesses not subject to CUPs due to legal nonconforming status. However, businesses with CUPs are limited to the size of distilled spirits bottles (e.g. no airplane bottles or pints). Other issues with malt liquor (e.g. 22s, 40s) are also addressed by a CUP, although these products are not part of the proposed sales inventory.

#### Police Department (PD)

PD provided a Risk Assessment report, which assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, Tahona Mercado received a score of 13, which would indicate a medium risk. Medium risk is considered 13 to 18 points.

#### Institute for Public Strategies (IPS)

No comments were received from IPS as of the writing of this report, although they usually recommend at least the need for Responsible Beverage Sales and Service (RBSS) training for all staff. This is a condition of the previous approval and will remain for the current request, if approved.

#### Public Comment

No public comment was received as part of the public hearing notice.

#### Findings for Approval

The Municipal Code contains six required findings for CUPs as follows:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within DZ 9 pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A retail alcohol use is consistent with the Downtown Specific Plan land use designation contained in the Land Use and Community Character element of the General Plan.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

No expansion of the building is proposed. The proposal involves an existing commercial vacant suite, which was previously analyzed for traffic impacts when the building was constructed.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed alcohol sales outlet would be consistent with other commercial businesses in the area accessory to the mixed-use commercial and residential building.

5. Granting the permit would not 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.

The proposed use would be subject to conditions that limit the hours and manner in which alcohol is sold.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

The project is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted by right in DZ 9.

The following two findings are also included with alcohol CUPs:

7. The proposed use is deemed essential and desirable to the public convenience or necessity.

In this case, the sale of distilled spirits sales will contribute to the diversity of local commercial offerings in the area, an allowed use in the DZ 9 zone.

8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

Findings for Denial

There are three findings for denial as follows:

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, because there are two other Type 21-license outlets within a half-mile of the site:

<b>Outlet Name</b>	<b>Address</b>	<b>ABC license type</b>
Big Ben Market	108 E. 8 <sup>th</sup> St.	21
Wilson's Liquor	916 E. 8 <sup>th</sup> St.	21

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 the area has a high crime rate, which may be exacerbated by the addition of distilled spirits.
3. Based on findings 1 and 2 above, public convenience and necessity will not be served by adding distilled spirits sales to the existing alcohol license pursuant to law.

Conditions of Approval

Conditions of Approval include those specific to off-site alcohol sales per Council Policy 707 (alcohol container volume, size, and number; RBSS training, hours, accessory sales, etc.).



Summary

The proposed use is consistent with the General Plan due to alcohol sales for off-site consumption being a conditionally-allowed use in DZ 9. High-end distilled spirits sales would contribute to the diversity of the downtown commercial offerings. However, the area is considered to be a high crime area and there are already two other outlets in close proximity that offer distilled spirits. Conditions requiring compliance with City Council Policy 707 are intended to alleviate concerns related to area impacts should the CUP be approved. The decision of the Planning Commission will be relayed to the City Council for filing or potentially another public hearing if necessary.

Options

1. Approve 2021-27 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2021-27 CUP based on the attached findings or findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2021-27 CUP, dated 12/8/2021)
5. Public Hearing Notice (Sent to 684 property owners & occupants)
6. Census Tract & Police Beat Maps
7. PD Risk Assessment
8. Community Meeting Advertisement and minutes
9. Resolutions

MARTIN REEDER, AICP  
Principal Planner

ARMANDO VERGARA  
Director of Community Development

## **RECOMMENDED FINDINGS FOR APPROVAL**

### 2021-27 CUP – Tahona Mercado

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within DZ 9 pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. Alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A retail alcohol use is consistent with the Downtown Specific Plan land use designation contained in the Land Use and Community Character element of the General Plan.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion of the building is proposed. The proposal involves an existing commercial vacant suite, which was previously analyzed for traffic impacts when the building was constructed.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed alcohol sales outlet would be consistent with other commercial businesses in the area accessory to the mixed-use commercial and residential building.
5. Granting the permit would not 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, the proposed use would be subject to conditions that limit the hours and manner in which alcohol is sold.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted by right in DZ 9.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because the sale of distilled spirits sales will contribute to the diversity of local commercial offerings in the area, an allowed use in the DZ 9 zone.

8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

**RECOMMENDED FINDINGS FOR DENIAL**

2021-27 CUP – Tahona Mercado

1. The proposed use is not deemed essential and desirable to the public convenience and welfare, because there are two other Type 21-license outlets within a half-mile of the 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 the area has a high crime rate, which may be exacerbated by the addition of distilled spirits.
3. Based on findings 1 and 2 above, public convenience and necessity will not be served by adding distilled spirits sales to the existing alcohol license pursuant to law.

## **RECOMMENDED CONDITIONS OF APPROVAL**

### 2021-27 CUP – Tahona Mercado

#### General

1. This Conditional Use Permit authorizes the sale distilled spirits for off-site consumption at a proposed market (Tahona Mercado) to be located at 802 'B' Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2021-27 CUP, dated 2/25/2022.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

#### Planning

6. The sale of alcoholic beverages shall be limited to between the hours of 11:00 am to 9:00 pm Monday through Friday and 10:00 am to 10:00 pm Saturday and Sunday.
7. The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
8. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
9. Wine shall not be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.

10. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.
11. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the Permittee.
12. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
13. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
14. The Permittee shall post signs in compliance with the requirements and specifications of subsection B of section 10.30.070 on each exterior wall of the licensed premises that faces a vehicle parking lot, to read as follows:

**“WARNING**

It is unlawful to drink an alcoholic  
beverage or to possess an open alcoholic  
beverage container in public or in a public parking lot.  
NCMC 10.30.050 and 10.30.060.”

15. Containers of alcoholic beverages may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
16. Every employee of the Permittee, including ownership and management, shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to commencing alcohol sales. As part of the RBSS training, the Permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.
17. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

18. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.



CITY OF NATIONAL CITY - PLANNING DIVISION  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR DISTILLED SPIRITS SALES (TYPE 21)  
AT A PROPOSED RETAIL OUTLET (TAHONA MERCADO)  
TO BE LOCATED AT 802 'B' AVENUE.  
CASE FILE NO.: 2021-27 CUP

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, March 7, 2022**, on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Amar Harrag)

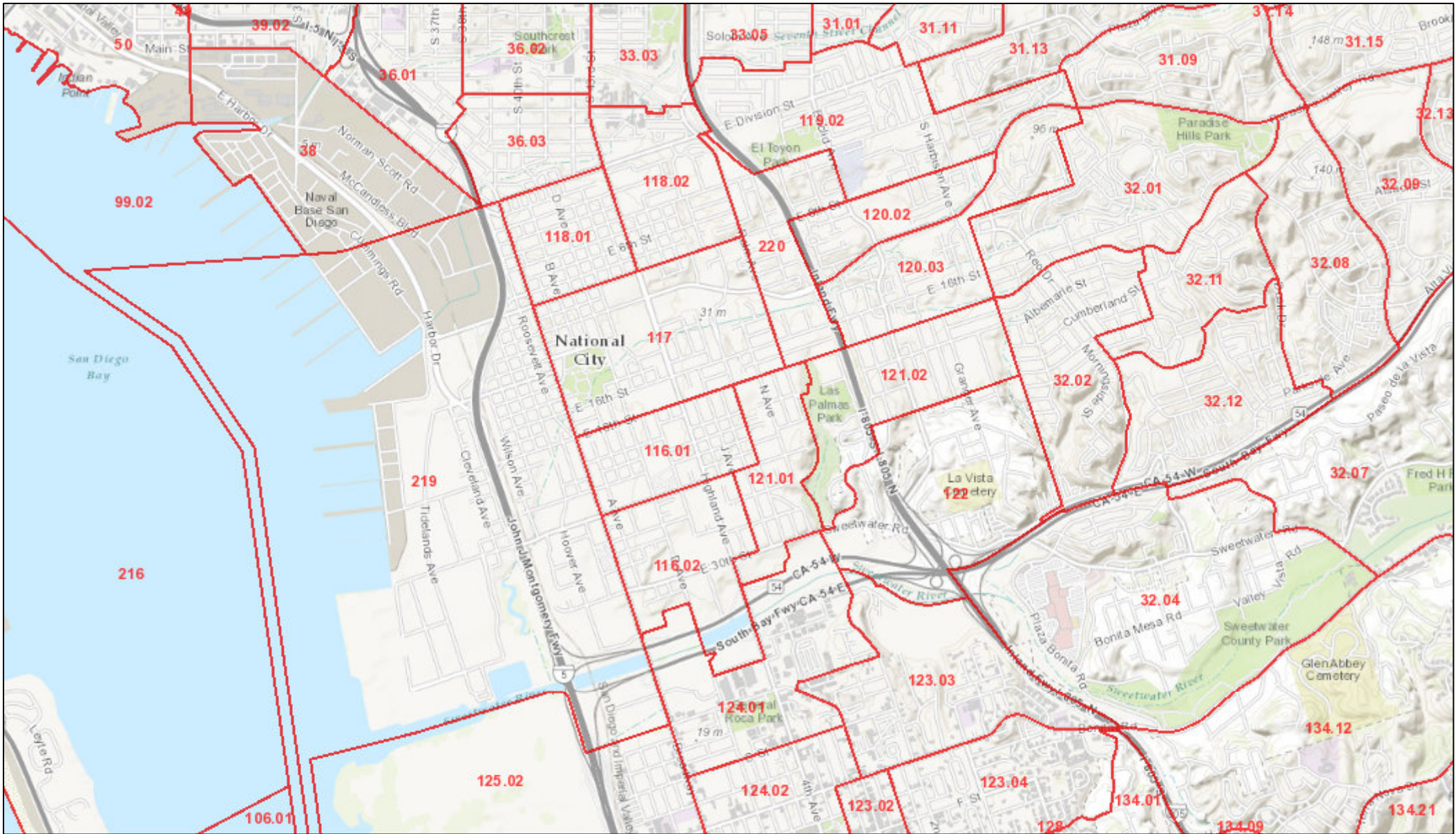
Due to the precautions taken to combat the continued spread of coronavirus (COVID-19), City Council Chambers are closed to the public. Anyone interested in this public hearing may observe it on the City's website at <http://nationalcityca.new.swagit.com/views/33>.

The applicant is requesting a Conditional Use Permit for a high-end craft liquor store that will sell small batch and artisanal Mexican liquor. The 600 square-foot suite is within the new Parco development at East 8<sup>th</sup> Street and 'B' Avenue. Proposed operating hours are 11:00 a.m. to 9:00 p.m. Monday through Friday and 10:00 a.m. to 10:00 p.m. Saturday and Sunday.

Information is available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **March 7, 2022**, by submitting it to [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov). Planning staff can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

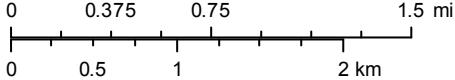
NATIONAL CITY PLANNING DIVISION



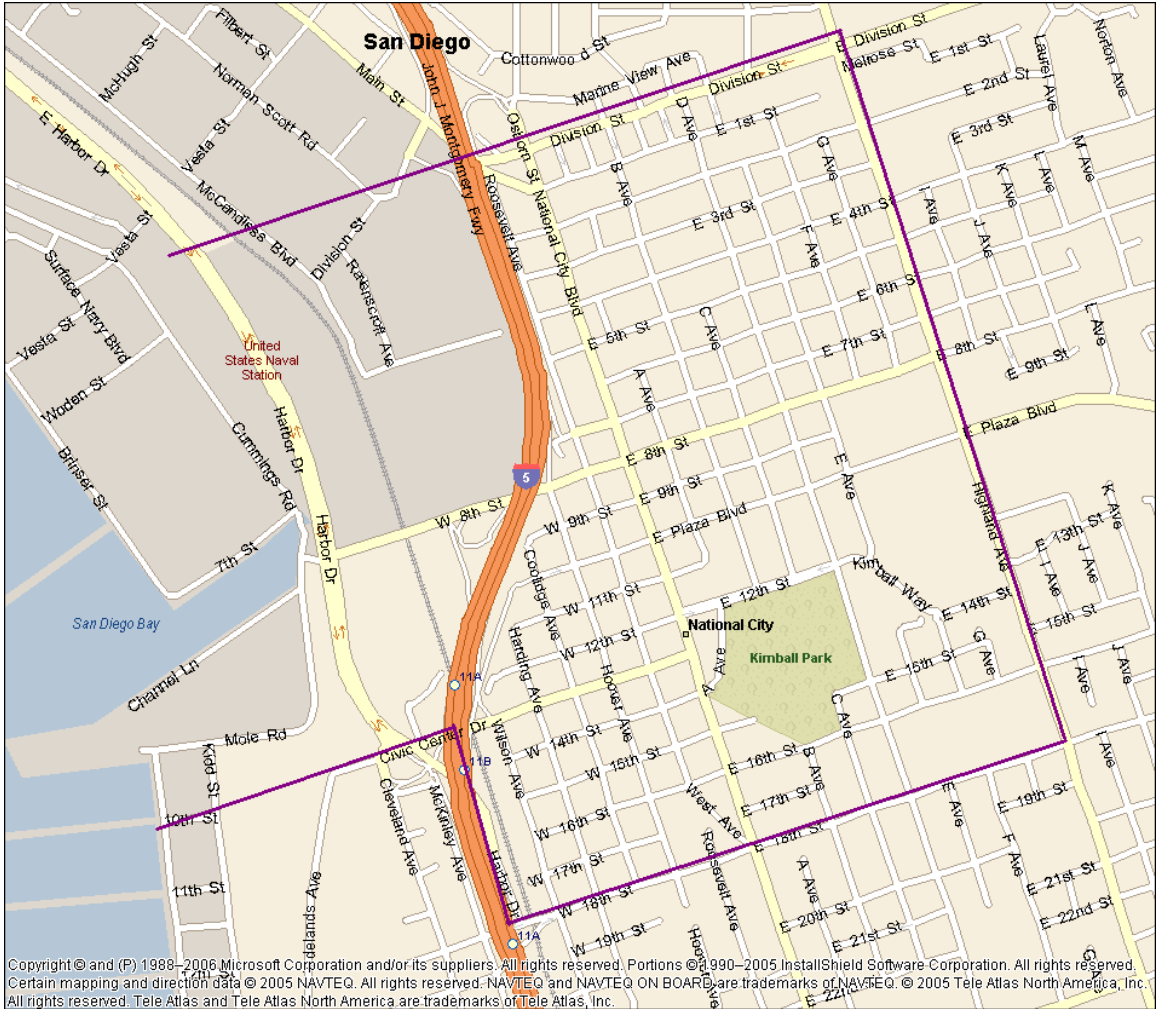
August 25, 2014

CensusTracts 2010

1:45,467



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



## City of National City Beat 20

Source: Microsoft Mappoint  
NCPD CAU, 4/18/07





VI. Calls for Service at Location (for previous 6 months)

- Below (1 pt)
- Average (2 pts)
- Above (3 pts)

VII. Proximity Assessment (1/4 mile radius of location)

- Mostly commercial businesses (1 pt)
- Some businesses, some residential (2 pts)
- Mostly residential (3 pts)

Low Risk ( 12pts or less) Medium Risk (13 – 18pts) High Risk (19 – 24pts)  <b>Total Points</b> _____
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VIII. Owner(s) records check

- No criminal incidents (0 pts)
- Minor criminal incidents (2 pts)
- Multiple/Major criminal incidents (3 pts)

OWNER NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_

OWNER NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

OWNER ADDRESS: \_\_\_\_\_

**Recommendation:**

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Completed by: \_\_\_\_\_ Badge ID: \_\_\_\_\_

You are invited to attend a:  
**COMMUNITY MEETING**  
Date: Monday, November 29, 2021  
Time: 4:30 PM – 5:30 PM  
Address: 802 B Avenue, National City, CA 91950

This meeting is to inform citizens of a use permit application to open a craft liquor store specialized in high end agave spirits located in the side of the new building located in the corner of B Ave & 8<sup>th</sup> St. The proposed hours of operation are Monday – Sunday from 10 am to 9 pm. Our store will only carry limited edition bottles as well as craft products locally produced and also imported from small villages in Oaxaca.

We are looking forward to meeting you and discussing any concerns or questions you may have regarding this proposed store operations. If you can't attend the meeting, or if you have any questions before then, please feel free to contact Amar Harrag, the Applicant's representative, at 619.573.0289 or via email at amarharrag@gmail.com.

*This notice is being sent to you in fulfillment of the City of National City requirements. This outreach effort to our neighbors is necessary because an application for development or use has been filed with the City of National City Planning Department.*

Minutes from Community meeting held on 11/26/2021 at 802 B Avenue, National City, CA 91950:

- Meeting time was held from 4:30 pm to 6:00 pm.
- 3 attendees: Joel J. Tubao, Mr Tubao's father & Chris Meints
- All 3 attendees came in support of the project and shared their excitement for it. They agreed to be listed as references if needed.
- No other attendees or anything else to report.

RESOLUTION NO. 2022-07

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
APPROVING A CONDITIONAL USE PERMIT FOR  
DISTILLED SPIRITS SALES (TYPE 21) AT A  
PROPOSED RETAIL OUTLET (TAHONA MERCADO)  
TO BE LOCATED AT 802 'B' AVENUE.  
CASE FILE NO. 2021-27 CUP  
APN: 556-472-26

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for distilled spirits sales (Type 21) at a proposed retail outlet (Tahona Mercado) to be located at 802 'B' Avenue at a duly advertised public hearing held on March 7, 2022, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2021-27 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on March 7, 2022, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within DZ 9 pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.
2. Alcohol sales are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A retail alcohol use is consistent with the Downtown Specific Plan land use designation contained in the Land Use and Community Character element of the General Plan.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity,

because no expansion of the building is proposed. The proposal involves an existing commercial vacant suite, which was previously analyzed for traffic impacts when the building was constructed.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed alcohol sales outlet would be consistent with other commercial businesses in the area accessory to the mixed-use commercial and residential building.
5. Granting the permit would not 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, the proposed use would be subject to conditions that limit the hours and manner in which alcohol is sold.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is not considered a project under CEQA, as no development is proposed. In addition, the proposed use is similar to other commercial uses in the area, which are permitted by right in DZ 9.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because the sale of distilled spirits sales will contribute to the diversity of local commercial offerings in the area, an allowed use in the DZ 9 zone.
8. Based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the on-site sales of alcoholic beverages pursuant to law.

BE IT FURTHER RESOLVED that the application for a Conditional Use Permit is approved subject to the following conditions:

#### General

1. This Conditional Use Permit authorizes the sale distilled spirits for off-site consumption at a proposed market (Tahona Mercado) to be located at 802 'B' Avenue. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2021-27 CUP, dated 2/25/2022.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the

approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Director of Community Development prior to recordation.

3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

#### Planning

6. The sale of alcoholic beverages shall be limited to between the hours of 11:00 am to 9:00 pm Monday through Friday and 10:00 am to 10:00 pm Saturday and Sunday.
7. The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
8. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
9. Wine shall not be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
10. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.
11. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the Permittee.
12. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
13. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.

14. The Permittee shall post signs in compliance with the requirements and specifications of subsection B of section 10.30.070 on each exterior wall of the licensed premises that faces a vehicle parking lot, to read as follows:

**“WARNING**

It is unlawful to drink an alcoholic beverage or to possess an open alcoholic beverage container in public or in a public parking lot.  
NCMC 10.30.050 and 10.30.060.”

15. Containers of alcoholic beverages may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.

16. Every employee of the Permittee, including ownership and management, shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to commencing alcohol sales. As part of the RBSS training, the Permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

17. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

18. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.



CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 7, 2022, by the following vote:

AYES: Sendt, Yamane, Natividad, Roman, Sanchez, Dela Paz, Valenzuela

NAYS: None.

ABSENT: None.

ABSTAIN: None.

DocuSigned by:

*Ditas Yamane*

206B8BB8493D4BD...

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**CHAIRPERSON**

Ditas Yamane

3/14/2022

Exhibit A  
Case File No.: 2021-27 CUP  
Date: 2/25/2022

ALLEY

8th STREET

9th STREET

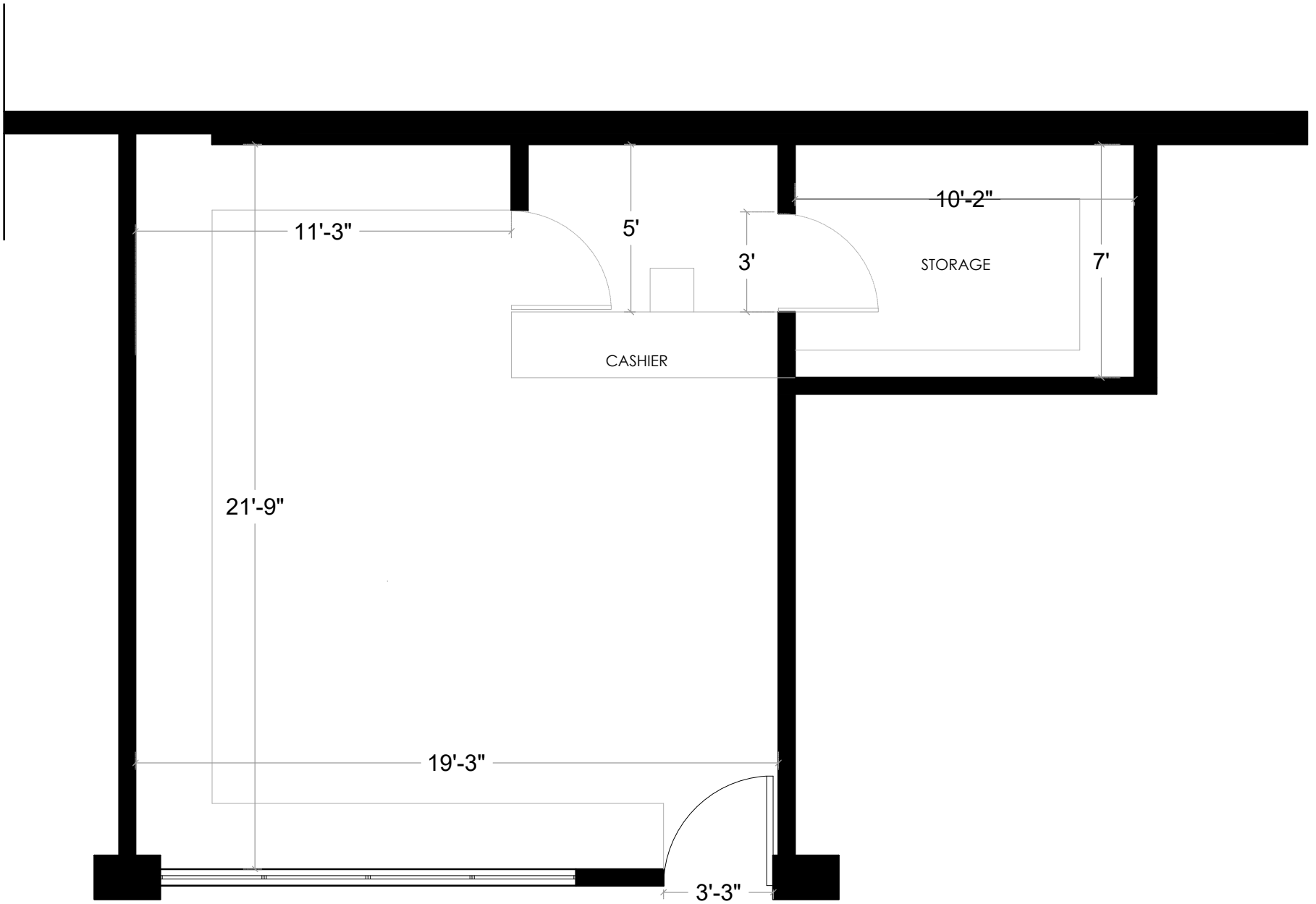


STORE

B STREET

SITE PLAN  
ESC. 1:2000

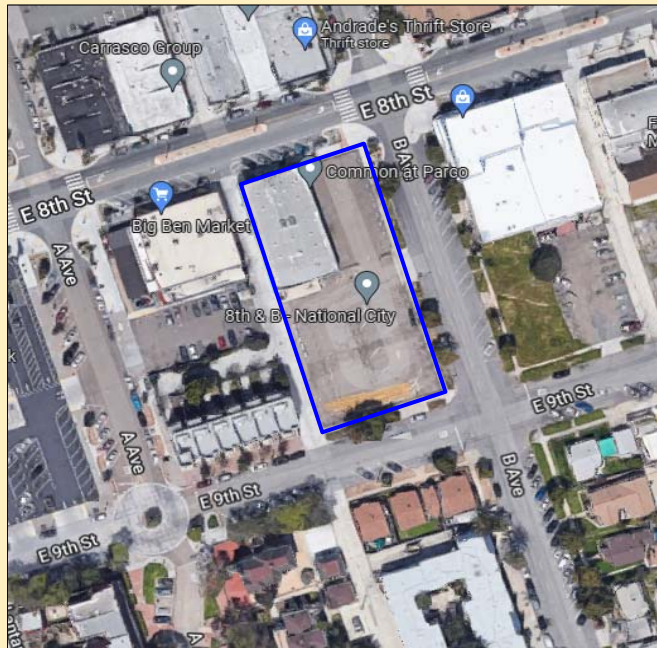
ATTACHMENT 4





**Public Hearing**  
Conditional Use Permit  
for distilled spirits sales at Tahona  
Mercado located at 802 'B' Ave.  
2021-27 CUP

**Overhead**



**ATTACHMENT 5**

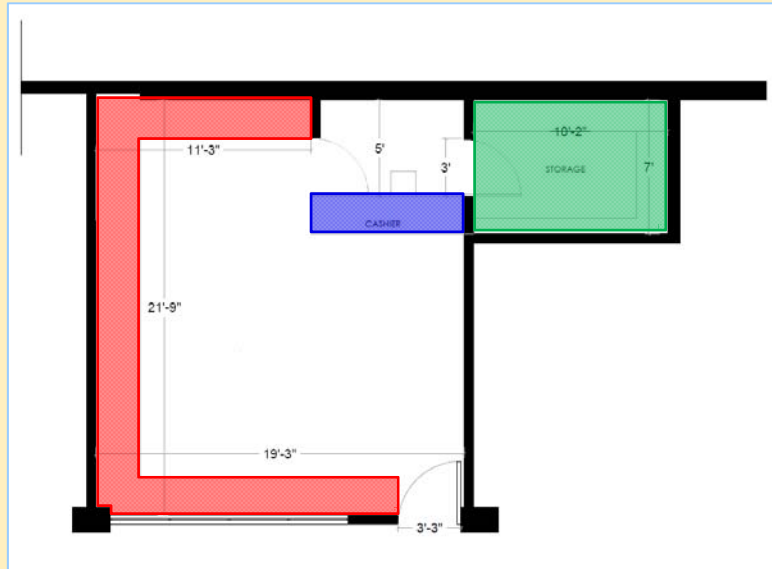
**Site Characteristics:**

- Vacant commercial suite in new Parco development
  - Mixed-use residential / commercial building in Downtown
  - Between E. 8<sup>th</sup> & 9<sup>th</sup> Streets / 'B' Avenue and alley to W
- Approx. 500 ft<sup>2</sup> suite (including +/- 100 ft<sup>2</sup> storage area)
  - Located along 'B' Ave. frontage
- Area mostly adjacent to commercial uses
  - Residential use to W and on E. 9<sup>th</sup> St.

**Proposal:**

- Applicant wishes to operate high-end craft liquor store
- Type 21 ABC license
- High-quality Mexican liquor (small producers and artisanal companies)
- Most products will be of exclusive and unique nature
- 3 employees

## Floor Plan



## Analysis:

- NCMC 18.30.050 allows for off-site alcohol sales with approved CUP
- Additional requirements for alcohol CUPs:
  - Mailing – Owners/occupants within 660 ft. (684)
  - Community Meeting – 11/26/21 at 4:30 p.m. (3 attendees)
  - Distance Requirements – > 660 ft. from I-zoned schools / 500 feet from other liquor stores
    - Central Elementary 750 ft. away
    - Wilson Liquor 2,000 ft. away
- City Council Policy 707

**Analysis (cont.):**

- Alcohol Sales Concentration/Location
- Per ABC, there are 8 off-sale licenses in census tract
  - Maximum of four are recommended
  - Census tract is considered to be over-saturated

Name	Address	License Type*	CUP
Seafood City	1420 E. Plaza Blvd. Suite C	21	Y
Big Ben Market	108 E. 8 <sup>th</sup> St.	21	Y
Wal Mart	1200 Highland Ave.	20	Y
Smart & Final	1220 E. Plaza Blvd. Suite 510	21	Y
CVS Pharmacy	1201 E. Plaza Blvd.	21	Y
7 Eleven	1539 Highland Ave.	20	Y
Wilson's Liquor	916 E. 8 <sup>th</sup> St.	21	Y
Bottles & More Liquor	1535 E. 18 <sup>th</sup> St.	21	-

**Analysis (cont.):**

- Issues related to liquor sales related to smaller quantities / cheaper products
  - Usually contained to non-CUP businesses
- Businesses with CUPs have limitations on size, type
  - No airplane bottles or pints
  - No malt liquor in certain sizes (e.g. 22s, 40s)
    - These products not part of proposed sales inventory

**Comments:****Police Department (PD)**

- Risk Assessment – 13 points
  - Medium Risk – 13 to 18 points
  - Assigns points based on type of business, license concentration, calls for service, etc.

**Institute for Public Strategies (IPS)**

- No comments received as of writing of this report
  - Usual recommendation of RBSS training (condition)

**Public Comment**

- No public comment received as part noticing

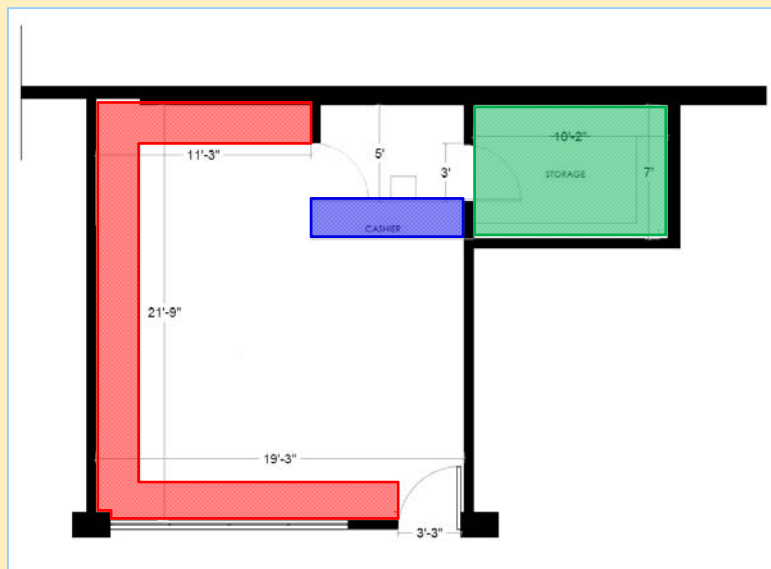
**Conditions/Summary:**

- Conditions of Approval include those specific to off-site alcohol sales per Council Policy 707 (alcohol container volume, size, and number; RBSS training, hours, accessory sales, etc.).
- Proposed use consistent with General Plan
  - Alcohol sales conditionally-allowed use in DZ 9
  - Would contribute to diversity of downtown commercial offerings
  - High crime area, other outlets in close proximity that
- Conditions requiring compliance with City Council Policy 707 intended to alleviate concerns
  - Higher-end product/self-policing



**Options:**

- Approve CUP based on attached findings / findings determined by the Commission; or
- Deny CUP based on attached findings / findings determined by the Commission; or
- Continue the item for additional information
- Staff recommending approval
- Notice of Decision to City Council

**Floor Plan**

The following page(s) contain the backup material for Agenda Item: [Notice of Decision – Planning Commission approval of a Conditional Use Permit for the operation of a veterinary clinic at an existing Petco store located at 3426 Highland Ave, Suite B. \(Applicant: Pierre Cabral\) \(Case File 2021-29 CUP\) \(Planning\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** | April 5, 2022 |

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Notice of Decision – Planning Commission approval of a Conditional Use Permit for the operation of a veterinary clinic at an existing Petco pet store located at 3426 Highland Ave, Suite B. (Applicant: Pierre Cabral) (Case File 2021-29 CUP)

**PREPARED BY:** David Welch DW

**DEPARTMENT:** Community Development

**PHONE:** | 619-336-4224 |

**APPROVED BY:**   
Director of Community Development

**EXPLANATION:**

The applicant is requesting to operate a veterinary clinic at an existing 14,116 square-foot pet store. The clinic will provide a full range of services including medical and surgical care. The proposed operation hours are 8:00 a.m. to 9:00 p.m. seven days a week.

The Planning Commission conducted a public hearing on March 7, 2022. The Commission voted to recommend approval of the request based on the attached findings and recommended Conditions of Approval.

The attached Planning Commission staff report describes the proposal in detail.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.** |

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

This is a project under CEQA subject to a Categorical Exemption. Existing Facilities. CCR 15301. This project qualifies for a Notice of Exemption. CCR 15374.

**ORDINANCE:** INTRODUCTION:  FINAL ADOPTION:

**STAFF RECOMMENDATION:**

Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

**BOARD / COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of the Conditional Use Permit.  
Ayes: Dela Paz, Natividad, Roman, Sanchez, Sendt, Valenzuela, Yamane

**ATTACHMENTS:**

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 1. Overhead                         | 4. Reduced Plans                     |
| 2. Planning Commission Staff Report | 5. PowerPoint slides from PC meeting |
| 3. Resolution No. 2022-08           |                                      |

2021-29 CUP – 3426 Highland Avenue, Suite B – Overhead



ATTACHMENT 1



COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR THE OPERATION OF A VETERINARY CLINIC AT AN EXISTING PETCO PET STORE LOCATED AT 3426 HIGHLAND AVENUE, SUITE B

Case File No.: 2021-29 CUP

Location: 3426 Highland Avenue, Suite B

Assessor’s Parcel Nos.: 562-323-32

Staff report by: David Welch – Associate Planner

Applicant: Pierre Cabral

Zoning designation: MXD-2 (Major Mixed-Use District)

Adjacent use and zoning:

- North: Commercial across State Highway 54 / MXD-2 (Major Mixed-Use District)
- East: U-Haul and building material supply across Highland Ave. / City of Chula Vista
- South: Retail and light industrial / City of Chula Vista
- West: Wal-Mart and other retail / City of Chula Vista

Environmental review: Categorical Exemption Class 1, Section 15301 Existing Facilities

Staff recommendation: Approve

Staff Recommendation

Staff recommends approval of the request for the operation of a veterinary clinic, subject to the attached recommended conditions. A veterinary clinic is a conditionally-allowed use in the Major Mixed-Use District zone and would be accessory to the existing retail pet store (Petco).

Executive Summary

The applicant has applied for a Conditional Use Permit (CUP) to operate a veterinary clinic in an existing pet store. In addition to the CUP, the use must operate in conformance Section 18.30.205 of the Land Use Code (LUC), which requires both distance requirements to other uses and certain operational requirements. Conditions are proposed to ensure that the proposed use operates in accordance with the LUC and during normal business hours for the pet store.

Site Characteristics

The project site is Petco, a 14,116 square foot retail pet store within the South Bay Marketplace shopping center. The shopping center is located on the south side of National City, south of State Highway 54 on a 14-acre site in the Major Mixed-Use District (MXD-2) zone. The site is bordered by the City of Chula Vista to the east, south, and west. No residences or residential zones are in the vicinity of the site. The nearest restaurant is located approximately 300 feet from the pet store.

Proposed Use

The applicant is proposing to operate a veterinary clinic in the existing Petco store. The clinic will provide a full range of services including medical and surgical care. Services will primarily be for dogs and cats. Interior work is proposed to create a new waiting room, exam rooms, treatment room, surgery room, and an indoor kennel room. The area of the improvement includes 1,553 square feet of the 13,116 square-foot pet store. Proposed operating hours are during normal Petco business hours, which range from 8:00 a.m. to 9:00 p.m. daily.

Analysis

Section 18.30.250 of the LUC allows for veterinary clinics with an approved CUP. Additional requirements for veterinary clinics include distance requirements, demonstrating that adequate measures and controls have been taken to prevent offensive noise and order, no incineration of refuse or animal carcasses on the premises, and that the clinic is not to operate as a kennel. Conditions will ensure the proposed use meets the requirements of the code.

Mailing – All property owners and occupants within a distance of 300 feet are required to be notified of a public hearing for a CUP. Notice of this public hearing was sent to 36 occupants and owners.

Distance Requirements - Section 18.030.250(B) of the LUC requires a 100-foot distance from any residential zone, restaurant, hotel, or motel; there are no zones within 100 feet of the site. No hotels or motels exist within the vicinity. The nearest restaurant is McDonald's, which is approximately 300 feet from the Petco store where the veterinary clinic will be location. Both the existing and proposed uses sit on separate parcels within the shopping center, which are more than 100 feet apart.

Public Comment

No public comment was received as part of the public hearing notice.

Findings for Approval

The Municipal Code contains six required findings for CUPs as follows:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the MXD-2 zone pursuant to a CUP and the proposed use meets the required guidelines in the Land Use Code for a veterinary clinic, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

A veterinary clinic is permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A pet store with accessory veterinary clinic is

consistent with the MXD-2 land use designation contained in the Land Use and Community Character element of the General Plan.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

Only interior improvement of the building are proposed. The proposal involves an existing pet store, which is part of larger, existing shopping center. Operations are only proposed to take place within the normal business hours of the pet store.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed veterinary clinic would be accessory to the primary use of a pet store. No expansion of the building is proposed.

5. Granting the permit would not 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.

The proposed use would not be injurious or detrimental to the public, as it is located in a commercial zone and surrounded by uses that primarily operate during the day. All operations will be conducted indoors and conditions will be in place to prevent offensive noise and odors.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Staff has determined that the proposed use is categorically exempt from a CEQA environmental review as defined in Categorical Exemption Class 1, Section 15301 Existing Facilities.

#### Department Comments

The application was routed to the Fire Department. No comments were received.



Conditions of Approval

Conditions have been added to mitigate any potential issues including: limiting hours of operation, limiting the types of animals receiving treatment and services, requiring all activities to take place within the building, limitations on both odor and noise consistent with the National City Municipal code, limitations on the handling of animal refuse or carcasses, and limitations on kenneling and boarding of animals.

Summary

The proposed use is consistent with the General Plan due to veterinary clinics being conditionally-allowed uses in the MXD-2 zone. The veterinary clinic use would continue to be accessory to the existing pet store use in an established commercial area. The inclusion of conditions related to odor and noise standards is intended to alleviate concerns related to area impacts.

Options

1. Approve 2021-29 CUP subject to the conditions listed within, based on the attached findings, or findings to be determined by the Planning Commission; or
2. Deny 2021-29 CUP based on the findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date in order to obtain additional information.

Attachments

1. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2021-29 CUP, dated 12/13/2021)
5. Public Hearing Notice (Sent to 36 property owners & occupants)
6. Resolution

*David Welch*

DAVID WELCH  
Associate Planner

ARMANDO VERGARA  
Director of Community Development

## **RECOMMENDED FINDINGS FOR APPROVAL**

2021-29 CUP – 3426 Highland Avenue, Suite B

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the LUC because a veterinary clinic is permitted in the MXD-2 zone, subject to a CUP, and the clinic complies with all provisions of the LUC as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because a veterinary clinic is permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A pet store with accessory veterinary clinic is consistent with the MXD-2 land use designation contained in the Land Use and Community Character element of the General Plan.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity because the proposed veterinary clinic is located in a commercial zone that allows for such a use. Only interior improvement of the building are proposed. The proposal involves an existing pet store, which is part of larger, existing shopping center. Operations are only proposed to take place within the normal business hours of the pet store.
4. The site is physically suitable for the type, density, and intensity in use being proposed, including access, utilities, and the absence of physical constraints because the proposed veterinary clinic would be accessory to the primary use of a pet store. No expansion of the building is proposed.
5. Granting the permit would not constitute a nuisance, 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 the proposed use would not be injurious or detrimental to the public, as it is located in a commercial zone and surrounded by uses that primarily operate during the day. All operations will be conducted indoors and conditions will be in place to prevent offensive noise and odors.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) because staff has determined that the proposed use is categorically exempt from a CEQA environmental review as defined in Categorical Exemption Class 1, Section 15301 Existing Facilities.

## RECOMMENDED CONDITIONS OF APPROVAL

2021-29 CUP – 3426 Highland Avenue, Suite B

### General

1. This *Conditional Use Permit* authorizes a veterinary clinic at 3426 Highland Avenue, Suite B. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2021-29 CUP, dated 12/13/2021).
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form **within 30 days** of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assignee prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Division.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

### Planning

5. The veterinary clinic operations shall be conducted in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City of National City.
6. The veterinary clinic shall be permitted only between the hours of 8:00 a.m. and 9:00 p.m. daily.
7. Veterinary treatment and services shall be limited to small domesticated animals or household pets commonly maintained in a residence.

8. All operations and activities related to the veterinary clinic must be conducted within the building.
9. Doors to the suite must be closed at all times to mitigate any potential odor or noise impacts.
10. All activities shall abide by the limitations contained in Section 18.40.030.J (Odor) of the Land Use Code and Title 7.08 (Environmental Conditions) of the National City Municipal Code.
11. All activities shall abide by the limitations contained in Table III of Title 12 (Noise) of the National City Municipal Code.
12. No incineration of refuse or animal carcasses is permitted on the premises.
13. No drop off of animal carcasses is permitted on the premises.
14. Animals may only be kenneled if undergoing treatment or procedures at the veterinary clinic. No pet day care is permitted with this use.
15. No overnight boarding of animals is permitted with this use.
16. A business license shall be obtained before the business can operate and maintained for the duration of the operation of the use.
17. Any future intensification of this use will require an amendment to the approved Conditional Use permit.
18. Any necessary building permits for construction or demolition work in the suite shall be obtained from the Building Division prior to the work.



CITY OF NATIONAL CITY - PLANNING DIVISION  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR THE OPERATION OF A  
VETERINARY CLINIC AT AN EXISTING PETCO PET STORE  
LOCATED AT 3426 HIGHLAND AVENUE, SUITE B  
CASE FILE NO.: 2021-29 CUP  
APN: 562-323-32

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, March 7, 2022**, on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Pierre Cabral)

Due to the precautions taken to combat the continued spread of coronavirus (COVID-19), City Council Chambers are closed to the public. Anyone interested in this public hearing may observe it on the City's website at <http://nationalcityca.new.swagit.com/views/33>.

The applicant is proposing to operate a new veterinary clinic within an existing 14,116 square-foot Petco store. The clinic will be comprised of a 1,553 square-foot remodeled space. Services will include both medical and surgical care, primarily for dogs and cats, provided by a state-licensed veterinarian. Veterinary care services will only be available during normal Petco business hours, which are from 8:00 am to 9:00 pm daily.

Plans are available for review at the City's Planning Division, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **March 7, 2022** by submitting it to [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov). Planning staff who can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DIVISION

RESOLUTION NO. 2022-08

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF NATIONAL CITY, CALIFORNIA  
APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A  
VETERINARY CLINIC AT AN EXISTING PETCO PET STORE LOCATED AT  
3426 HIGHLAND AVENUE, SUITE B  
CASE FILE NO. 2021-29 CUP  
APN: 562-323-32

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for a veterinary clinic for the property located at 3426 Highland Avenue, Suite B at a duly advertised public hearing held on March 7, 2022, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2021-29 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on March 7, 2022, support the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the LUC because a veterinary clinic is permitted in the MXD-2 zone, subject to a CUP, and the clinic complies with all provisions of the LUC as discussed in the staff report.
2. The proposed use is consistent with the General Plan and any applicable specific plan because a veterinary clinic is permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. A pet store with accessory veterinary clinic is consistent with the MXD-2 land use designation contained in the Land Use and Community Character element of the General Plan.

ATTACHMENT 6

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity because the proposed veterinary clinic is located in a commercial zone that allows for such a use. Only interior improvement of the building are proposed. The proposal involves an existing pet store, which is part of larger, existing shopping center. Operations are only proposed to take place within the normal business hours of the pet store.
4. The site is physically suitable for the type, density, and intensity in use being proposed, including access, utilities, and the absence of physical constraints because the proposed veterinary clinic would be accessory to the primary use of a pet store. No expansion of the building is proposed.
5. Granting the permit would not constitute a nuisance, 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 the proposed use would not be injurious or detrimental to the public, as it is located in a commercial zone and surrounded by uses that primarily operate during the day. All operations will be conducted indoors and conditions will be in place to prevent offensive noise and odors.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) because staff has determined that the proposed use is categorically exempt from a CEQA environmental review as defined in Categorical Exemption Class 1, Section 15301 Existing Facilities.

BE IT FURTHER RESOLVED that the application for a Conditional Use Permit is approved subject to the following conditions:

General

1. This *Conditional Use Permit* authorizes a veterinary clinic at 3426 Highland Avenue, Suite B. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2021-29 CUP, dated 12/13/2021).
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form **within 30 days** of its receipt shall automatically terminate the



*Conditional Use Permit.* The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assignee prior to recordation.

3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Division.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

#### Planning

5. The veterinary clinic operations shall be conducted in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City of National City.
6. The veterinary clinic shall be permitted only between the hours of 8:00 a.m. and 9:00 p.m. daily.
7. Veterinary treatment and services shall be limited to small domesticated animals or household pets commonly maintained in a residence.
8. All operations and activities related to the veterinary clinic must be conducted within the building.
9. Doors to the suite must be closed at all times to mitigate any potential odor or noise impacts.
10. All activities shall abide by the limitations contained in Section 18.40.030.J (Odor) of the Land Use Code and Title 7.08 (Environmental Conditions) of the National City Municipal Code.
11. All activities shall abide by the limitations contained in Table III of Title 12 (Noise) of the National City Municipal Code.
12. No incineration of refuse or animal carcasses is permitted on the premises.
13. No drop off of animal carcasses is permitted on the premises.

14. Animals may only be kenneled if undergoing treatment or procedures at the veterinary clinic. No pet day care is permitted with this use.
15. No overnight boarding of animals is permitted with this use.
16. A business license shall be obtained before the business can operate and maintained for the duration of the operation of the use.
17. Any future intensification of this use will require an amendment to the approved Conditional Use permit.
18. Any necessary building permits for construction or demolition work in the suite shall be obtained from the Building Division prior to the work.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 7, 2022, by the following vote:

AYES: Sendt, Yamane, Natividad, Roman, Sanchez, Dela Paz, Valenzuela

NAYS: None.

ABSENT: None.

ABSTAIN: None.

DocuSigned by:

*Ditas Yamane*

206B8BB8493D4BD...

**CHAIRPERSON**

Ditas Yamane

3/14/2022



CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND CORRELATE DIMENSIONS PRIOR TO CONSTRUCTION. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS SHOWN HEREON. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DISCREPANCIES OR OMISSIONS. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN ON THESE DRAWINGS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY DIMENSIONS OR CONDITIONS SHOWN ON THESE DRAWINGS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN ON THESE DRAWINGS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY DIMENSIONS OR CONDITIONS SHOWN ON THESE DRAWINGS.

**GENERAL NOTES:**

- A. INTERIOR PARTITION DIMENSIONS ARE TO FACE OF FINISH. TYPICAL. SOME SPECIAL PARTITIONS ARE DIMENSIONED TO CENTER.
- B. VERIFY MEASUREMENTS WITH CORRESPONDING CONSTRUCTION OR EXISTING CONDITIONS PRIOR TO PROCEEDING WITH THE WORK, AND NOTIFY THE ARCHITECT IMMEDIATELY OF SIGNIFICANT DISCREPANCIES USING THE "CONTRACTOR REQUEST FOR INFORMATION" FORM (01200) AND SUPPLEMENTARY CONTRACTOR DETAILS AS REQUIRED.
- C. FINISH ELEVATIONS REFERENCED ON ARCHITECTURAL DRAWINGS ARE DATUM ELEVATIONS ABOVE THE FINISH FLOOR ELEVATION. THE CONTRACTOR MUST COORDINATE DATUM-BASED ARCHITECTURAL ELEVATIONS SHOWN WITH SITE-SPECIFIC ELEVATIONS SHOWN ON CIVIL DRAWINGS (IF APPLICABLE).
- D. PROVIDE RODENT BARRIER HARDWARE CLOTH (05500) 48" HGT. NOM., ON FRAMING BEHIND SHEATHING, FOR ALL NEW PERIMETER PARTITIONS THAT ARE ADJACENT TO/ABUTTING SHELL EXTERIOR WALLS OR COMMON WITH SHELL TENANT SEPARATION ASSEMBLIES.
- E. WHERE NEW WALL TILE IS TO BE INSTALLED ON AN EXISTING NON-RATED WALL IN WET AREAS DESIGNATED TO REMAIN, REMOVE EXISTING GYP. BD. SHEATHING AND INSTALL NEW SHEATHING AS NOTED ON FINISHED SCHEDULE.
- F. REFER TO SECTION 09260 TABLE "NONSTRUCTURAL LIMITING HEIGHTS" FOR PARTITION STANDARDS BASED ON DEFLECTION LIMIT L/240, UNIFORM 5 PSF LATERAL LOAD, 25 GA METAL WALL FRAMING IS THE MIN. GAUGE POSSIBLE. HEAVIER GAUGE FRAMING AND DIAG. "KICKERS" MAY BE REQUIRED DEPENDING ON FIELD CONDITIONS AND FRAMING HEIGHTS.
- G. EXPOSED SURFACE MOUNTED ELECTRICAL CONDUITS, PLUMBING, UTILITIES, ETC. ON WALLS SHALL NOT BE PERMITTED IN CUSTOMER AREAS WITHOUT WRITTEN APPROVAL FROM PETCO CM.
- H. ALL PLATFORM AND ROOF LADDERS SHALL COMPLY WITH OSHA REQUIREMENTS INCLUDING BUT NOT LIMITED TO SAFETY CAGES.
- I. WITHIN 14 DAYS OF FIRST DAY OPEN (FDO), THE CONTRACTOR SHALL OBTAIN AN INSPECTION AND A CERTIFICATION FROM A NATIONALLY RECOGNIZED ADA INSPECTION COMPANY AND SUBMIT THE CERTIFICATION TO THE PETCO CONSTRUCTION MANAGER AND THE ARCHITECT OF RECORD.

RECORD. THE CERTIFICATION SHALL STATE THE JOB SITE HAS BEEN INSPECTED AT ALL NEW CONSTRUCTION AREAS AS DEFINED BY THE SCOPE OF WORK OF THE CONTRACT. THE CERTIFICATION SHALL ALSO STATE IF SAID AREAS MEET THE CURRENT ADA STANDARDS HAVING JURISDICTION AND LOCAL AMENDMENTS OR PROVIDE A COMPREHENSIVE LIST OF ALL NON-COMFORMING ELEMENTS SUPPORTED WITH PHOTOS, DRAWINGS AND SKETCHES. REMEDIES FOR ALL NON-COMFORMING ELEMENTS SHALL BE REVIEWED WITH THE PETCO CONSTRUCTION MANAGER AND ARCHITECT OF RECORD TO DETERMINE A COURSE OF CORRECTIVE ACTION. ALL REMEDIES SHALL BE DOCUMENTED BY PHOTOGRAPHS AND ANY ADDITIONAL MEANS AS REQUESTED BY THE INSPECTION COMPANY FOR A FINAL CERTIFICATE TO BE APPROVED AND ISSUED (01700).

**GRAPHIC LEGEND:**

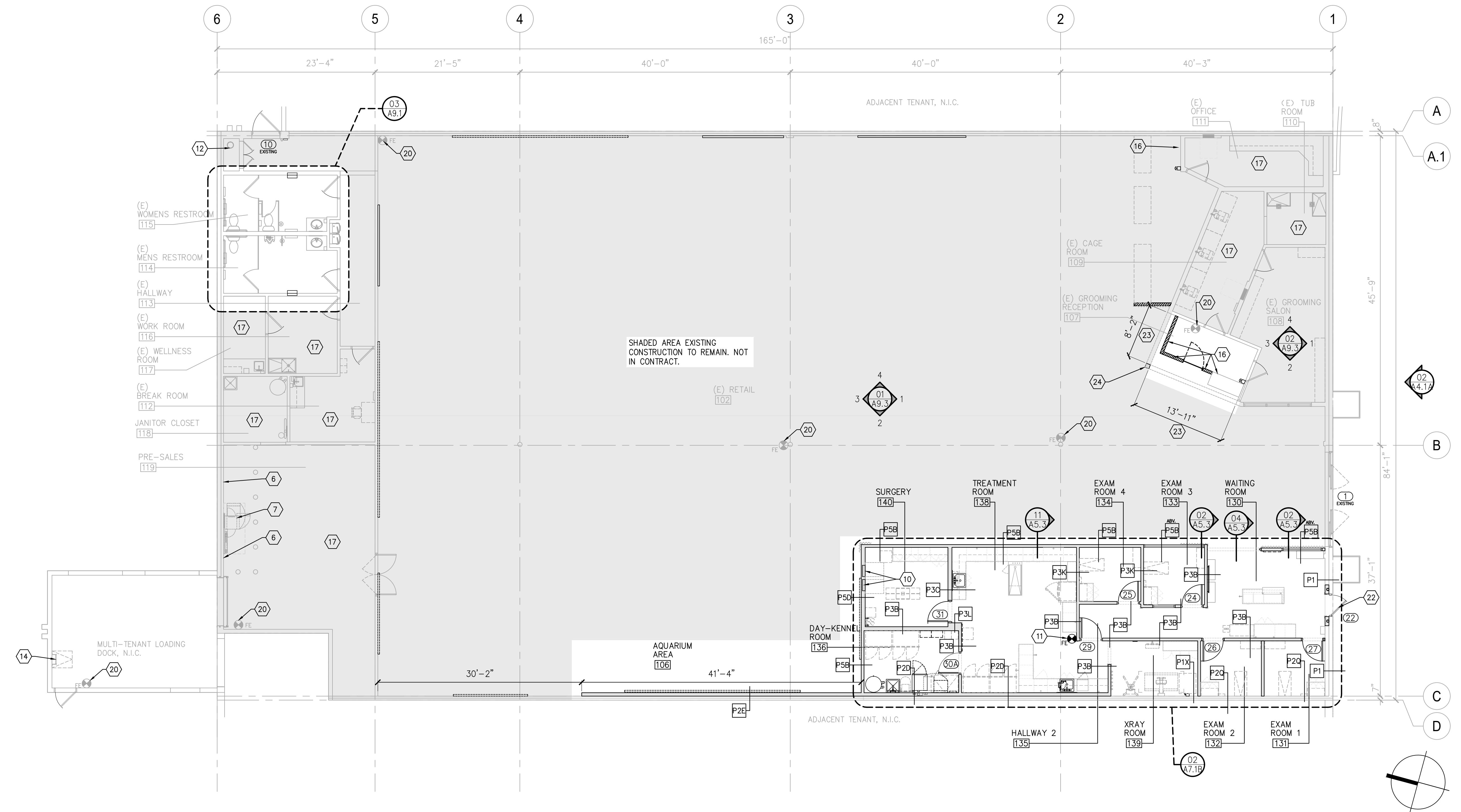
- WALL BUMPER (10300)
- ===== NEW PARTITIONS, REFER TO PARTITION TYPES ON SHEETS A5.4 AND A5.5 AND FINISH SCHEDULE FOR MORE INFORMATION
- ===== EXISTING WALLS
- ===== LOW WALLS
- ① DOOR NUMBER (REF TO A3.1)
- ◻ SHADED AREA EXISTING CONSTRUCTION TO REMAIN, NOT IN CONTRACT.
- FE FIRE EXTINGUISHER

**KEY NOTES (NOT ALL MAY BE APPLICABLE) (##) :**

1. COLUMN COVERS FOR ALL FREESTANDING COLUMNS IN RETAIL AREA, TYP. REF. DET. 12/748.2 N/A
2. EXTERIOR CART CORRAL (10300) COORDINATE FINAL LOCATIONS W/ PETCO CONSTRUCTION MANAGER N/A
3. EXISTING ACCESSIBLE CURB RAMP N/A
4. EXISTING DUMPSTER ENCLOSURE N/A
5. EXISTING PLATFORM FRAMING N/A
6. EXISTING ELECTRICAL GEAR, DASHED LINES INDICATE MINIMAL CLEARANCES REQUIRED N/A
7. EXISTING WALL MOUNTED DATA RACK ABOVE (10300), TO BE LOCATED IN A LANDSCAPE AREA NEAR STORE ENTRY. COORDINATE FINAL LOCATION WITH PETCO CONSTRUCTION MANAGER N/A
8. POLY WALL WITH STEEL TUBE POST REINFORCING. SEE WALL TYPE PLAN AND SECTION N/A
9. ELECTRICAL PANEL WITH 30"x36" MIN. CLEAR FLOOR AREA IN FRONT OF PANEL N/A
10. 3A-40B:C FIRE EXTINGUISHER W/WALL BRACKET MOUNTED AT 40" AFF & SIGN (10300), BOTTOM OF EXTINGUISHER/LEADING EDGE SHALL BE LESS THAN 27" AFF. ALL EXTINGUISHERS SHALL BE PROPERLY TAGGED WITH ACCURATE AND UP-TO-DATE INFORMATION AND SHALL MEET OR EXCEED ANY ADDITIONAL MIN. REQUIREMENTS BY JURISDICTION'S FIRE MARSHAL N/A
11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24.

**MEDICAL GAS NOTE:**

THIS FACILITY SHALL NOT STORE MORE THAN 8 E-CYLINDERS (25 CF EA./200 CF TOTAL) OF MEDICAL OXYGEN TANKS ON-SITE AT ANY TIME FOR VETERINARY PROCEDURES. TANKS HAVE CGA 870 CONNECTION VALVE YOKES AND ARE SECURED IN A RACK SPECIFICALLY DESIGNED FOR E-CYLINDERS IN THE SURGERY ROOM. CENTRALIZED/PLUMBED MEDICAL GAS IS NOT USED. NO OTHER MEDICAL RELATED GAS SUPPLY IS USED.



**Owner**  
**Petco Animal Supplies Stores, Inc.**  
 654 Richland Hills Drive  
 SAN ANTONIO, TX 78245  
 M: 858.877.1285  
 CONTACT: PIERRE CABRAL,  
 CONSTRUCTION MANAGER  
 PIERRE.CABRAL@PETCO.COM

**Architect**  
**MG2 CORPORATION**  
 3333 MICHELSON DR, STE 100  
 IRVINE, CA 92612  
 T: 949.705.0747  
 Contact: MATTHEW MCCLELLAN,  
 PROJECT MANAGER  
 MATTHEW.MCCLELLAN@MG2.COM

**MEP ENGINEER**  
**AYRES ASSOCIATES INC.**  
 26415 CARL BOYER DR  
 SANTA CLARITA, CA 91350  
 T: 661.291.4265  
 Contact: ANDY WILKINSON,  
 PROJECT ENGINEER  
 WILKINSON@AYRESASSOCIATES.COM

| Distribution:            | Date:    |
|--------------------------|----------|
| 1st CD Submission        | 09-16-21 |
| Comprehensive Review Set | 10-07-21 |
| Final Review CD set      | 10-21-21 |
| Bid Set/Permit Set       | 11-04-21 |

Seal & Signature  
 TERRY W. ODLE  
 CA LICENSE C21913

**Project**  
**"NEXUS TIER B - NATIONAL CITY, CA"**  
 3426 HIGHLAND AVE STE B  
 NATIONAL CITY, CA 91950

Petco Job No. 1196  
 Project No. 18-5191-01A  
 Drawn By:  
 Checked By: MM

**ARCHITECTURAL FLOOR PLAN**

Drawing Number

**01 FLOOR PLAN**

SCALE: 1/8" = 1'-0"

REF.:

**A2.1**





**Public Hearing**  
Conditional Use Permit for a  
veterinary clinic to be located at an  
existing Petco at  
3426 Highland Ave., Ste. B

**Overhead:**



**Site Characteristics:**

- Project site is an existing 14,116 square foot Petco within a 14-acre site in the MXD-2 zone.
- Site is bordered by City of Chula Vista to the east, south, and west. State Highway 54 is to the north.
- No residences in the vicinity.

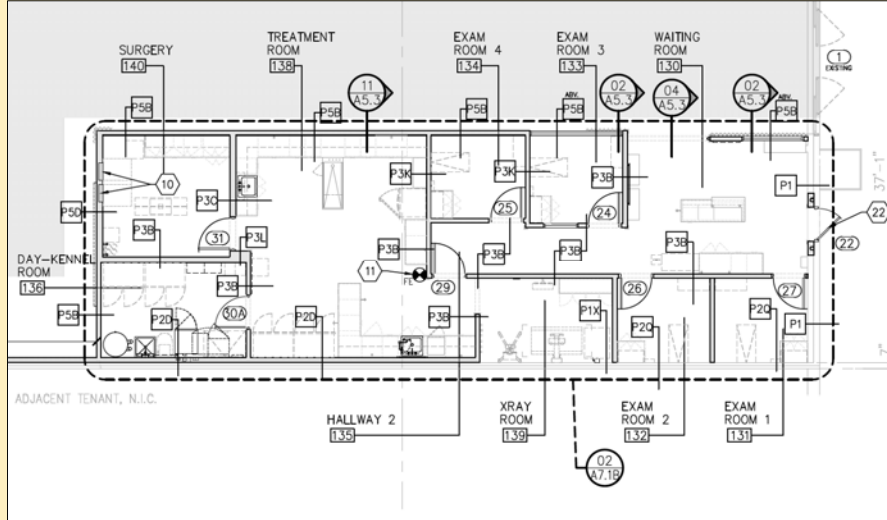
**Proposal:**

- A 1,553 square-foot veterinary clinic is proposed within the existing Petco. A commercial interior tenant improvement is part of the project.
- Proposed hours of operation are 8:00 a.m. to 9:00 p.m. during normal Petco hours.
- Services will be primarily for dogs and cats and include surgeries and other treatments typical of a vet clinic.





**Proposed  
Floor Plan:**



**Site Photos:**



### **Site Photos:**



### **Analysis:**

- Veterinary clinics permitted in the MXD-2 zone with a CUP.
  
- Other requirements include the following:
  - 100-foot distance from any residential zone, restaurant, hotel, or motel. The nearest restaurant is 300 feet away (McDonald's). No other uses in the vicinity.
  - Adequate measures and controls to prevent noise and odor.
  - No incineration or refuse of animal carcasses on the premises.
  - The clinic may not operate as a kennel.
  - Conditions in place to address these requirements.

**General Plan and CEQA:**

- A pet store with accessory veterinary clinic is consistent with the MXD-2 land use designation contained in the Land Use and Community Character element of the General Plan.
  
- Staff has determined that the proposed project is categorically exempt from CEQA under Section 15301 Existing Facilities

**Conditions:**

- Conditions of approval include:
  - Limiting hours of operation
  - Types of animals receiving treatment and services
  - Activities to take place in the building
  - Odor and noise control consistent with NCMC
  - Handling of animal refuse or carcasses
  - Limiting kenneling and boarding



The following page(s) contain the backup material for Agenda Item: [Notice of Decision – Planning Commission approval of a Conditional Use Permit for the modification of an existing wireless communications facility located at 700 National City Blvd. \(Applicant: J5 for Dish\) \(Case File 2021-30 CUP\) \(Planning\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** | April 5, 2022 |

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Notice of Decision – Planning Commission approval of a Conditional Use Permit for the modification of an existing wireless communications facility located at 700 National City Blvd. (Applicant: J5 for Dish) (Case File 2021-30 CUP)

**PREPARED BY:** Martin Reeder, AICP *MR*

**DEPARTMENT:** Community Development

**PHONE:** | 619-336-4313 |

**APPROVED BY:** *[Signature]*  
Director of Community Development

**EXPLANATION:**

The project site is the 12-story Ramada Hotel, which has three existing wireless communications facility on the roof of the building. Dish has applied for a Conditional Use Permit (CUP) to modify the existing approved wireless telecommunications facility and install their own associated equipment. Dish has no equipment on the building currently. Modifications include additional antennas on the north building façade and on the elevator penthouse, including associated operating equipment.

The Planning Commission conducted a public hearing on March 7, 2022. Commissioners asked questions regarding the site and the proposal. The Commission voted to recommend approval of the request based on the attached findings and recommended Conditions of Approval.

The attached Planning Commission staff report describes the proposal in detail.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.** |

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

This is a project under CEQA subject to a Categorical Exemption. New Construction or Conversion of small structures CCR 15303. This project qualifies for a Notice of Exemption. CCR 15374.

**ORDINANCE:** **INTRODUCTION:**  **FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

**BOARD / COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of the Conditional Use Permit.  
Ayes: DeLa Paz, Natividad, Roman, Sanchez, Sendt, Valenzuela, Yamane

**ATTACHMENTS:**

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 1. Overhead                         | 4. Plans                             |
| 2. Planning Commission Staff Report | 5. PowerPoint slides from PC meeting |
| 3. Resolution No. 2022-09           |                                      |

2021-30CUP – 700 National City Blvd. – Overhead



ATTACHMENT 3



COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

**PLANNING COMMISSION STAFF REPORT**

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR THE MODIFICATION OF AN EXISTING WIRELESS COMMUNICATIONS FACILITY LOCATED AT 700 NATIONAL CITY BLVD.

Case File No.: 2021-30 CUP

Location: Northwest corner of National City Blvd. and Plaza Blvd. (Ramada Hotel)

Assessor’s Parcel No.: 555-053-17

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Carie Flores, J5 for Dish

Zoning designation: Downtown Specific Plan Development Zone 7 (DZ 7)

Adjacent land use/zoning:

North: Esqina Vintage Coffee across W. 7<sup>th</sup> St. / DZ 1B

East: Integrity Charter School across National City Blvd. / DZ 5B

South: South County Regional Education Center / DZ 6

West: Arco and Jack in the Box across Roosevelt Ave. / DZ 7

Environmental review: Categorically Exempt pursuant to Class 3 Section 15303 (New Construction or Conversion of small structures)

Staff recommendation: Approve

**ATTACHMENT 1**



### Staff Recommendation

Staff is recommending approval of the Conditional Use Permit (CUP) modification request. The proposal will increase the effectiveness of the facility and will increase the effectiveness of the Dish communications network.

### Executive Summary

Dish has applied for a Conditional Use Permit (CUP) to modify an existing approved wireless telecommunications facility and install associated equipment. Dish has no equipment on the building currently. Modifications include additional antennas and associated equipment.

### Site Characteristics

The project site is the 12-story Ramada Hotel, which has an existing wireless communications facility on the roof of the building. The building has existing panel antennas façade-mounted on the north, south, and east sides of the building, two panel antennas on the north and south facades of the elevator penthouse, and three dish antennas on the roof. The equipment for the facilities area also located on the roof of the building and are screened by a parapet wall. Two CUPs have been approved for the facility, both in 2000 (Metrocom and Skytel). A substantial conformance review was also approved in approximately 2009 for Cricket Wireless.

### Proposal

The applicant is proposing to add three sectors of panel antennas facing north, east, and west. The north sector antennas would be installed within a screen cover on the north end of the building; the east and west sector antennas would be façade-mounted to the elevator penthouse and painted to match the building, the same as the existing Cricket Wireless antennas. The screen cover on the north sector would be textured and painted to match the [red] façade of the building. A CUP is required for expansion of existing facilities that do not meet current wireless facility standards (i.e. screening). The new facility is designed to address an area of weak service in the Dish network.

### Analysis

The proposal is consistent with General Plan policy E-3.3 (Education and Public Participation) that aims to increase access to wireless internet connections, computers, and other forms of communication technology. The proposal is also consistent with the Land Use Code, because wireless communications facilities are a conditionally-allowed use in DZ 7.

The Land Use Code requires that telecommunication facilities be sensitively designed to be compatible with, and minimize visual impacts to, surrounding areas. It also requires that telecommunication facilities and appurtenances be screened by existing or proposed landscaping, to the extent possible, without compromising reception and/or transmission.

The Land Use Code also requires telecommunication facilities to be located at least 75 feet from any habitable structure on a separate property. The proposed facility meets this requirement, as the closest habitable building is located approximately 150 feet away to the southeast (Harbor View Suites).

The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA). Staff has determined that the proposed use is categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of the Exemption will be filed subsequent to approval of this CUP. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and, the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed use would be consistent with this description as a new, small facility on an existing structure developed with similar uses.

#### Conditions of Approval

No department comments were received for the proposal. However, conditions requiring building and fire code compliance are attached, as well as standard Conditions of Approval.

#### Required findings

The Municipal Code contains required findings for CUPs. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code.

The use is allowable within DZ 7 pursuant to a CUP, and the proposed facility meets the required telecommunication facility design guidelines that include providing the minimum distance requirements from habitable space and screening the facility.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

General Plan Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology: the proposed facility modifications provide added internet/cellular data as well as standard cellphone service capability. In addition, the proposed facility is a conditionally-permitted use in DZ 7.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

The facility is existing and is being modified to match the same locational and architectural components of the current facility design. The added screening will bring the facility into compliance with current codes.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The site is suitable for the proposed telecommunication facility because the facility is existing and the modifications meet all development standards and distance requirements.

5. Granting the permit would not 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.

The proposed facility is existing and the modified version will not be highly visible due to the added screening walls around the antennas on the north side, and the antennas on the elevator housing are out of sight and painted to match the building.

6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act.

The proposed project has been reviewed in compliance with the CEQA. Staff has determined the proposed use to be categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this CUP.

The 1996 Telecommunications Act states that, “no State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” It should also be pointed out that if approved by a local jurisdiction, all wireless communications facilities must obtain all required state and federal permits in order to operate. A Condition of Approval is included requiring these permits.

Summary

The proposed project is consistent with the General Plan and Land Use Code in that it meets all applicable design requirements for wireless communication facilities. The project is considered ‘stealth’ in that it would screen the most obvious antennas (north side) from adjacent uses. The antennas mounted on the elevator penthouse would be painted to match the structure and are located adjacent to other antennas installed in the same fashion. The additions to the facility will improve coverage in an area with limited service and provide additional reception for Dish customers.

Options

1. Approve 2021-30 CUP subject to the attached conditions, and based on attached findings or other findings as determined by the Planning Commission; or
2. Deny Approve 2021-30 CUP based on findings as determined by the Planning Commission; or,
3. Continue the item for additional information

Attachments

1. Recommended Findings
2. Recommended Conditions
3. Overhead
4. Existing Wireless Facilities Map & List
5. Public Hearing Notice (Sent to 259 property owners and occupants)
6. Notice of Exemption
7. Photo Survey
8. Applicant's Plans (Exhibit A, Case File No. 2021-30 CUP, dated 11/8/2021)
9. Resolution

MARTIN REEDER, AICP  
Principal Planner

ARMANDO VERGARA  
Director of Community Development

## **RECOMMENDED FINDINGS FOR APPROVAL**

### **2021-30 CUP – 700 National City Blvd.**

1. That the proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code, because the use is allowable within DZ 7 pursuant to a CUP and the proposed facility meets the required telecommunication facility design guidelines that include providing the minimum distance requirements from habitable space and screening the facility.
2. That the proposed use is consistent with the General Plan and any applicable specific plan, because General Plan Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology: the proposed facility modifications provide added internet/cellular data as well as standard cellphone service capability. In addition, the proposed facility is a conditionally-permitted use in DZ 7.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the facility is existing and is being modified to match the same locational and architectural components of the current facility design, plus add screening to bring the facility into compliance with current codes.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the facility is existing and the modifications meet all development standards and distance requirements of the Land Use Code.
5. That granting the permit would not 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 the proposed facility is existing and the modified version will not be highly visible due to the added screening walls around the antennas on the north side, and the antennas on the elevator housing are out of sight and painted to match the building.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act and has been determined to be categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or

ATTACHMENT 1

Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this CUP.

ATTACHMENT 1

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **2021-30 CUP – 700 National City Blvd.**

#### **General**

1. This *Conditional Use Permit* authorizes the modification of an existing wireless communications facility at 700 National City Blvd. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2021-30 CUP, dated 11/8/2021. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assign prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

#### **Building**

5. Plans submitted for demolition or construction improvements shall comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

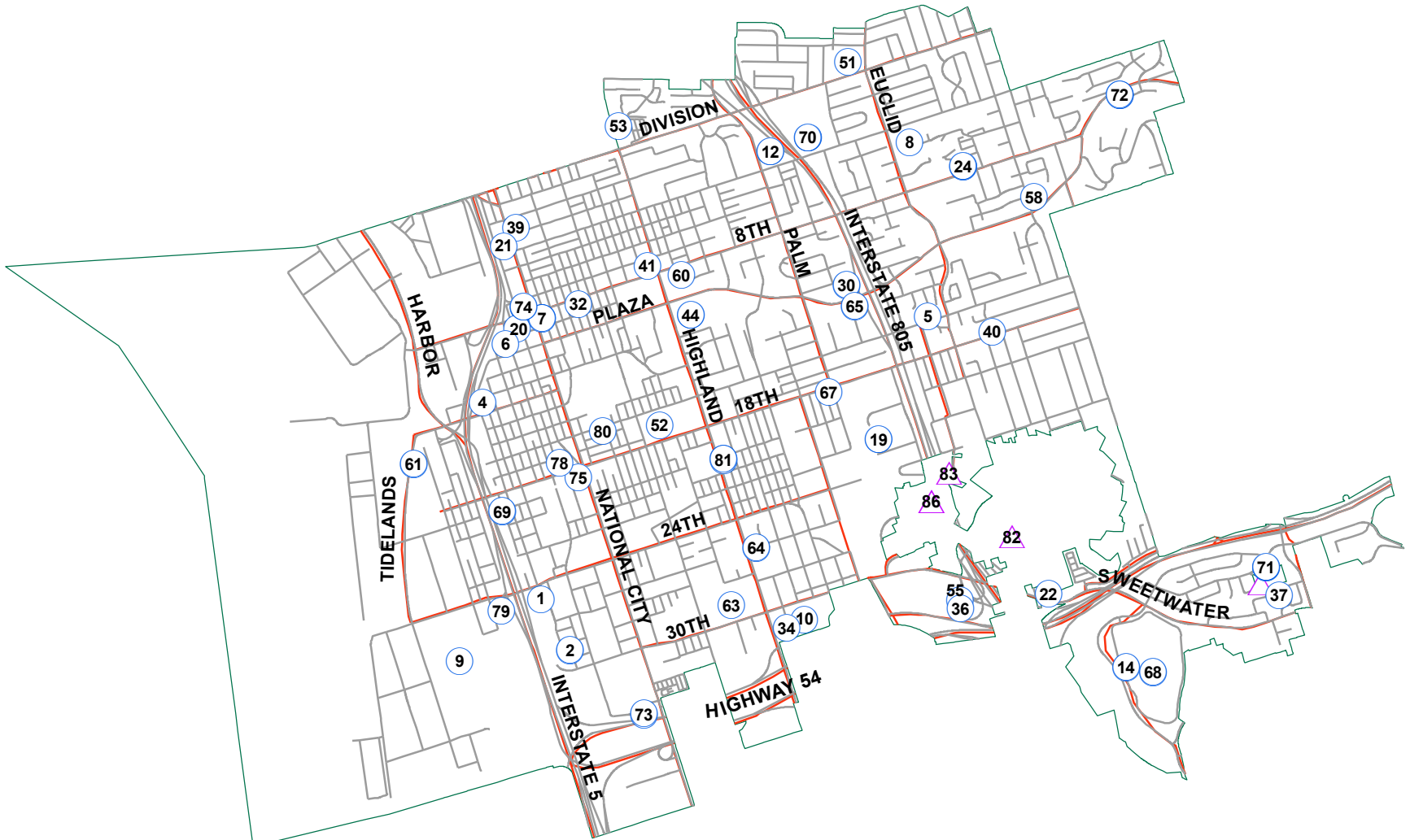


## Fire

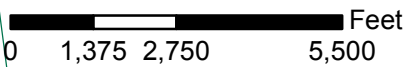
6. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC), National Fire Protection Association (NFPA), and California Code of Regulations (CCR).
7. All required signage for telecommunications facilities, as specified by the CFC, if not already on site, shall be designed and installed.
8. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections are required for all phases of work.

## Planning

9. All appropriate and required local, state and/or federal permits must be obtained and/or modified prior to operation of the wireless communications facility.
10. Screening walls shall be textured and painted to match the architectural style and color of the existing building. Façade-mounted antennas (i.e. elevator penthouse) shall be painted to match the color of the wall to which they are attached. At such time as the building changes color significantly (e.g. rebranding, repainting), antennas and screening installations on the north elevation shall be repainted to match.
11. All roof-mounted equipment shall be painted to match the nearest building wall to where it is located. Other equipment must be screened from view. Any apparatus visible to the exterior of the facility, including cable chases/trays, shall be painted to match the surface on which it is mounted.
12. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.
13. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.



- Wireless facilities in National City
- △ Wireless facilities in unincorporated area



# Wireless Communication Facilities



National City Planning Department 2012

| <b>FACILITY</b> | <b>APN</b> | <b>LOCATION</b>               | <b>PROVIDER</b> | <b>FILE_NO_</b>   |
|-----------------|------------|-------------------------------|-----------------|---|
| <b>1</b>        | 562-340-44 | <b>2434 Southport</b>         | Urban Comm Rad  | CUP-1992-11<br>Radio communication facility (microwave transmitter)- 80-foot tall tower and 8-foot in diameter dish antenna                                     |
| <b>2</b>        | 562 340 26 | <b>300 W 28th</b>             | AirTouch        | CDC Reso 94-28<br>75-foot monopole with three sector antennas and 450-sa foot equipment building.   |
|                 | 562-340-26 | <b>300 W 28th</b>             | Nextel          | CUP-2003-30<br>12 antennae on existing communications tower and a 270 square foot equipment enclosure adjacent to existing equipment                            |
| <b>4</b>        | 559-032-02 | <b>1215 Wilson</b>            | Pac Bell        | CUP-1995-11<br>Located on roof of existina building. PCS facility- six roof-mounted antennas and two ground-mounted equipment boxes.                            |
| <b>5</b>        | 557-410-03 | <b>1645 E Plaza</b>           | Pac Bell        | CUP--1995-13<br>Located on roof of Quality Inn. PCS facility- six panel antennas and equipment cabinet.   |
| <b>6</b>        | 555-086-11 | <b>910 Hoover</b>             | AirTouch        | CUP-1995-18<br>Located on existing building. Cellular facility- three support structures with five panel antennas each, two dish antennas and equipment cabinet |
| <b>7</b>        | 556-471-24 | <b>801 National City Blvd</b> | AT&T            | CUP-1996-2<br>Located on roof of Red Lion Hotel. Paging facility- four whip antennas, one global positioning satellite antenna and equipment cabinet.           |
|                 | 556-471-24 | <b>801 National City Blvd</b> | Nextel          | CUP-1994-8<br>Located on roof of Red Lion Hotel. ESMR facility- three whip antennas and equipment cabinet.  |
|                 | 556-471-24 | <b>801 National City Blvd</b> | Pagenet         | CUP-1996-12<br>Located on roof of hotel. Paging facility- four antennas and equipment cabinet one floor down from roof.   |
|                 | 556-471-24 | <b>801 National City Blvd</b> | AT&T            | CUP-1999-5<br>Located atop Red Lion Hotel. Wireless communication facility- four antennas and radio base svstem.  |
| <b>8</b>        | 554-120-30 | <b>2400 E 4th</b>             | AT&T            | CUP-1996-4<br>Located on roof of Paradise Valley Hospital. Paaina facility- four whip antennas, one alobal PPositioninasatellite antenna and equipment cabinet. |
| <b>9</b>        | 559-160-13 | <b>1022 W Bay Marin</b>       | GTE             | CUP-1996-5<br>Located on a 360-sa foot building. Cellular facility- 60-foot monopole with twelve panel antennas.  |
| <b>10</b>       | 563-370-36 | <b>3007 Highland</b>          | Pac Bell        | CUP-1996-6<br>Located on existing Super Saver building. PCS facility- six panel antennas and two equipment cabinets.  |
| <b>12</b>       | 554-050-12 | <b>303 Palm</b>               | AirTouch        | CUP-1996-8<br>60-foot hiah monopole with six whip antennas, thirty directional cellular antennas, and three dishes with an eauidmentcabinet at base.            |
|                 | 554-050-12 | <b>303 Palm</b>               | Sprint PCS      | CUP-2001-10<br>Located on National Guard Armory property. PCS facility six antennas in three 40-foot flag poles, one GPS antenna and a new equipment building.  |

|    |            |                               |            |             |  |
|----|------------|-------------------------------|------------|-------------|--|
| 14 | 564-471-01 | <b>3030 Plaza Bonita Rd</b>   | Nextel     | CUP-1997-8  | Located atop Plaza Bonita sign. ESMR facility- nine antennas and equipment cabinet.  |
|    | 564-471-01 | <b>3030 Plaza Bonita Rd</b>   | Pac Bell   | CUP-1996-7  | Located atop the existing Plaza Bonita sign. PCS facility- three antennas and two equipment cabinets at base of sign.                    |
| 16 | 557-420-36 | <b>1840 E 12th</b>            | Nextel     | CUP-1999-4  | 60-foot monopole on vacant commercial lot.   |
| 20 | 555-082-11 | <b>111 W 9th</b>              | Sprint     | CUP-2000-9  | Located atop 2-story Sid's Camet Barn warehouse. Wireless communication facility- twelve wireless panel antennas and 4-inch GPS antenna. |
| 21 | 555-030-21 | <b>330 National City Blvd</b> | GTE        | CUP-2000-11 | Located atop Bay Theatre. Wireless communication facility- twelve panel antennas and four equipment cabinets.                            |
| 22 | 564-250-50 | <b>2435 Sweetwater</b>        | Sprint     | CUP-2000-14 | Located at Sweetwater Inn. Global Positioning System with nine panel antennas.   |
| 30 | 557-420-36 | <b>1905 E Plaza</b>           | Sprint PCS | CUP-2001-3  | 53 foot tall monopole with nine panel antennas. PCS Facility with one equipment enclosure and a GPS antenna.                             |
| 32 | 556-473-18 | <b>242 E 8th</b>              | AT&T       | CUP-2001-6  | Located atop an existing church.   |
| 34 | 563-370-35 | <b>3007 Highland</b>          | Nextel     | CUP-2001-12 | Located atop Sweetwater Square. New equipment building over trash enclosure, nine panel antennas and one GPS antenna.                    |
| 36 | 563-231-38 | <b>1914 Sweetwater</b>        | Cingular   | CUP-2002-3  | Located on an existing 75 foot tall pole sign for the Sweetwater Town and Country Shopping Center.                                       |
| 37 | 564-310-37 | <b>3737 Sweetwater</b>        | Cingular   | CUP-2002-4  | 72 foot tall monopole with standard equipment enclosure  |
| 39 | 556-101-15 | <b>241 National City Blvd</b> | Cingular   | CUP-2002-6  | 12 panel antennas behind four new partial parapet walls atop an existing furniture store; four equipment cabinets outside                |
| 40 | 558-200-24 | <b>2415 E 18th</b>            | Cingular   | CUP-2002-13 | Panel antennas located inside new light standards; equipment located inside existing commercial building                                 |
| 41 | 556-354-13 | <b>716 Highland</b>           | AT&T       | CUP-2002-14 | Six facade mounted panel antennas with equipment on roof of PacBell switching station. Equipment screened to match existing.             |
| 44 | 556-590-61 | <b>1019 Highland</b>          | Sprint PCS | CUP-2002-24 | 6 panel antennas in a new monument sign in the South Bay Plaza shopping center   |
|    | 556-590-61 | <b>1019 Highland</b>          | Cingular   | CUP-2002-2  | Located atop South Bay Plaza on an existing mechanical equipment screen.   |
| 51 | 552-283-11 | <b>2323 E Division</b>        | Sprint     | CUP-2004-6  | 3 panel antennas in a 9x10x16 roof-mounted cupola  |

|    |            |                             |          |                 |  |
|----|------------|-----------------------------|----------|-----------------|--|
| 52 | 560-191-30 | <b>1701 D Ave</b>           | Nextel   | CUP-2004-12     | 12 panel antennas on a 57' faux broadleaf tree with 230 square foot equipment enclosure  |
| 53 | 551-570-20 | <b>51 N Highland</b>        | Sprint   | CUP-2004-15     | 2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets  |
| 55 | 563-231-39 | <b>1914 Sweetwater</b>      | Nextel   | PC Reso 20-2002 | 2 panel antennas in a 45' flagpole with 4 wall-mounted equipment cabinets  |
| 57 | 554-120-24 | <b>2701 E 8th</b>           | Cingular | PC Reso 02-2001 | Co-location in church spire-3 antennas within existing architectural feature   |
|    | 554-120-24 | <b>2701 E 8th</b>           | T-Mobile | CUP-2000-19     | Located at existing church. Antennas located in a 60-foot monument.  |
|    | 554-120-24 | <b>2701 E 8th</b>           | Sprint   | CUP-2000-27     | 12 panel antennas mounted on exterior of self-storage building and painted to match; all equipment located inside of the buildings |
|    | 554-120-24 | <b>2701 E 8th</b>           | AT&T     | CUP-2000-19     | Located at existing church. Antennas located in a 60-foot monument   |
| 58 | 558-030-30 | <b>1035 Harbison</b>        | Nextel   | CUP-2005-3      | 12 panel antennas on a monopalm with 299 SQ.ft. equipment enclosure.   |
| 60 | 556-510-12 | <b>914 E 8th</b>            | Cingular | CUP-2005-10     | 12 panel antennas on 39-ft monopine with 280 sq. ft. equipment shelter   |
| 61 | 559-040-53 | <b>1439 Tidelands</b>       | Cingular | CUP-2005-9      | 12 panel antennas on monopalm with associated equipment shelter  |
|    | 559-040-53 | <b>1445 Tidelands</b>       | Nextel   | CUP-2000-31     | 40-foot monopalm with three sectors of four antennas each and equipment shelter  |
| 63 | 562-200-02 | <b>2900 Highland</b>        | Cingular | CUP-2005-12     | 3 antennas on replacement light standard with associated equipment shelter   |
| 64 | 563-010-47 | <b>2605 Highland</b>        | Cricket  | CUP-2006-11     | 3 antennas in new architectural feature of church with associated equipment  |
|    | 563-010-47 | <b>2605 Highland</b>        | Sprint   | CUP-2002-18     | Six panel antennas and equipment inside a new 54 foot tall monument/cross/sign.  |
| 65 | 557-420-31 | <b>1900 E Plaza</b>         | Cricket  | CUP-2006-6      | 3 antennas on new faux palm tree with associated equipment   |
|    | 557-420-31 | <b>1900 E Plaza</b>         | Cingular | CUP-2004-4      | 5 panel antennas in a new pole sign at Jimmy's Restaurant  |
| 67 | 561-222-23 | <b>1526-40 E 18th</b>       | T-Mobile | CUP-2006-10     | 12 panel antennas on a new 45-foot tall faux pine tree with associated equipment shelter   |
| 68 | 564-471-07 | <b>3030 Plaza Bonita Rd</b> | Cingular | CUP-2005-24     | 12 antennas facade mounted to new rooftop enclosure that will house equipment  |

|           |            |                             |          |                 |  |
|-----------|------------|-----------------------------|----------|-----------------|--|
| <b>68</b> | 564-471-07 | <b>3030 Plaza Bonita Rd</b> | Verizon  | CUP-2003-13     | 12 panel antennas on the roof of the Plaza Bonita Mall behind a screen wall  |
| <b>69</b> | 559-106-17 | <b>525 W 20th</b>           | Cricket  | CUP-2005-25     | 3 antennas on existing self storage building painted to match with associated equipment  |
|           | 559-106-17 | <b>525 W 20th</b>           | Sprint   | CUP-2001-4      | Located on existina storaae building. Wireless communication facility- 9 antennas and equipment building.  |
| <b>70</b> | 554-050-15 | <b>2005 E 4th</b>           | Cricket  | PC Reso 09-2003 | 3 antennas on existing light standard with associated equipment shelter  |
|           | 554-050-15 | <b>2005 E 4th</b>           | Cingular | CUP-2003-5      | 12 panel antennas on a replacement 100 foot light standard in EITovon park and a 160 square foot equipment enclosure.  |
|           | 554-050-15 | <b>2005 E 4th</b>           | GTE      | CUP-1998-4      | Located in EITovon Park. Cellular facility- 97'8" monopole with twelve panel antennas, three omni antennas, and 192-sqfoot equipment building.                         |
|           | 554-050-15 | <b>2005 E 4th</b>           | Nextel   | CUP-2005-15     | 12 panel antennas on a 47-foot tall faux-broadleaf awith 230 sq. ft.equipment shelter  |
| <b>71</b> | 564-290-06 | <b>3820 Cagle St</b>        | Cricket  | PC RESO 10-2004 | 3 antennas on existing faux pine tree with vaulted equipment shelter   |
|           | 564-290-06 | <b>3820 Cagle St</b>        | Sprint   | CUP-2001-2      | Located at Sweetwater Heights Centennial Park. Wireless communication facility- 35-foot pole with six antennas, equipment building and adjacent liahting for the park. |
|           | 564-290-06 | <b>3820 Cagle St</b>        | T-Mobile | CUP-2004-3      | Located at Sweetwater Heights Centennial Park. Wireless communication facilitv- 55-foot monopine with twelve panel antennas and equipment building                     |
|           | 564-290-06 | <b>3820 Cagle St</b>        | Cingular | PC Reso 11-2002 | Co-location on 55-foot monopine - additional 12 panel antennas and new 275 SQ.ft. equipment vault  |
| <b>72</b> | 669-060-26 | <b>5800 Boxer Rd</b>        | Cricket  | PC RESO 32-2003 | 3 antennas on existing water tower with associated equipment shelter   |
|           | 669-060-26 | <b>5800 Boxer Rd</b>        | T-Mobile | CUP-2003-16     | 12 panel antennas on the outside of the 0.0. Arnold water tank and a 150 square foot equipment enclosure adiacent to the tank  |
|           | 669-060-26 | <b>5800 Boxer Rd</b>        | Sprint   | PC Reso 32-2003 | 6 panel antennas on the outside of the 0.0. Arnold water tank and a 360 square foot equipment enclosure adjacent   |
|           | 669-060-26 | <b>5800 Boxer Rd</b>        | Cingular | CUP-2005-21     | 12 panel antennas on the outside of the 0.0. Arnold water tank and a 520 square foot equipment enclosure adjacent  |
| <b>73</b> | 562-330-43 | <b>152 W 33rd</b>           | Cricket  | PC Reso 21-2002 | 3 antennas on existing self storage within matching architectural projection with associated equipment   |
|           | 562-330-43 | <b>152 W 33rd</b>           | Sprint   | CUP-2002-8      | 12 panel antenas mounted on exterior of self-storage building and painted to match; all equipment located inside of the  |

|    |            |                                 |               |                 |  |
|----|------------|---------------------------------|---------------|-----------------|--|
| 74 | 555-053-17 | <b>700 NCB</b>                  | Cricket       | PC Reso 05-2000 | 3 antennas facade mounted to existina hotel with associated equipmen   |
|    | 555-053-17 | <b>700 NCB</b>                  | Metricom      | CUP-2000-4      | Located atop Holiday Inn. Wireless communication facility with equipment cabinet.  |
|    | 555-053-17 | <b>700 NCB</b>                  | Skytel        | CUP-2000-30     | Located atop Holiday Inn Hotel. - 8-foot whip antenna, two 4x2-foot panel antennas, and one GPS antenna with two indoor equipment cabinets.  |
| 75 | 560-203-03 | <b>1800 National City Blvd</b>  | Nextel        | CUP-2006-15     | 15 panel antennas behindscreen wall atop existing car dealership with associated equipment   |
| 76 | 561-360-35 | <b>1810 E 22nd</b>              | Cricket       | 2007-14 CUP     | 3 antennas on recreation building at Las Palmas Park   |
|    | 561-360-35 | <b>1820 E 22nd</b>              | Sprint-Nextel | CUP-2000-8      | Located in Las Palmas Park. Monopalm and equipment along with live palms.  |
| 78 | 560-143-36 | <b>1703 Hoover</b>              | Cleawire      | 2009-22 CUP     | 9 antennas located on 3 different locations on industrial/ warehouse building. Each location will have 2 pannel antennas. Associated equipment will be located in building   |
| 79 | 559-160-33 | <b>700 Bay Marina Dr</b>        | Cleawire      | 2009-23 CUP     | 9 antennas on tower of Marina Gateway Plaza commercial building hidden behind parapet wall. 6-foot tall equiptmant cabinent on roof below tower will be mostly covered   |
| 80 | 560-151-20 | <b>142 E 16th</b>               | AT&T          | 2010-11 CUP     | 6 panel antennas and RF transparent cupola atop National City Ministry Church, as well as a 330 sq ft equipment/storage/trash enclosure on the ground. The 8-foot tall Cupola will have a cross afixed to it in order to appea as part of the church |
| 81 | 561-271-01 | <b>2005 Highland Ave</b>        | Plancom       | 2010-31 CUP     | 12 antenas on a 43-foot mono-palm on eastern property line   |
|    | 561-271-01 | <b>2005 Highland</b>            | T-Mobile      | CUP-2003-4      | 12 antennas on the roof of a Highland Avenue office building   |
|    | 561-271-01 | <b>2005 Highland</b>            | Cingular      | CUP-2006-2      | 12 antennas on the roof of a Highland Avenue office building with new cupola to match existing   |
| 82 | 563-184-47 | <b>2909 Shelby Dr</b>           |               | P95-025         | 75-foot monopole and equipment building.   |
| 83 | 563-062-17 | <b>2524 Prospect St</b>         | AT&T          | ZAP99-028       | 35-foot monopalm with three sector directional antenna system and equipment cabinets.  |
| 85 | 564-310-32 | <b>3312 Bonita Heights Lane</b> | AT&T          | ZAP00-133       |  |
| 86 | 563-063-29 | <b>2563 Grove St</b>            | AT&T          | MUP91-026W2     |  |

|    |  |          |
|----|--|----------|
| 86 | 563-063-29 <b>2563 Grove St</b><br>Monopole located aside live palm trees. | P91-026W |
|----|--|----------|





CITY OF NATIONAL CITY - PLANNING DIVISION  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR THE MODIFICATION OF  
AN EXISTING WIRELESS COMMUNICATIONS FACILITY  
LOCATED AT 700 NATIONAL CITY BLVD.  
CASE FILE NO.: 2021-30 CUP  
APN: 555-053-17

The National City Planning Commission will hold a public hearing at their regular online meeting after the hour of 6:00 p.m. **Monday, March 7, 2022** on the proposed request. The meeting will be LIVE WEBCAST from the City Council Chamber, 1243 National City Boulevard, National City, California. (Applicant: Carie Flores, J5 for Dish)

Due to the precautions taken to combat the spread of coronavirus (COVID-19), City Hall, including the City Council Chambers, are closed to the public. Anyone interested in this public hearing may observe it on the City's website at <http://nationalcityca.new.swagit.com/views/33>.

The project site is the 12-story Ramada Hotel, which has an existing wireless communications facility on the roof of the building. The applicant wishes to install another facility on the roof for Dish Network. Antennas will be wall-mounted and textured/painted to match the building exterior.

Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 4:00 p.m., **March 7, 2022** by submitting it to [PlcPubComment@nationalcityca.gov](mailto:PlcPubComment@nationalcityca.gov). Planning staff can be contacted at 619-336-4310 or [planning@nationalcityca.gov](mailto:planning@nationalcityca.gov).

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DIVISION



COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION  
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

**NOTICE OF EXEMPTION**

TO: Assessor/Recorder/County Clerk  
Attn: Fish and Wildlife Notices  
1600 Pacific Highway, Suite 260  
San Diego, CA 92101  
MS: A-33

**Lead Agency:** City of National City

**Project Title:** 2021-30 CUP

**Project Location:** 700 National City Blvd., National City, CA.

**Contact Person:** Martin Reeder

**Telephone Number:** (619) 336-4313

**Description of Nature, Purpose and Beneficiaries of Project:**

Conditional Use Permit for modification of an existing wireless communications facility on a commercial hotel building. The project would add antennas and equipment for the applicant in order to increase signal strength and service area for Dish customers.

**Applicant:**

Carie Flores, J5 Infrastructure Partners.  
23 Mauchly, #110  
Irvine, CA 92618

**Telephone Number:**

(858) 805-5502

**Exempt Status:**

**Categorical Exemption. Class 3 Section 15303 (New Construction or Conversion of small structures)**

**Reasons why project is exempt:**

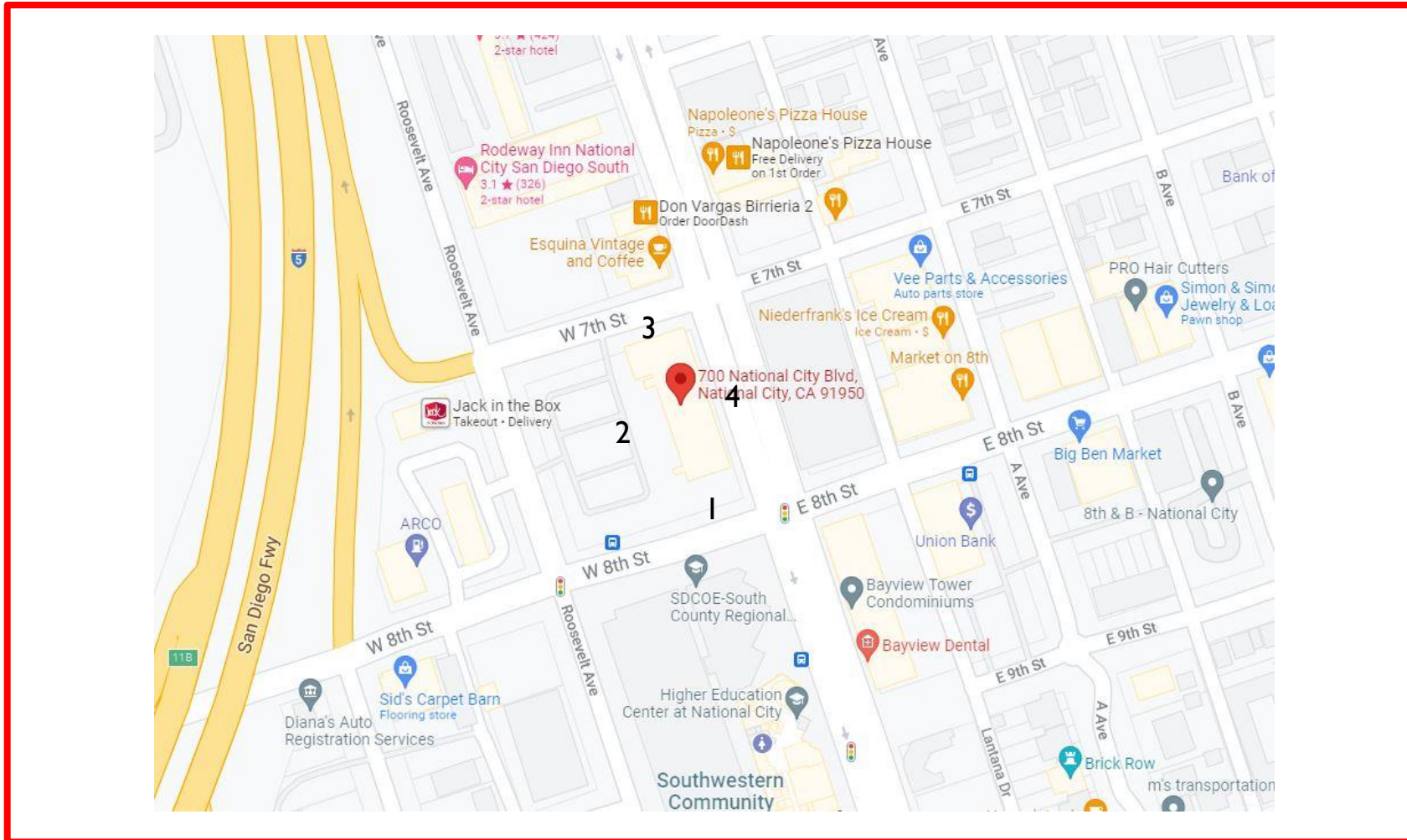
There is no possibility that the proposed use will have a significant impact on the environment because the facility is existing and located on an existing hotel building, the antennas will not affect use of the property.

Date:

MARTIN REEDER, AICP  
Principal Planner

# PHOTOSURVEY - SDSAN0030IB

700 National City Boulevard, National City, CA 91950



# PHOTOSURVEY - SDSAN0030IB

700 National City Boulevard, National City, CA 91950



# PHOTOSURVEY - SDSAN00301B

700 National City Boulevard, National City, CA 91950



# PHOTOSURVEY - SDSAN0030IB

700 National City Boulevard, National City, CA 91950



# PHOTOSURVEY - SDSAN0030IB

700 National City Boulevard, National City, CA 91950







**NOTES:**

APN: 555-053-17-00

OWNER: NVA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY OF ANY PARCEL OF LAND, NOR DOES IT IMPLY OR INFER THAT A BOUNDARY SURVEY WAS PERFORMED. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION. PROPERTY LINES AND LINES OF TITLE WERE NEITHER INVESTIGATED NOR SURVEYED AND SHALL BE CONSIDERED APPROXIMATE ONLY. NO PROPERTY MONUMENTS WERE SET.

THE EASEMENTS (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN PLOTTED BASED SOLELY ON INFORMATION CONTAINED IN THE TITLE REPORT BY: FIRST TITLE NATIONAL TITLE & CLOSING SERVICES, FILE NO. SDSAN00301B, DATED JULY 16, 2021. WITHIN SAID TITLE REPORT THERE ARE FOUR (4) EXCEPTIONS LISTED, ONE (1) OF WHICH IS AN EASEMENT AND NONE (0) OF WHICH CAN NOT BE PLOTTED.

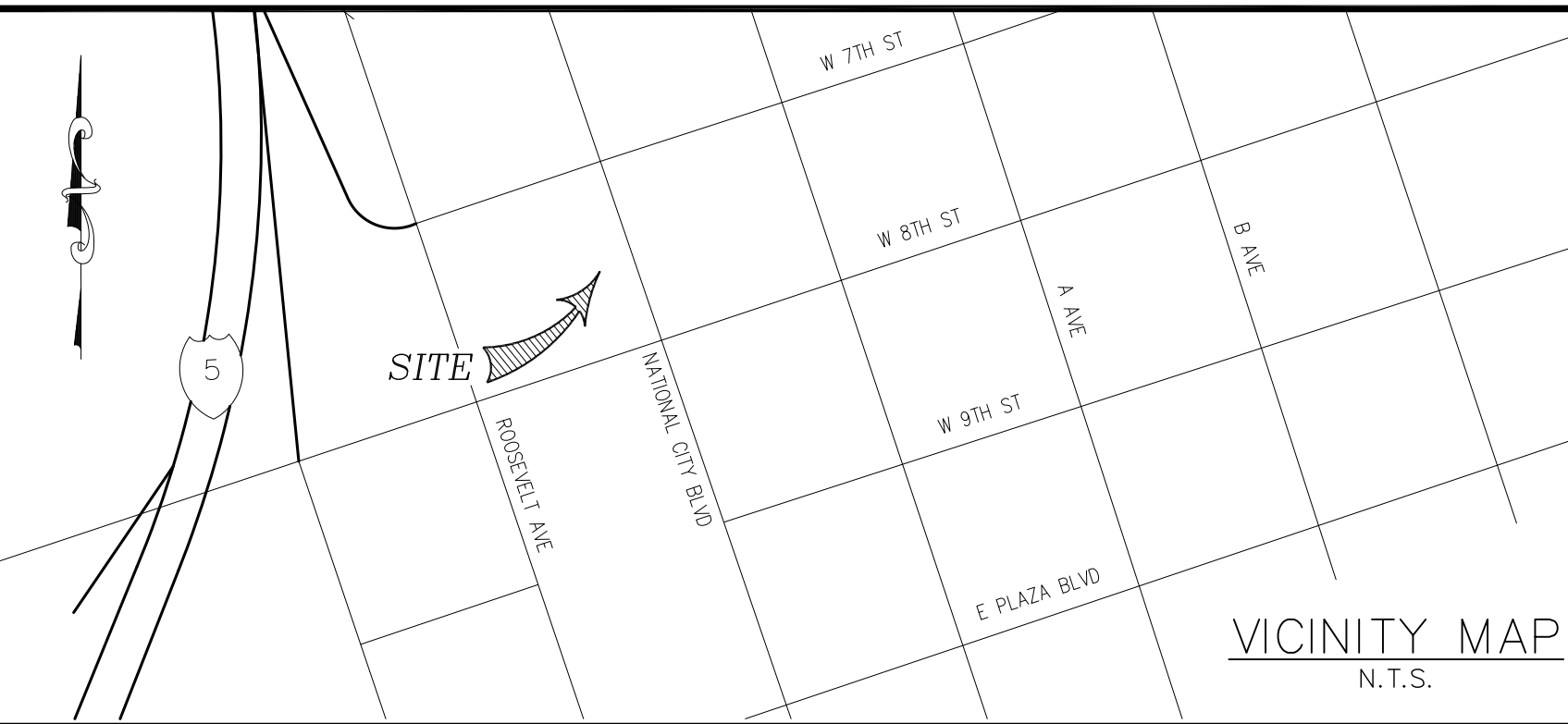
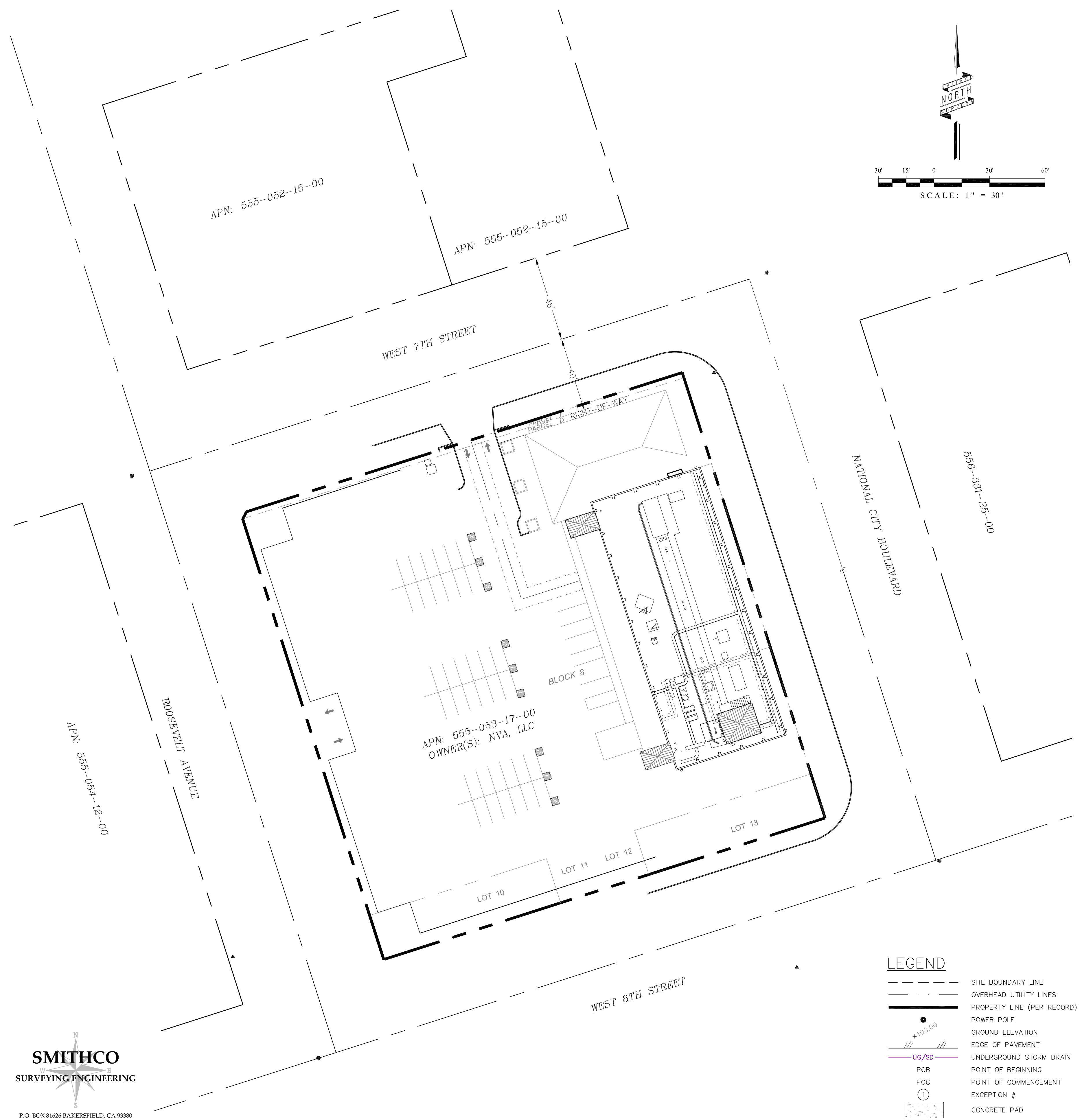
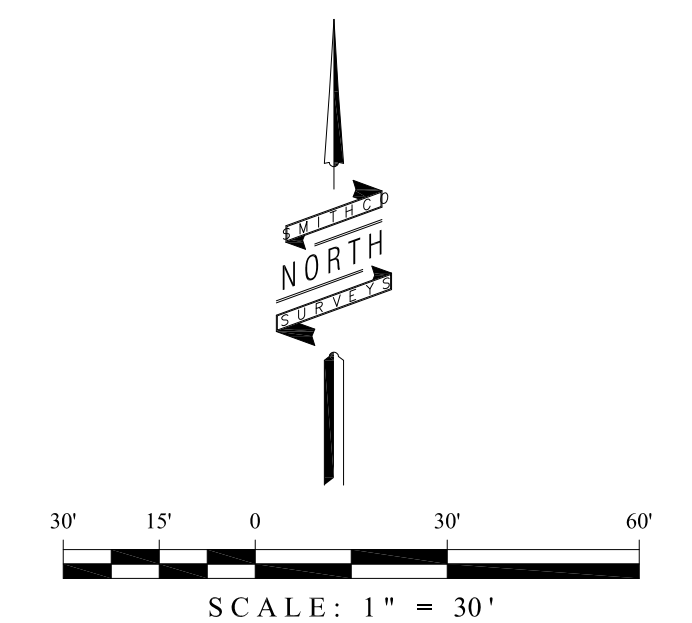
THE UNDERGROUND UTILITIES (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN LOCATED BY FIELD OBSERVATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD RATE MAP FOR COMMUNITY NO. 060293, PANEL NO. 1911H, DATED DECEMBER 20, 2019 SHOWS THAT THE LOCATION OF THIS SITE FALLS WITHIN ZONE 'X', AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

THE LATITUDE AND LONGITUDE AT THE LOCATION AS SHOWN WAS DETERMINED BY GPS OBSERVATIONS.

LAT. 32° 40' 34.52" N. NAD 83 (32.676256°)  
 LONG. 117° 06' 26.56" W. NAD 83 (-117.107378°)  
 ELEV. 40.5' NAVD 88 (BASIS OF DRAWING)

The information shown above meets or exceeds the requirements set forth in FAA order 8260.19D for 1-A accuracy (± 20' horizontally and ± 3' vertically). The horizontal datum (coordinates) are expressed as degrees, minutes and seconds, to the nearest hundredth of a second. The vertical datum (heights) are expressed in feet and decimals thereof and are determined to the nearest 0.1 foot.



**SMITHCO**  
 SURVEYING ENGINEERING  
 P.O. BOX 81626 BAKERSFIELD, CA 93380  
 PHONE: (661) 393-1217 FAX: (661) 393-1218

**LEGEND**

|  |                            |
|--|----------------------------|
|  | SITE BOUNDARY LINE         |
|  | OVERHEAD UTILITY LINES     |
|  | PROPERTY LINE (PER RECORD) |
|  | POWER POLE                 |
|  | GROUND ELEVATION           |
|  | EDGE OF PAVEMENT           |
|  | UNDERGROUND STORM DRAIN    |
|  | POINT OF BEGINNING         |
|  | POINT OF COMMENCEMENT      |
|  | EXCEPTION #                |
|  | CONCRETE PAD               |



5701 SOUTH SANTA FE DRIVE  
 LITTLETON, CO 80120



23 MAUCHLY #110,  
 IRVINE, CA 92618



ALL DRAWINGS AND WRITTEN MATERIAL CONTAINED HEREIN ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

|                         |             |              |
|-------------------------|-------------|--------------|
| DRAWN BY:               | CHECKED BY: | APPROVED BY: |
| LA                      | DA          | ---          |
| SMITHCO JOB NO. 56-1270 |             |              |

| SUBMITTALS |            |                   |    |
|------------|------------|-------------------|----|
| REV        | DATE       | DESCRIPTION       | BY |
| 0          | 09/15/2021 | PRELIMINARY ISSUE | LA |
| 1          | 10/07/2021 | REVISION          | EJ |
| 2          | 11/04/2021 | LEASE & EASEMENTS | DL |

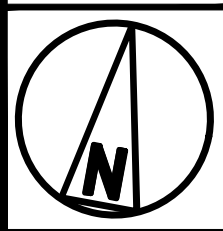
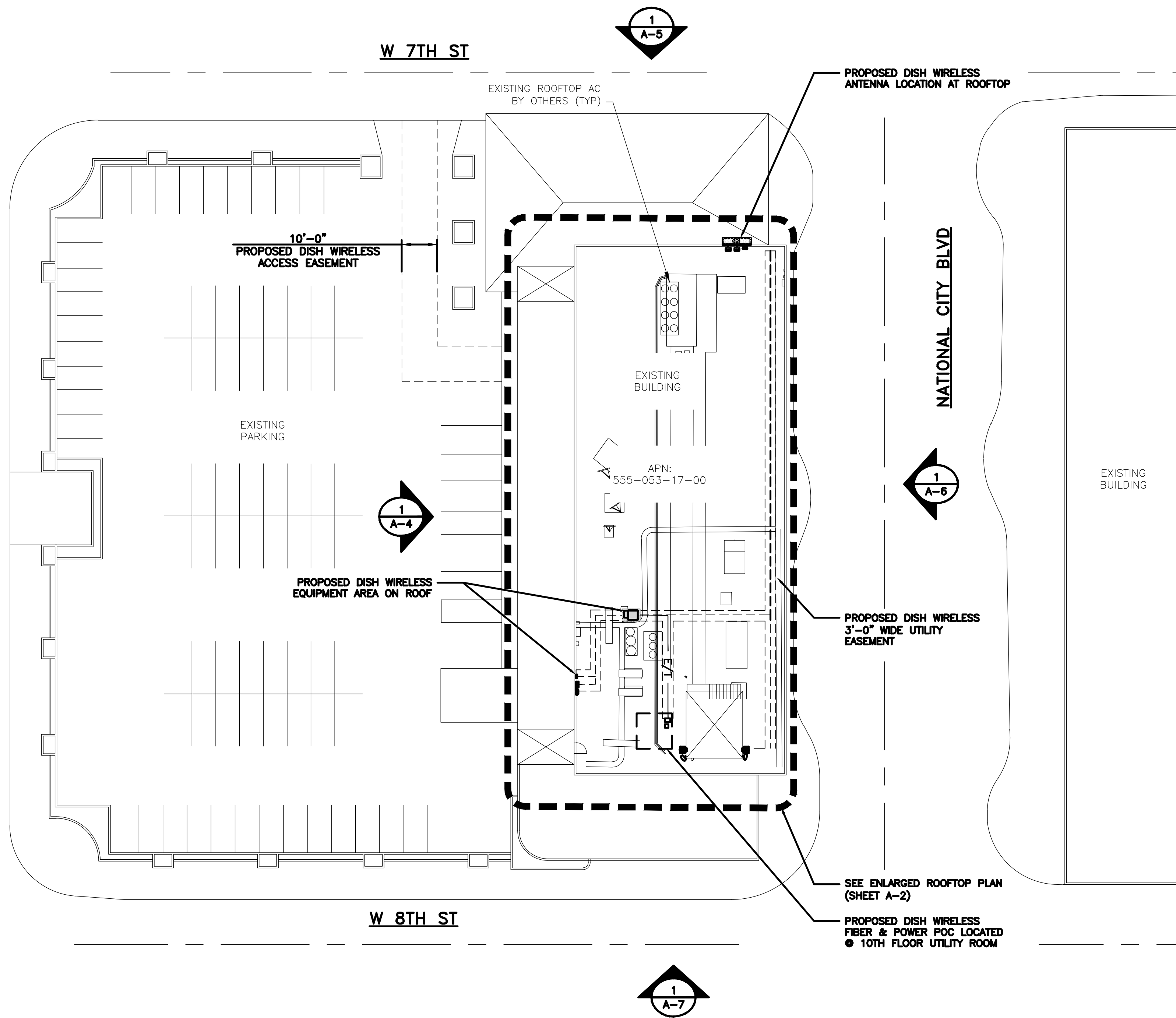
J5 PROJECT NUMBER  
**P-054329**

DISH WIRELESS L.L.C.  
 PROJECT INFORMATION  
**SDSAN00301B**  
 700 NATIONAL CITY BLVD  
 NATIONAL CITY, CA 91950

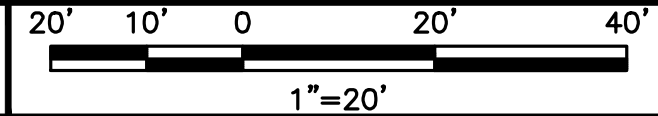
SHEET TITLE  
**SITE SURVEY**

SHEET NUMBER  
**C-1**

**DISCLAIMER NOTE:**  
 J5 INFRASTRUCTURE PARTNERS HAS GENERATED A SITE PLAN WITHOUT USING A TOPOGRAPHIC SURVEY. PROPERTY LINES, POWER/TELCO UTILITY POINT OF CONNECTION/ROUTES AND EASEMENT SHOWN ON THIS PLAN IS ESTIMATED. J5 INFRASTRUCTURE HIGHLY RECOMMENDS A SURVEY TO REFLECT ACCURACY OF MEASUREMENT.



**OVERALL SITE PLAN**



1



5701 SOUTH SANTA FE DRIVE  
 LITTLETON, CO 80120



23 MAUCHLY #110,  
 IRVINE, CA 92618

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DRAWN BY: JM  
 CHECKED BY: ---  
 APPROVED BY: ---

RFDS REV #: ---

**ZONING DOCUMENTS**

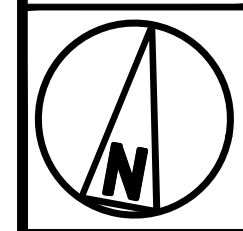
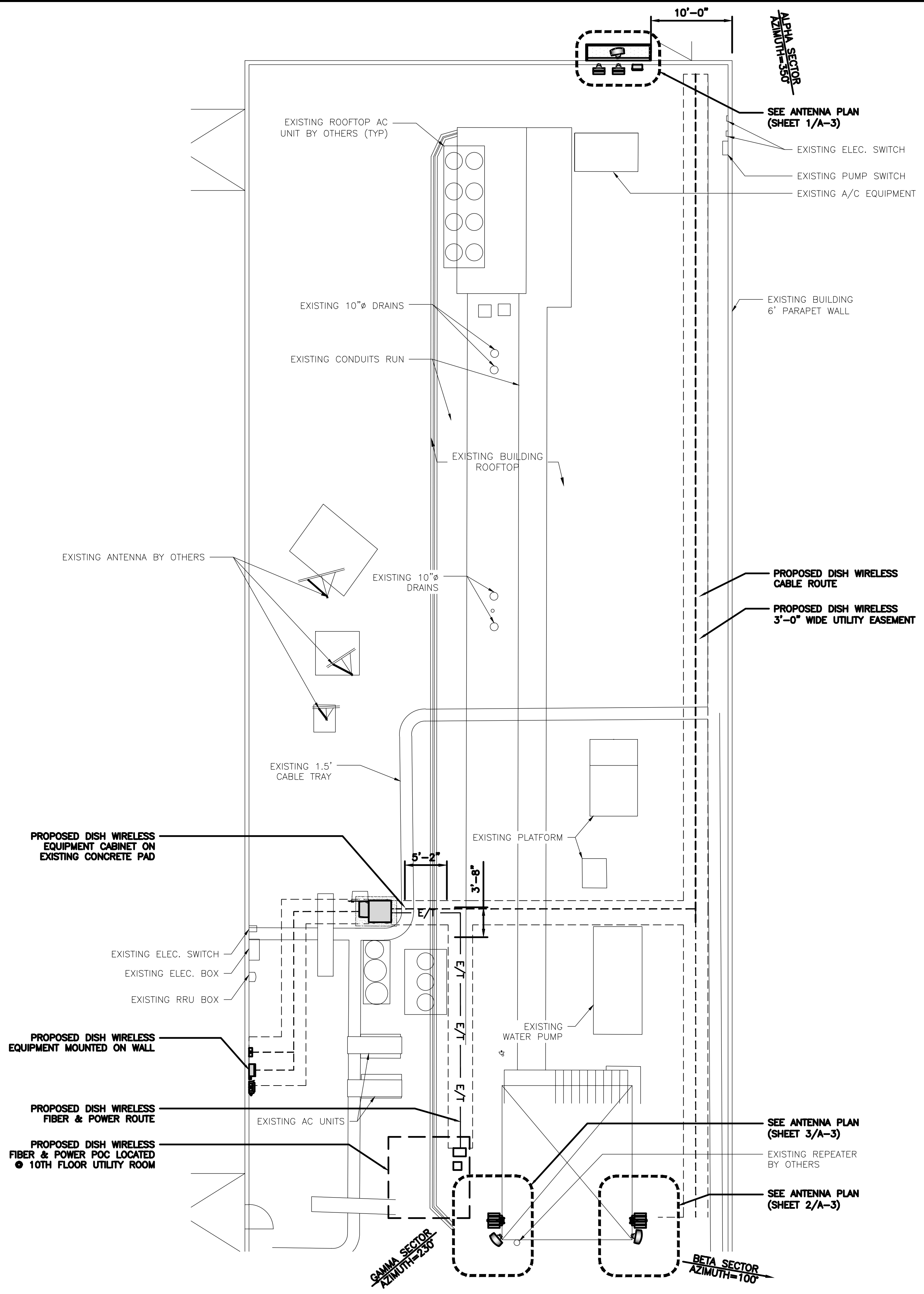
| SUBMITTALS |            |                        |
|------------|------------|------------------------|
| REV        | DATE       | DESCRIPTION            |
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| C          | 10/24/2021 | 90% ZD - DISH COMMENTS |
| D          | 10/29/2021 | 90% ZD - DISH COMMENTS |

J5 PROJECT NUMBER  
 P-054329

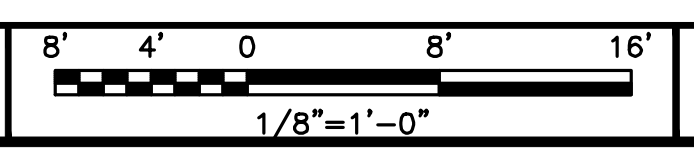
DISH WIRELESS L.L.C.  
 PROJECT INFORMATION  
 SDSAN00301B  
 700 NATIONAL CITY BLVD  
 NATIONAL CITY, CA 91950

SHEET TITLE  
**OVERALL SITE PLAN**

SHEET NUMBER  
**A-1**



**ENLARGED ROOFTOP PLAN**



1



5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120



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IRVINE, CA 92618

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JM --- ---

RFDS REV #: ---

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| C          | 10/24/2021 | 90% ZD - DISH COMMENTS |
| D          | 10/29/2021 | 90% ZD - DISH COMMENTS |

J5 PROJECT NUMBER  
P-054329

DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00301B  
700 NATIONAL CITY BLVD  
NATIONAL CITY, CA 91950

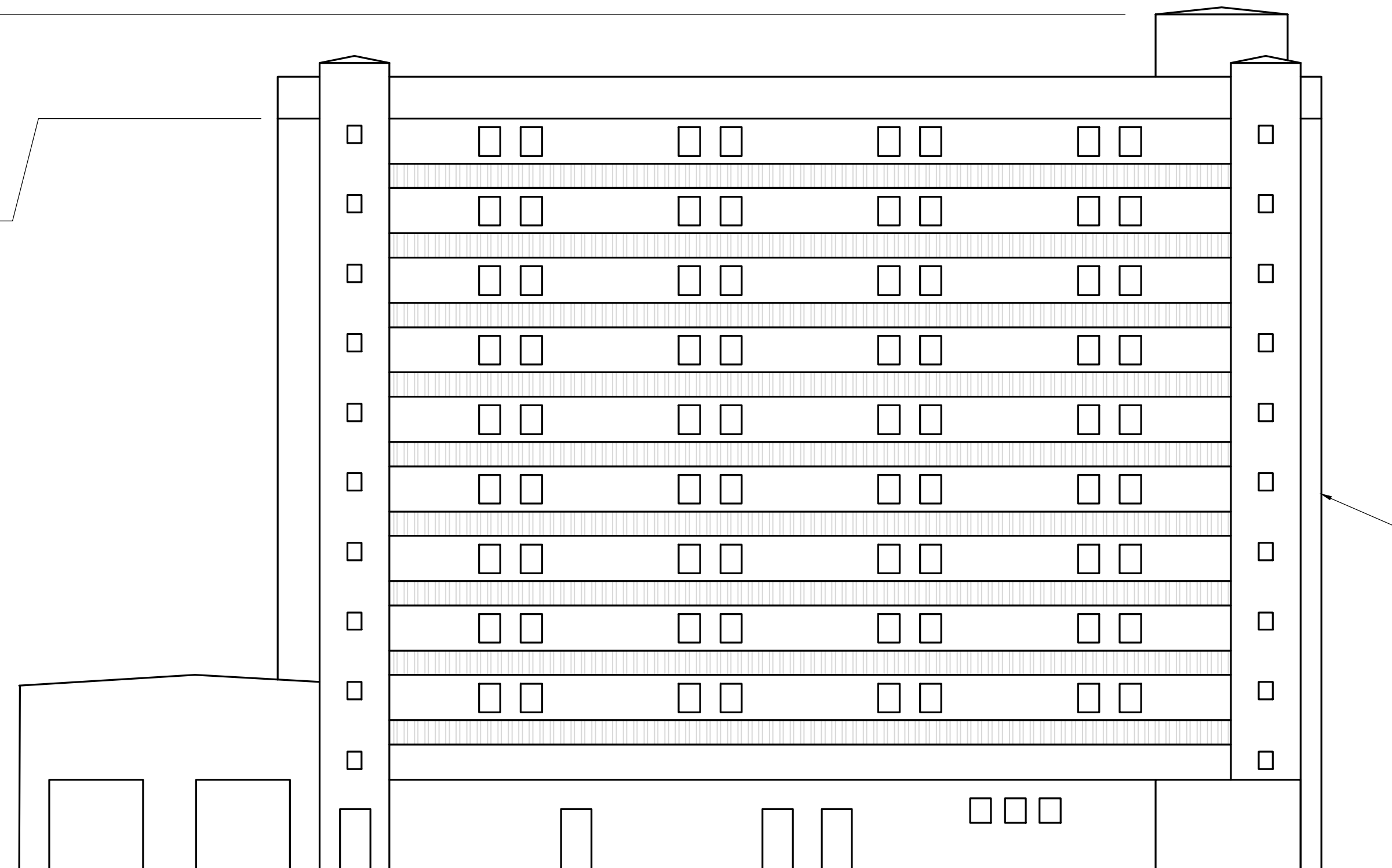
SHEET TITLE  
ENLARGED ROOFTOP  
PLAN

SHEET NUMBER  
**A-2**

T.O. EXISTING PENTHOUSE  
123'-0" AGL

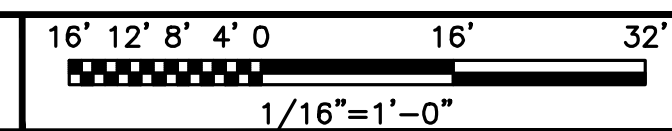
T.O. EXISTING ROOF LINE  
108'-0" AGL

GROUND LEVEL  
0'-0" AGL



EXISTING BUILDING

EXISTING BUILDING WEST ELEVATION



1

T.O. EXISTING PENTHOUSE  
123'-0" AGL

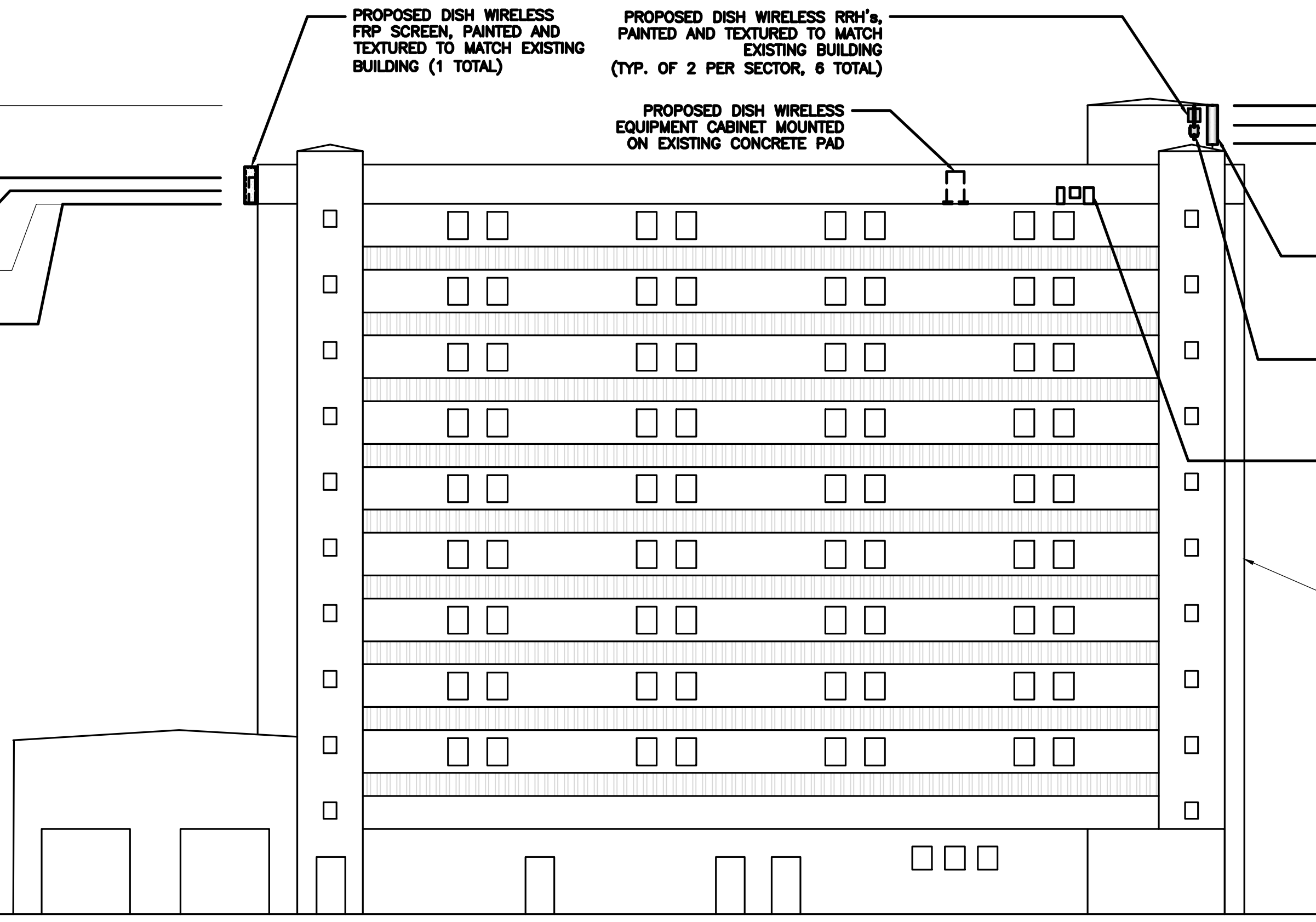
T.O. PROPOSED DISH WIRELESS ANTENNA (ALPHA)  
112'-0" AGL

R.C.O. PROPOSED DISH WIRELESS ANTENNA (ALPHA)  
110'-0" AGL

T.O. EXISTING ROOF LINE  
108'-0" AGL

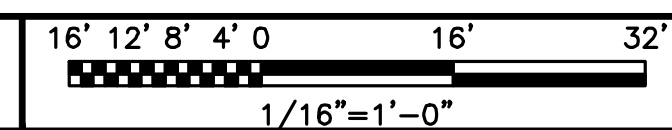
B.O. PROPOSED DISH WIRELESS ANTENNA (ALPHA)  
108'-0" AGL

GROUND LEVEL  
0'-0" AGL



EXISTING BUILDING

PROPOSED BUILDING WEST ELEVATION



2

PROPOSED DISH WIRELESS FRP SCREEN, PAINTED AND TEXTURED TO MATCH EXISTING BUILDING (1 TOTAL)

PROPOSED DISH WIRELESS RRH's, PAINTED AND TEXTURED TO MATCH EXISTING BUILDING (TYP. OF 2 PER SECTOR, 6 TOTAL)

PROPOSED DISH WIRELESS EQUIPMENT CABINET MOUNTED ON EXISTING CONCRETE PAD

T.O. PROPOSED DISH WIRELESS ANTENNA (BETA AND GAMMA)  
123'-0" AGL

R.C.O. PROPOSED DISH WIRELESS ANTENNA (BETA AND GAMMA)  
120'-0" AGL

B.O. PROPOSED DISH WIRELESS ANTENNA (BETA AND GAMMA)  
117'-0" AGL

PROPOSED DISH WIRELESS ANTENNA, PAINTED AND TEXTURED TO MATCH EXISTING BUILDING (TYP. OF 1 PER SECTOR, 3 TOTAL)

PROPOSED DISH WIRELESS OVP DEVICE, PAINTED AND TEXTURED TO MATCH EXISTING BUILDING (TYP. OF 1 PER SECTOR, 3 TOTAL)

PROPOSED DISH WIRELESS EQUIPMENT MOUNTED ON WALL EXISTING PARAPET WALL



5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120



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IRVINE, CA 92618

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JM --- ---

RFDS REV #: ---

ZONING DOCUMENTS

SUBMITTALS

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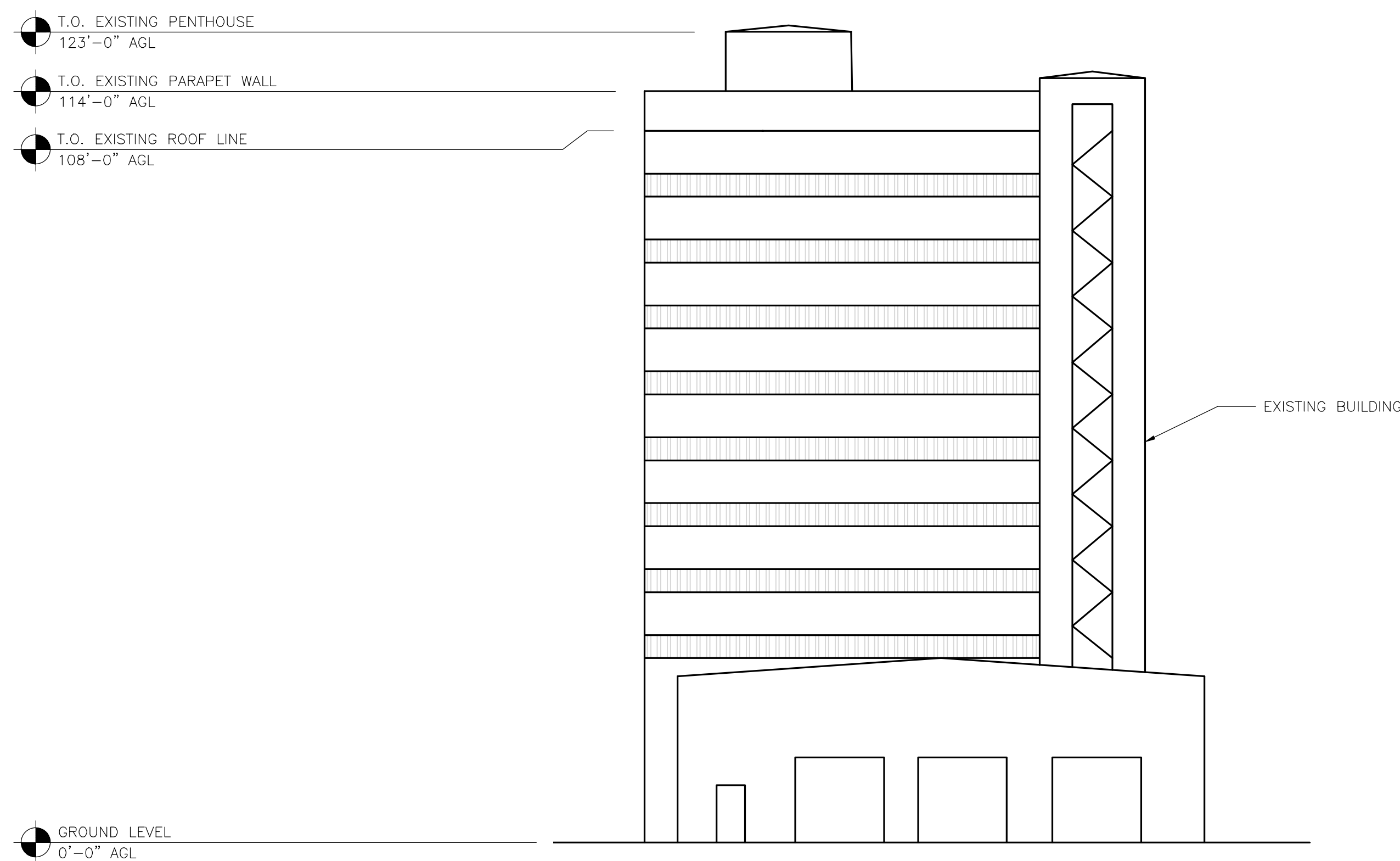
J5 PROJECT NUMBER  
P-054329

DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00301B  
700 NATIONAL CITY BLVD  
NATIONAL CITY, CA 91950

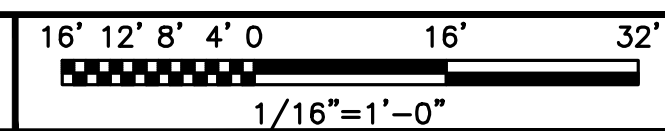
SHEET TITLE  
WEST  
ELEVATION

SHEET NUMBER

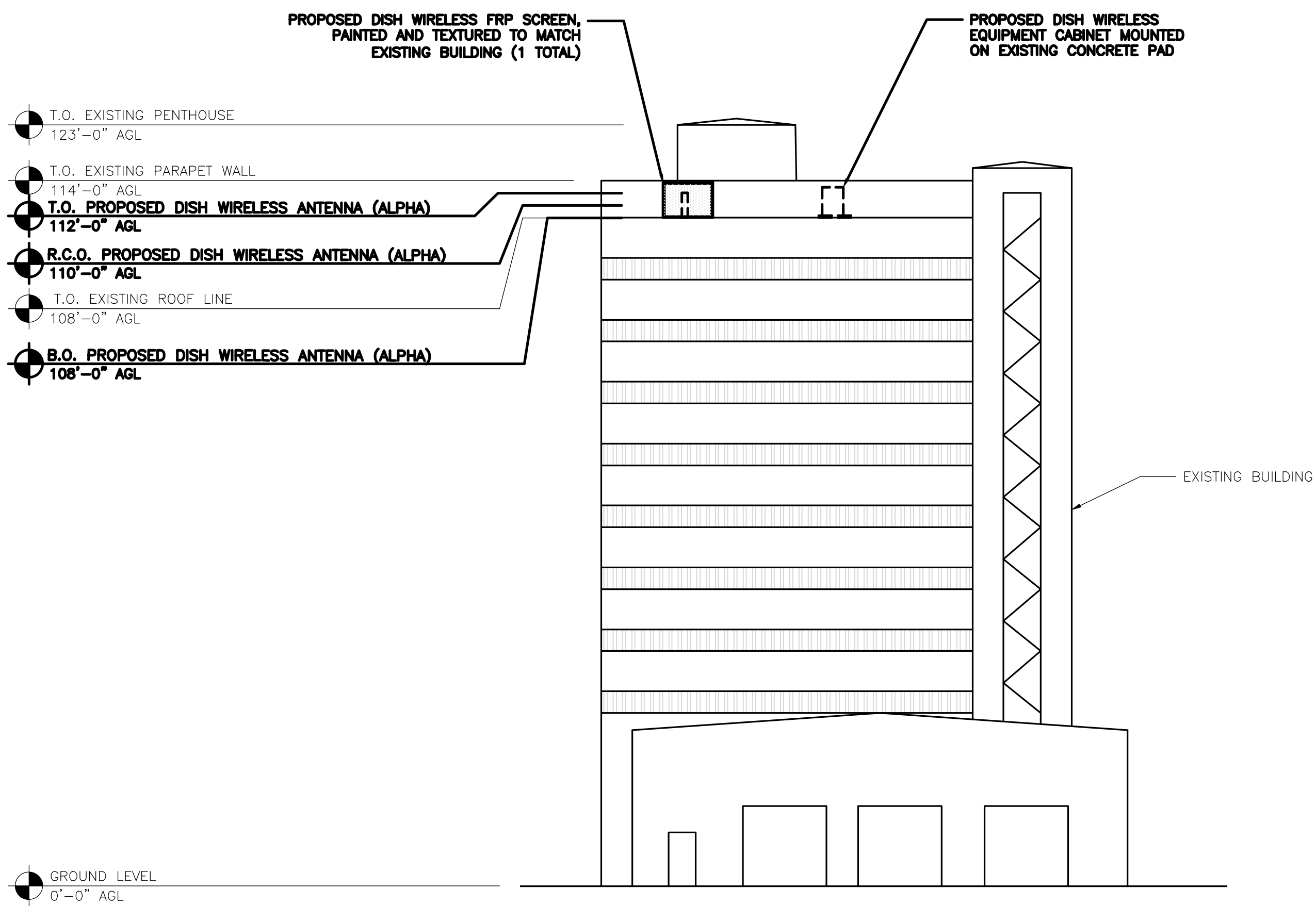
A-4



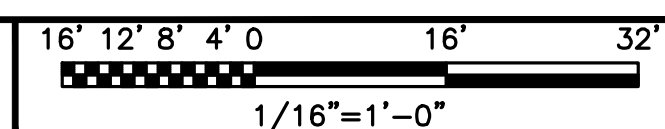
EXISTING BUILDING NORTH ELEVATION



1



PROPOSED BUILDING NORTH ELEVATION



2



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LITTLETON, CO 80120



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IRVINE, CA 92618

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RFDS REV #: ---

ZONING DOCUMENTS

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J5 PROJECT NUMBER  
P-054329

DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00301B  
700 NATIONAL CITY BLVD  
NATIONAL CITY, CA 91950

SHEET TITLE  
NORTH  
ELEVATION

SHEET NUMBER

A-5

T.O. EXISTING PENTHOUSE  
123'-0" AGL

T.O. EXISTING ROOF LINE  
108'-0" AGL

GROUND LEVEL  
0'-0" AGL



EXISTING BUILDING EAST ELEVATION

PROPOSED DISH WIRELESS ANTENNA,  
PAINTED AND TEXTURED TO MATCH  
EXISTING BUILDING  
(TYP. OF 1 PER SECTOR, 3 TOTAL)

T.O. PROPOSED DISH WIRELESS ANTENNA (BETA AND GAMMA)  
123'-0" AGL

R.C.O. PROPOSED DISH WIRELESS ANTENNA (BETA AND GAMMA)  
120'-0" AGL

B.O. PROPOSED DISH WIRELESS ANTENNA (BETA AND GAMMA)  
117'-0" AGL

T.O. EXISTING ROOF LINE  
108'-0" AGL

PROPOSED DISH WIRELESS RRH's,  
PAINTED AND TEXTURED TO MATCH  
EXISTING BUILDING  
(TYP. OF 2 PER SECTOR, 6 TOTAL)

PROPOSED DISH WIRELESS OVP DEVICE,  
PAINTED AND TEXTURED TO MATCH  
EXISTING BUILDING  
(TYP. OF 1 PER SECTOR, 3 TOTAL)

PROPOSED DISH WIRELESS  
EQUIPMENT CABINET MOUNTED  
ON EXISTING CONCRETE PAD

T.O. EXISTING PENTHOUSE  
123'-0" AGL

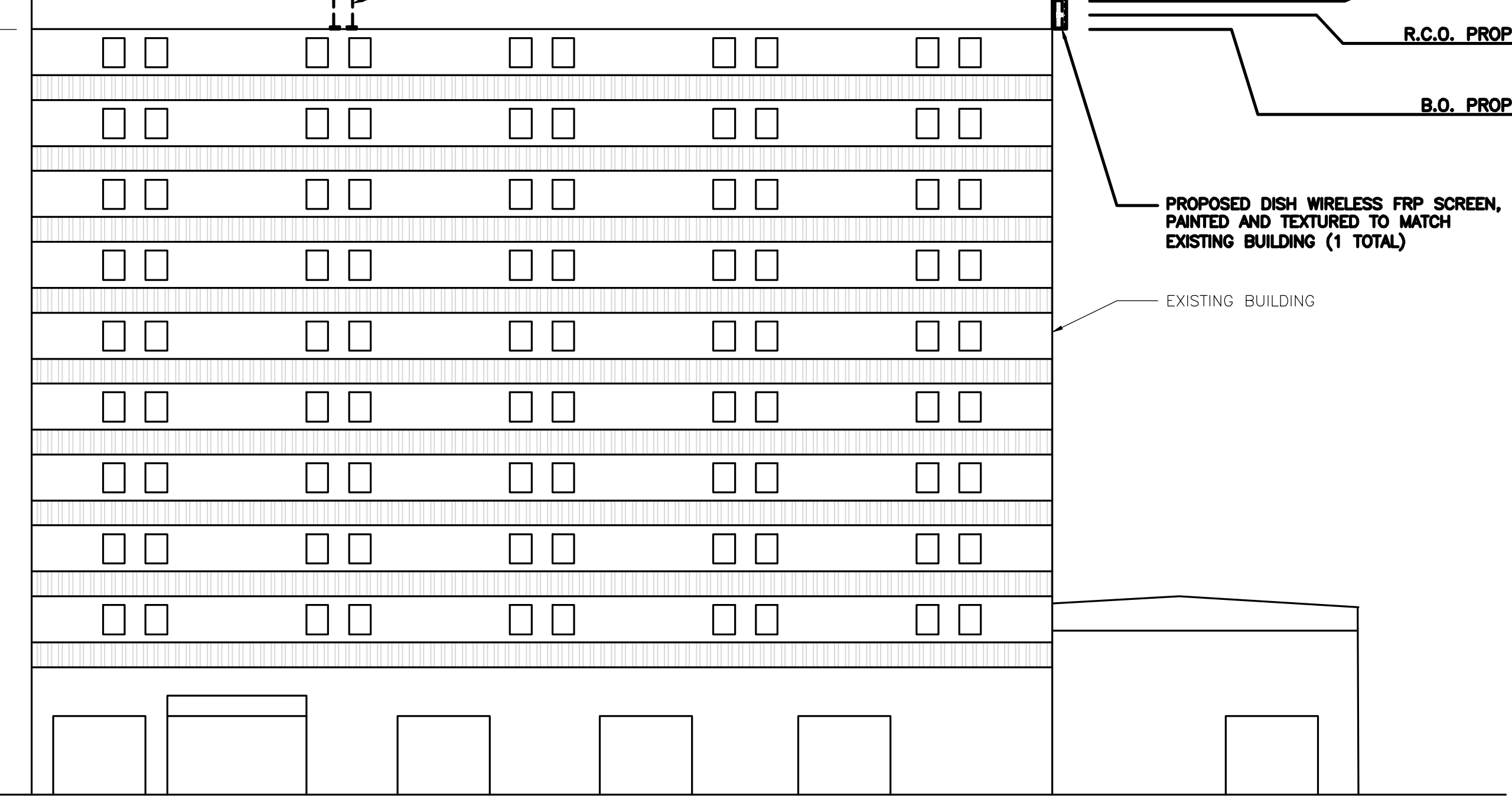
T.O. PROPOSED DISH WIRELESS ANTENNA (ALPHA)  
112'-0" AGL

R.C.O. PROPOSED DISH WIRELESS ANTENNA (ALPHA)  
110'-0" AGL

B.O. PROPOSED DISH WIRELESS ANTENNA (ALPHA)  
108'-0" AGL

PROPOSED DISH WIRELESS FRP SCREEN,  
PAINTED AND TEXTURED TO MATCH  
EXISTING BUILDING (1 TOTAL)

GROUND LEVEL  
0'-0" AGL



PROPOSED BUILDING EAST ELEVATION



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LITTLETON, CO 80120



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IRVINE, CA 92618

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JM

RFDS REV #:

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J5 PROJECT NUMBER  
P-054329

DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00301B  
700 NATIONAL CITY BLVD  
NATIONAL CITY, CA 91950

SHEET TITLE  
EAST  
ELEVATION

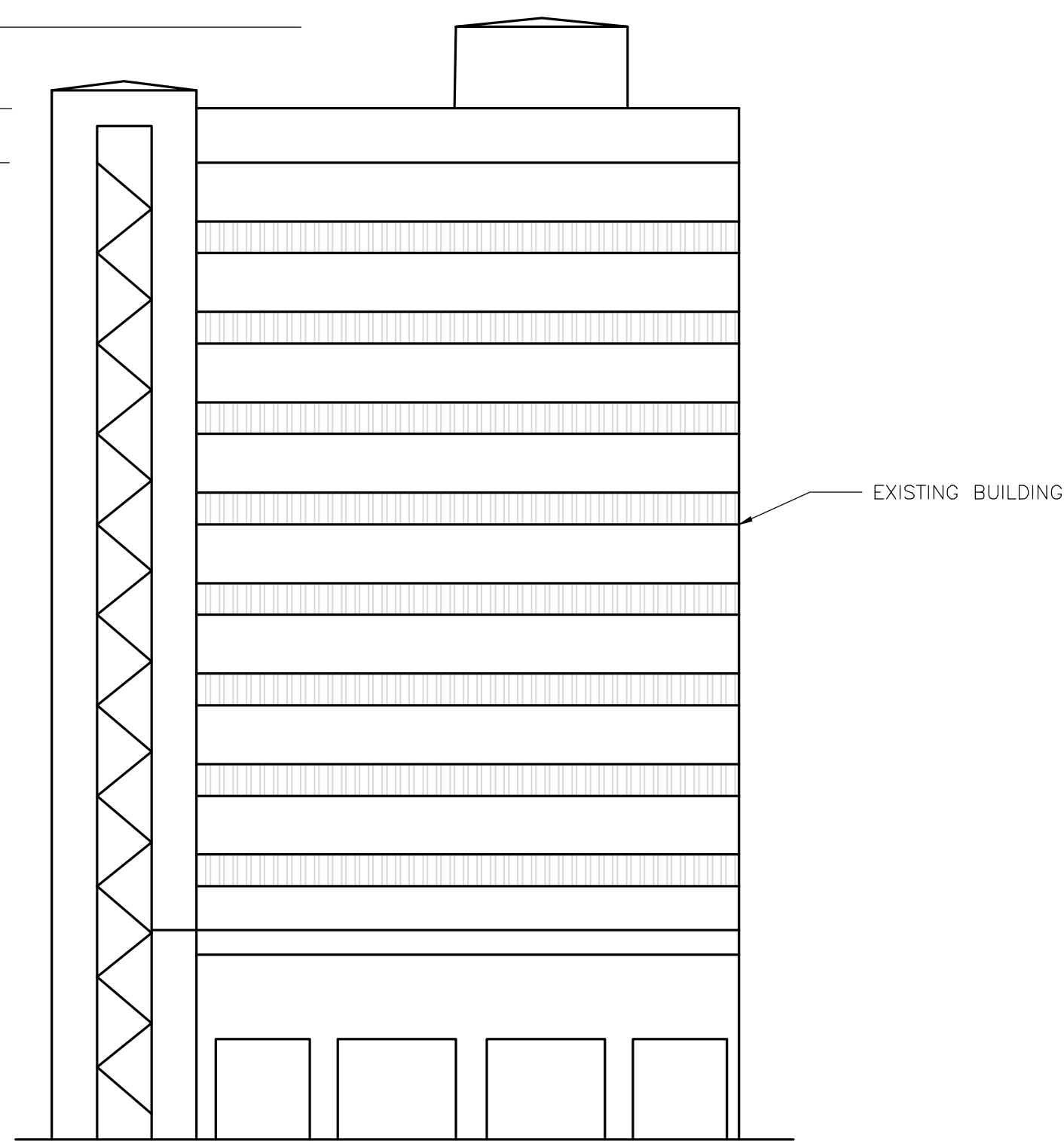
SHEET NUMBER  
A-6

T.O. EXISTING PENTHOUSE  
123'-0" AGL

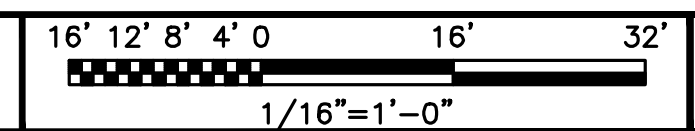
T.O. EXISTING PARAPET WALL  
114'-0" AGL

T.O. EXISTING ROOF LINE  
108'-0" AGL

GROUND LEVEL  
0'-0" AGL



EXISTING BUILDING SOUTH ELEVATION



1

T.O. EXISTING PENTHOUSE  
123'-0" AGL

T.O. EXISTING PARAPET WALL  
114'-0" AGL

T.O. PROPOSED DISH WIRELESS ANTENNA (ALPHA)  
112'-0" AGL

R.C.O. PROPOSED DISH WIRELESS ANTENNA (ALPHA)  
110'-0" AGL

T.O. EXISTING ROOF LINE  
108'-0" AGL

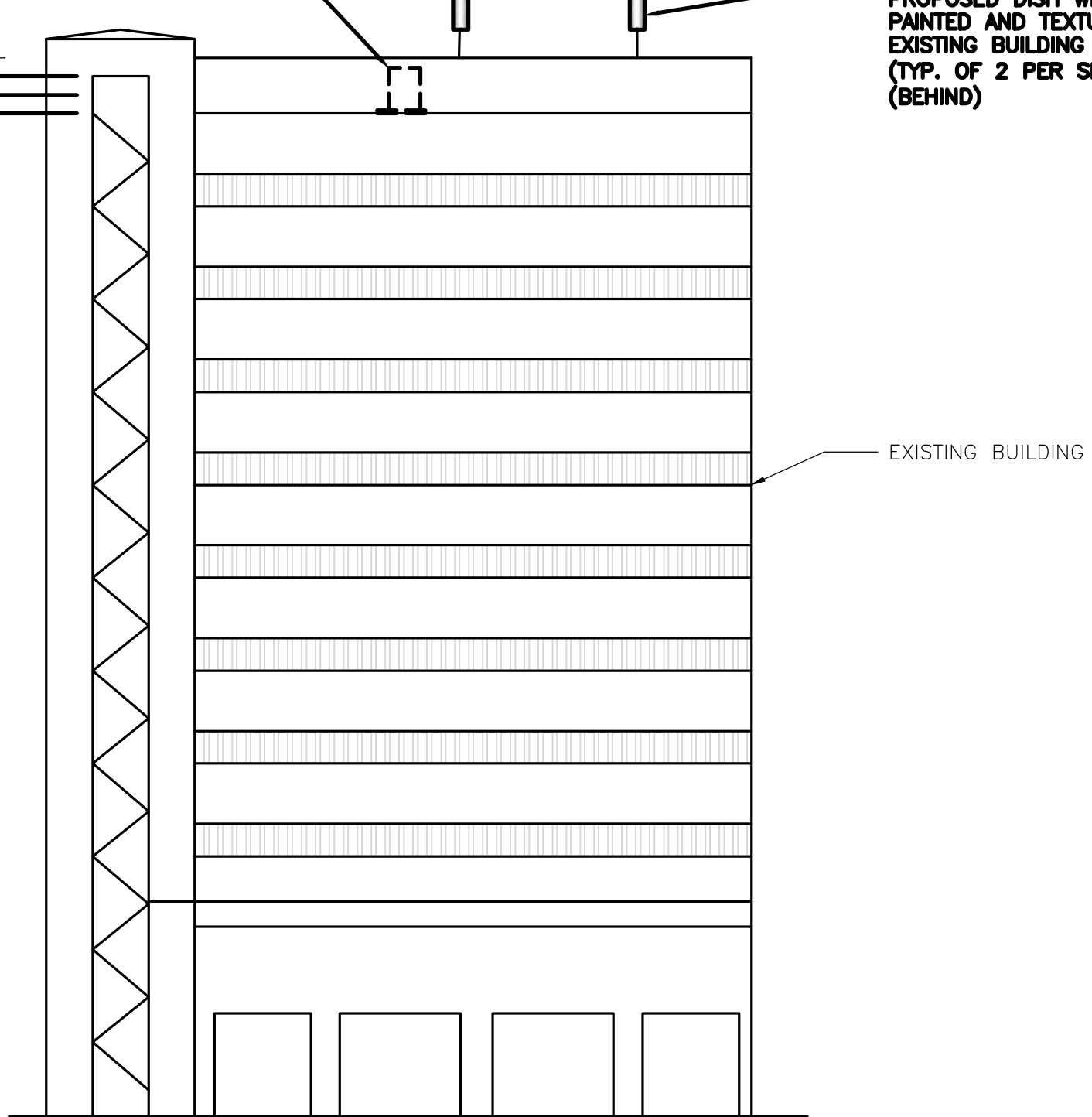
B.O. PROPOSED DISH WIRELESS ANTENNA (ALPHA)  
108'-0" AGL

GROUND LEVEL  
0'-0" AGL

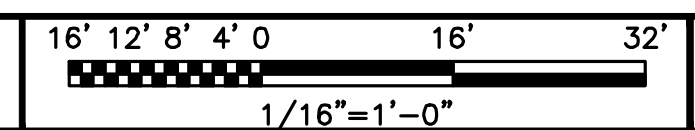
PROPOSED DISH WIRELESS  
EQUIPMENT CABINET MOUNTED  
ON EXISTING CONCRETE PAD

PROPOSED DISH WIRELESS ANTENNA,  
PAINTED AND TEXTURED TO MATCH  
EXISTING BUILDING  
(TYP. OF 1 PER SECTOR, 3 TOTAL)

PROPOSED DISH WIRELESS RRH's,  
PAINTED AND TEXTURED TO MATCH  
EXISTING BUILDING  
(TYP. OF 2 PER SECTOR, 6 TOTAL)  
(BEHIND)



PROPOSED BUILDING SOUTH ELEVATION



2



5701 SOUTH SANTA FE DRIVE  
LITTLETON, CO 80120



23 MAUCHLY #110,  
IRVINE, CA 92618

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JM --- ---

RFDS REV #: ---

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J5 PROJECT NUMBER  
P-054329

DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
  
SDSAN00301B  
700 NATIONAL CITY BLVD  
NATIONAL CITY, CA 91950

SHEET TITLE  
SOUTH  
ELEVATION

SHEET NUMBER

**A-7**

RESOLUTION NO. 2022-09

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF NATIONAL CITY, CALIFORNIA,  
APPROVING A CONDITIONAL USE PERMIT FOR  
THE MODIFICATION OF AN EXISTING WIRELESS  
COMMUNICATIONS FACILITY LOCATED AT  
700 NATIONAL CITY BLVD.  
CASE FILE NO. 2021-30 CUP  
APN: 555-053-17

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the modification of an existing wireless communications facility located at 700 National City Blvd. at a duly advertised public hearing held on March 7, 2022, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2021-30 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on March 7, 2022, support the following findings:

1. That the proposed use is allowable within the applicable zoning district pursuant to a CUP and complies with all other applicable provisions of the Land Use Code, because the use is allowable within DZ 7 pursuant to a CUP and the proposed facility meets the required telecommunication facility design guidelines that include providing the minimum distance requirements from habitable space and screening the facility.
2. That the proposed use is consistent with the General Plan and any applicable specific plan, because General Plan Policy E-3.3 encourages access to wireless internet connections, computers, and other forms of communication technology: the proposed facility modifications provide added internet/cellular data as well as



standard cellphone service capability. In addition, the proposed facility is a conditionally-permitted use in DZ 7.

3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the facility is existing and is being modified to match the same locational and architectural components of the current facility design, plus add screening to bring the facility into compliance with current codes.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the facility is existing and the modifications meet all development standards and distance requirements of the Land Use Code.
5. That granting the permit would not 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 the proposed facility is existing and the modified version will not be highly visible due to the added screening walls around the antennas on the north side, and the antennas on the elevator housing are out of sight and painted to match the building.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act and has been determined to be categorically exempt from environmental review pursuant to Class 3 Section 15303 (New Construction or Conversion of Small Structures), for which a Notice of Exemption will be filed subsequent to approval of this CUP.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

#### General

1. This *Conditional Use Permit* authorizes the modification of an existing wireless communications facility at 700 National City Blvd. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2021-30 CUP, dated 11/8/2021. Any additional antennas or facilities must be in substantial conformance with the design for installation shown on these plans.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the

approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assign prior to recordation.

3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

#### Building

5. Plans submitted for demolition or construction improvements shall comply with the current editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

#### Fire

6. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC), National Fire Protection Association (NFPA), and California Code of Regulations (CCR).
7. All required signage for telecommunications facilities, as specified by the CFC, if not already on site, shall be designed and installed.
8. The National City Fire Department shall be involved with all fire inspections for this site. Rough inspections are required for all phases of work.

#### Planning

9. All appropriate and required local, state and/or federal permits must be obtained and/or modified prior to operation of the wireless communications facility.
10. Screening walls shall be textured and painted to match the architectural style and color of the existing building. Façade-mounted antennas (i.e. elevator penthouse) shall be painted to match the color of the wall to which they are attached. At such time as the building changes color significantly (e.g. rebranding, repainting), antennas and screening installations on the north elevation shall be repainted to match.

11. All roof-mounted equipment shall be painted to match the nearest building wall to where it is located. Other equipment must be screened from view. Any apparatus visible to the exterior of the facility, including cable chases/trays, shall be painted to match the surface on which it is mounted.
12. The permittee shall not object to co-locating additional facilities of other communication companies and sharing the project site, provided such shared use does not result in substantial technical or quality-of-service impairment for the permitted use. In the event a dispute arises with regard to co-locating with other existing or potential users, the City may require a third party technical study at the expense of either or both the applicant and the complaining user. This condition in no way obligates the City to approve any co-location proposal if it is determined by the City not to be desirable in a specific case.
13. The applicant or operator shall be responsible for the removal and disposal of any antennas, equipment or facilities that are abandoned, decommissioned, or become obsolete within six (6) months of discontinuance.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

**CERTIFICATION:**

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 7, 2022, by the following vote:

AYES: Sendt, Yamane, Natividad, Roman, Sanchez, Dela Paz, Valenzuela

NAYS: None.

ABSENT: None.

ABSTAIN: None.

DocuSigned by:  
*Ditas Yamane*  
206B8BB8493D4BD...

**CHAIRPERSON**

Ditas Yamane

3/14/2022



**NOTES:**

APN: 555-053-17-00

OWNER: NVA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY OF ANY PARCEL OF LAND, NOR DOES IT IMPLY OR INFER THAT A BOUNDARY SURVEY WAS PERFORMED. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION. PROPERTY LINES AND LINES OF TITLE WERE NEITHER INVESTIGATED NOR SURVEYED AND SHALL BE CONSIDERED APPROXIMATE ONLY. NO PROPERTY MONUMENTS WERE SET.

THE EASEMENTS (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN PLOTTED BASED SOLELY ON INFORMATION CONTAINED IN THE TITLE REPORT BY: FIRST TITLE NATIONAL TITLE & CLOSING SERVICES, FILE NO. SDSAN00301B, DATED JULY 16, 2021. WITHIN SAID TITLE REPORT THERE ARE FOUR (4) EXCEPTIONS LISTED, ONE (1) OF WHICH IS AN EASEMENT AND NONE (0) OF WHICH CAN NOT BE PLOTTED.

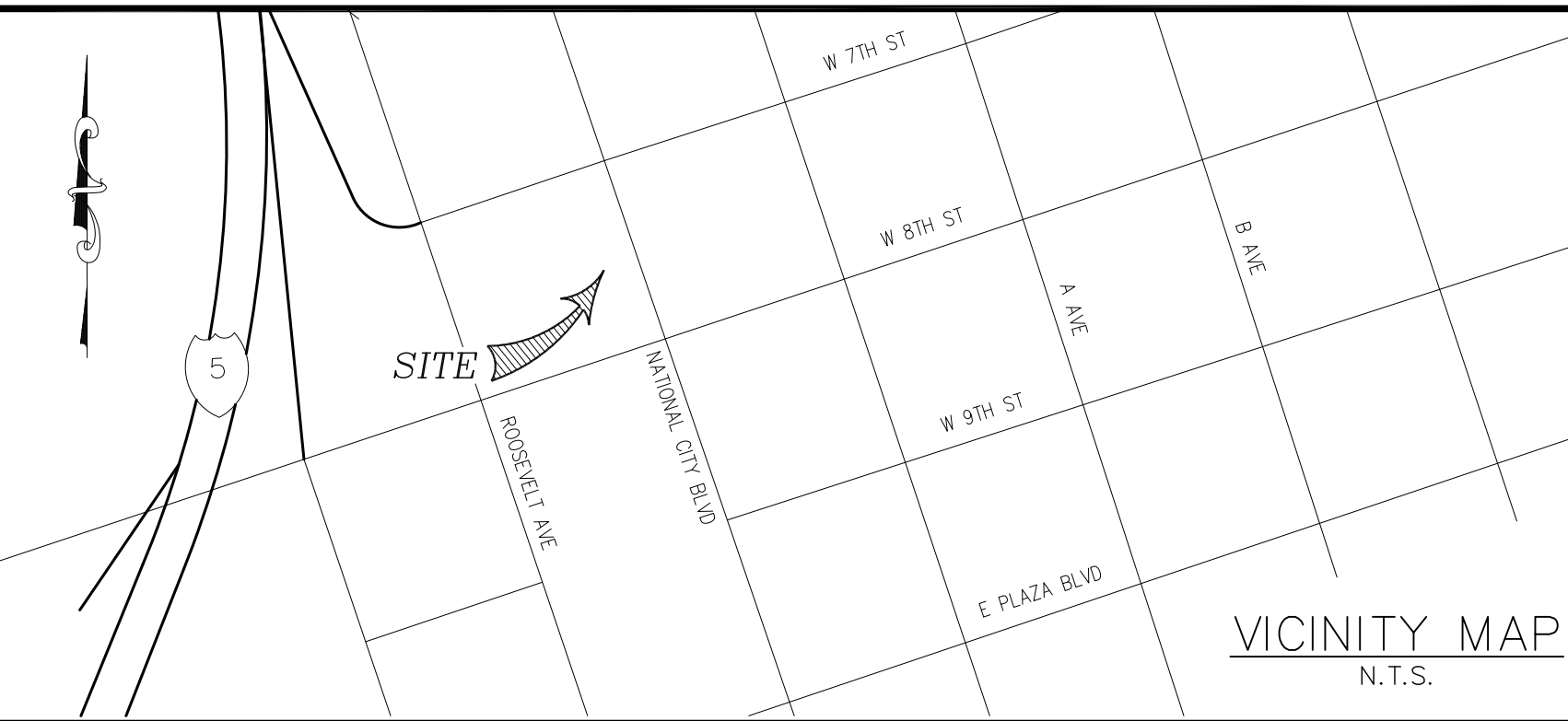
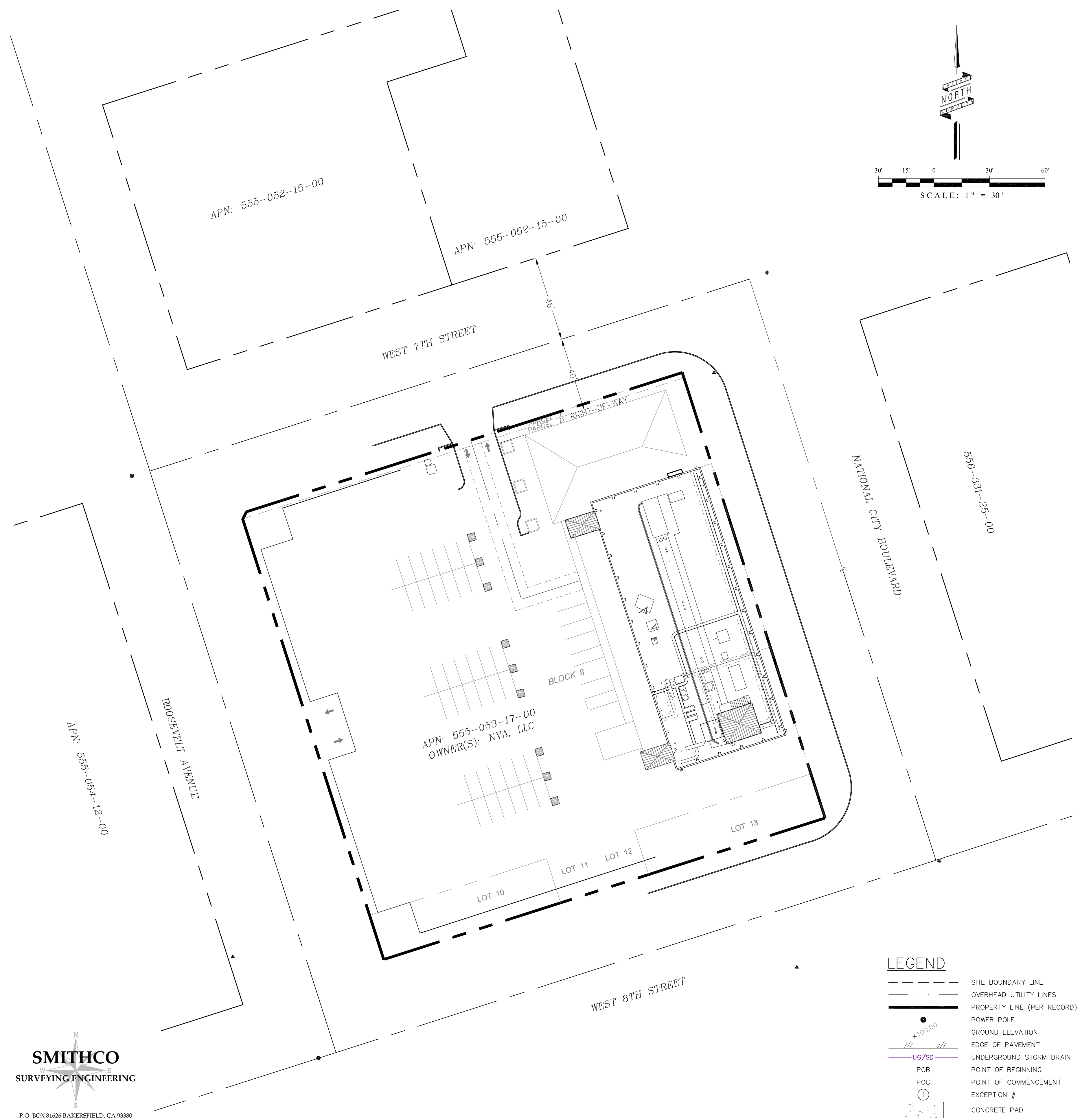
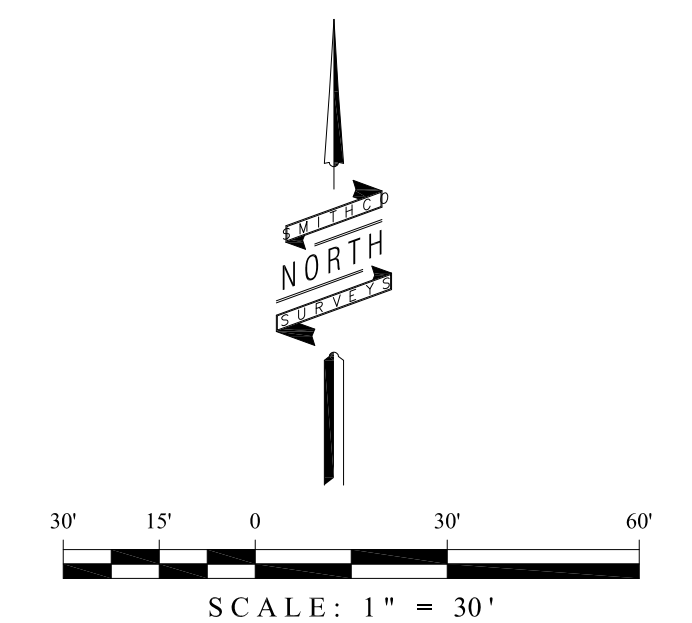
THE UNDERGROUND UTILITIES (IF ANY) THAT APPEAR ON THIS MAP HAVE BEEN LOCATED BY FIELD OBSERVATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD RATE MAP FOR COMMUNITY NO. 060293, PANEL NO. 1911H, DATED DECEMBER 20, 2019 SHOWS THAT THE LOCATION OF THIS SITE FALLS WITHIN ZONE 'X', AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

THE LATITUDE AND LONGITUDE AT THE LOCATION AS SHOWN WAS DETERMINED BY GPS OBSERVATIONS.

LAT. 32° 40' 34.52" N. NAD 83 (32.676256°)  
 LONG. 117° 06' 26.56" W. NAD 83 (-117.107378°)  
 ELEV. 40.5' NAVD 88 (BASIS OF DRAWING)

The information shown above meets or exceeds the requirements set forth in FAA order 8260.19D for 1-A accuracy (± 20' horizontally and ± 3' vertically). The horizontal datum (coordinates) are expressed as degrees, minutes and seconds, to the nearest hundredth of a second. The vertical datum (heights) are expressed in feet and decimals thereof and are determined to the nearest 0.1 foot.



**SMITHCO**  
 SURVEYING ENGINEERING  
 P.O. BOX 81626 BAKERSFIELD, CA 93380  
 PHONE: (661) 393-1217 FAX: (661) 393-1218

**LEGEND**

|  |                            |
|--|----------------------------|
|  | SITE BOUNDARY LINE         |
|  | OVERHEAD UTILITY LINES     |
|  | PROPERTY LINE (PER RECORD) |
|  | POWER POLE                 |
|  | GROUND ELEVATION           |
|  | EDGE OF PAVEMENT           |
|  | UNDERGROUND STORM DRAIN    |
|  | POINT OF BEGINNING         |
|  | POINT OF COMMENCEMENT      |
|  | EXCEPTION #                |
|  | CONCRETE PAD               |



5701 SOUTH SANTA FE DRIVE  
 LITTLETON, CO 80120



23 MAUCHLY #110,  
 IRVINE, CA 92618



ALL DRAWINGS AND WRITTEN MATERIAL CONTAINED HEREIN ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

|                         |             |              |
|-------------------------|-------------|--------------|
| DRAWN BY:               | CHECKED BY: | APPROVED BY: |
| LA                      | DA          | ---          |
| SMITHCO JOB NO. 56-1270 |             |              |

| SUBMITTALS |            |                   |    |
|------------|------------|-------------------|----|
| REV        | DATE       | DESCRIPTION       | BY |
| 0          | 09/15/2021 | PRELIMINARY ISSUE | LA |
| 1          | 10/07/2021 | REVISION          | EJ |
| 2          | 11/04/2021 | LEASE & EASEMENTS | DL |

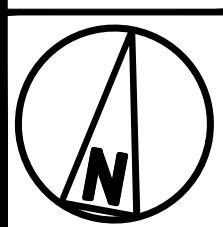
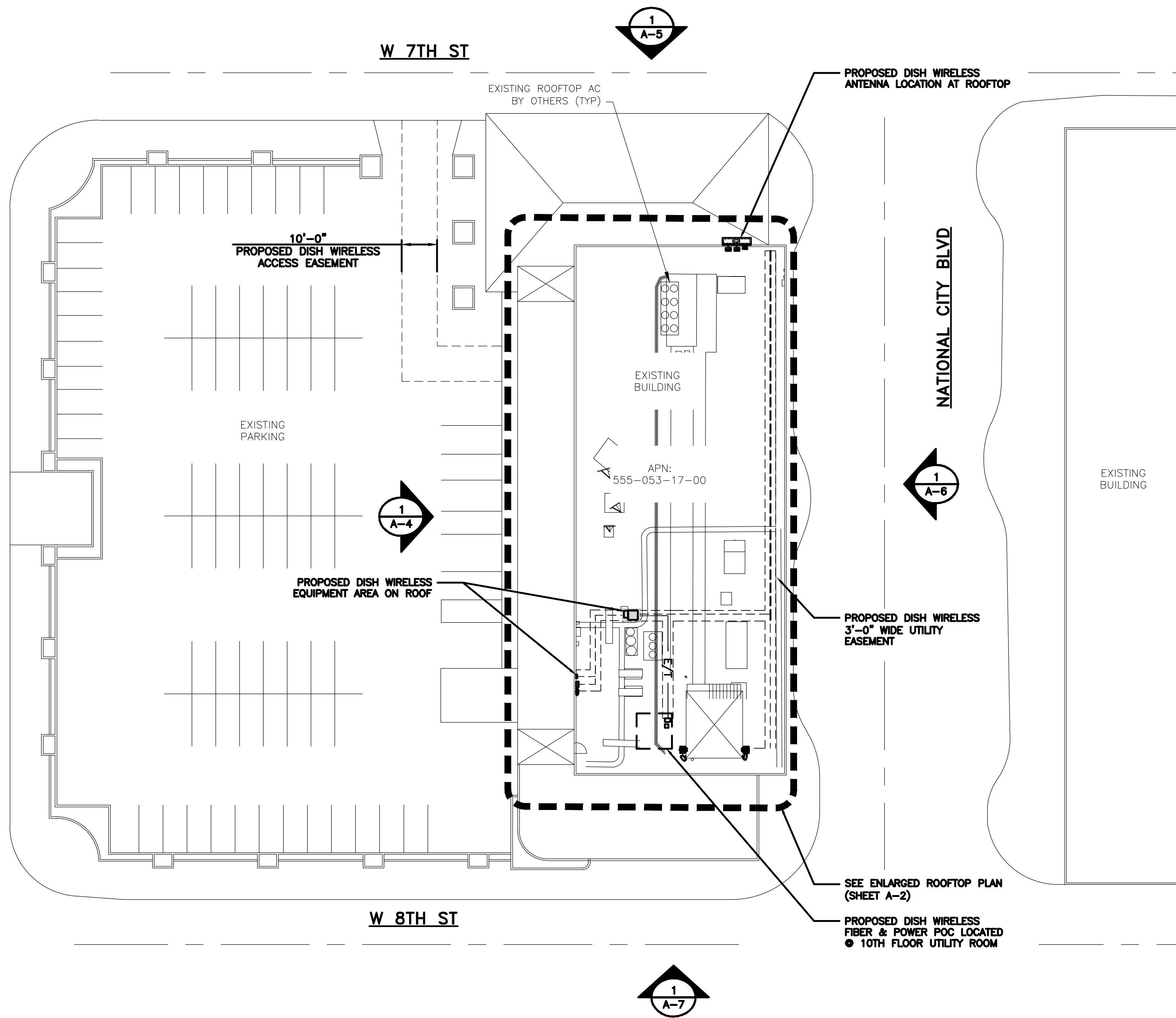
J5 PROJECT NUMBER  
**P-054329**

DISH WIRELESS L.L.C.  
 PROJECT INFORMATION  
**SDSAN00301B**  
 700 NATIONAL CITY BLVD  
 NATIONAL CITY, CA 91950

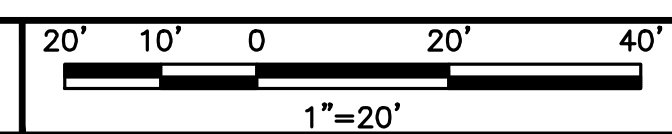
SHEET TITLE  
**SITE SURVEY**

SHEET NUMBER  
**C-1**

**DISCLAIMER NOTE:**  
 J5 INFRASTRUCTURE PARTNERS HAS GENERATED A SITE PLAN WITHOUT USING A TOPOGRAPHIC SURVEY. PROPERTY LINES, POWER/TELCO UTILITY POINT OF CONNECTION/ROUTES AND EASEMENT SHOWN ON THIS PLAN IS ESTIMATED. J5 INFRASTRUCTURE HIGHLY RECOMMENDS A SURVEY TO REFLECT ACCURACY OF MEASUREMENT.



OVERALL SITE PLAN



1



5701 SOUTH SANTA FE DRIVE  
 LITTLETON, CO 80120



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 IRVINE, CA 92618

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DRAWN BY: JM  
 CHECKED BY: ---  
 APPROVED BY: ---

RFDS REV #: ---

**ZONING DOCUMENTS**

| SUBMITTALS |            |                        |
|------------|------------|------------------------|
| REV        | DATE       | DESCRIPTION            |
| A          | 08/12/2021 | 90% ZD                 |
| B          | 10/01/2021 | 90% ZD - DISH COMMENTS |
| C          | 10/24/2021 | 90% ZD - DISH COMMENTS |
| D          | 10/29/2021 | 90% ZD - DISH COMMENTS |

J5 PROJECT NUMBER  
 P-054329

DISH WIRELESS L.L.C.  
 PROJECT INFORMATION  
 SDSAN00301B  
 700 NATIONAL CITY BLVD  
 NATIONAL CITY, CA 91950

SHEET TITLE  
 OVERALL  
 SITE PLAN  
 SHEET NUMBER

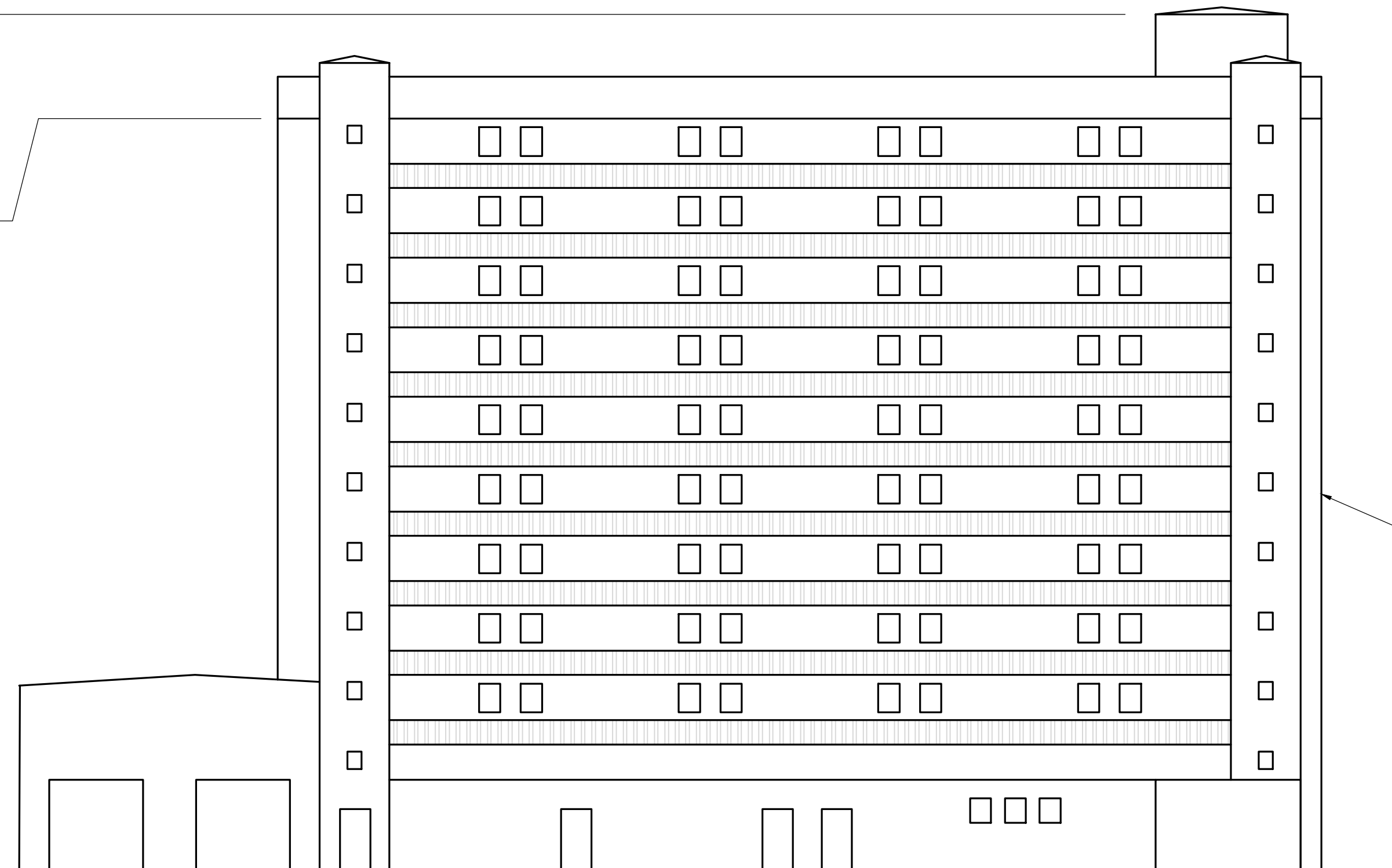
**A-1**



T.O. EXISTING PENTHOUSE  
123'-0" AGL

T.O. EXISTING ROOF LINE  
108'-0" AGL

GROUND LEVEL  
0'-0" AGL



EXISTING BUILDING WEST ELEVATION

T.O. EXISTING PENTHOUSE  
123'-0" AGL

T.O. PROPOSED DISH WIRELESS ANTENNA (ALPHA)  
112'-0" AGL

R.C.O. PROPOSED DISH WIRELESS ANTENNA (ALPHA)  
110'-0" AGL

T.O. EXISTING ROOF LINE  
108'-0" AGL

B.O. PROPOSED DISH WIRELESS ANTENNA (ALPHA)  
108'-0" AGL

GROUND LEVEL  
0'-0" AGL



PROPOSED BUILDING WEST ELEVATION



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LITTLETON, CO 80120



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DRAWN BY: CHECKED BY: APPROVED BY:

JM

RFDS REV #:

ZONING DOCUMENTS

SUBMITTALS

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J5 PROJECT NUMBER  
P-054329

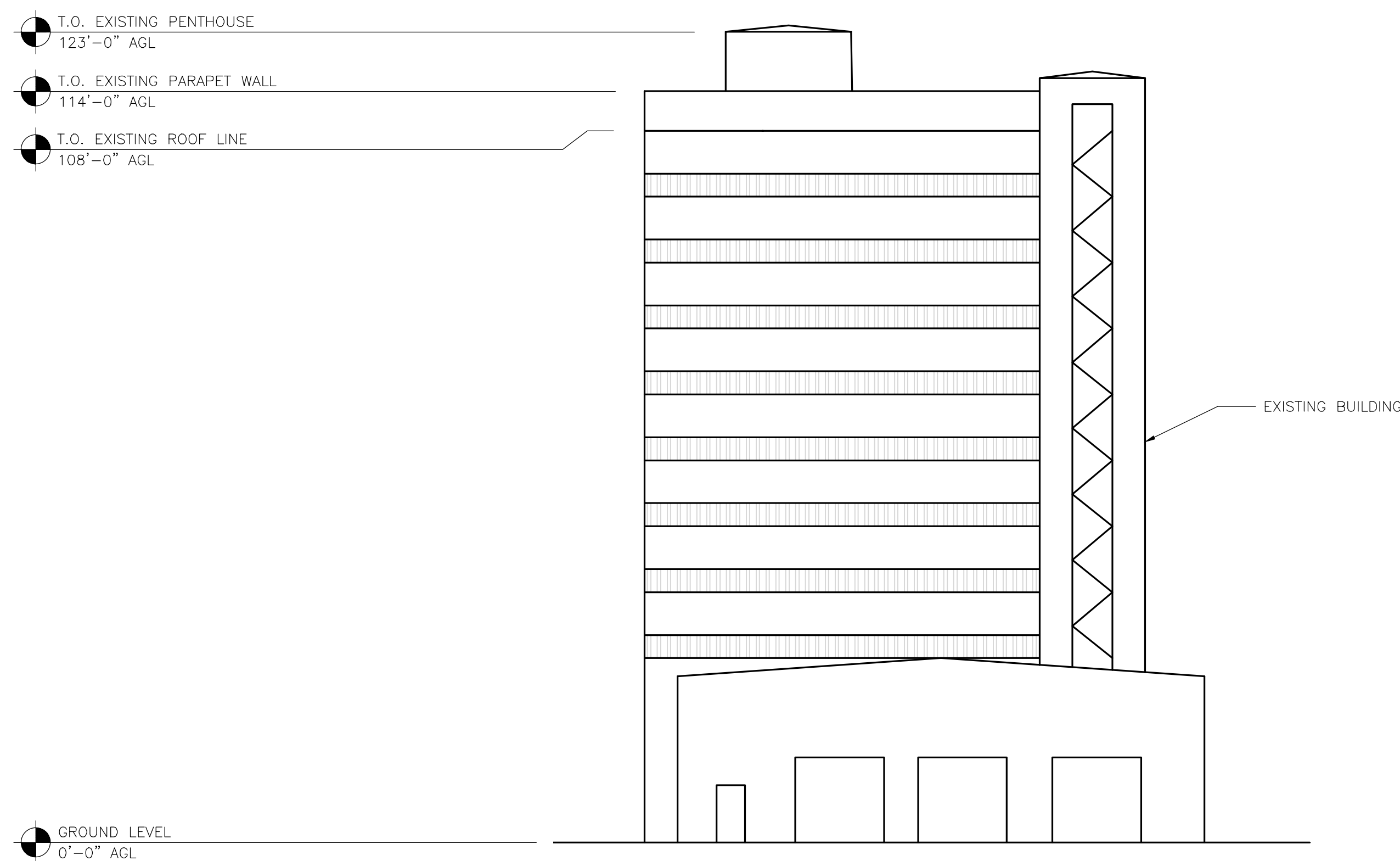
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PROJECT INFORMATION  
SDSAN00301B  
700 NATIONAL CITY BLVD  
NATIONAL CITY, CA 91950

SHEET TITLE  
WEST  
ELEVATION

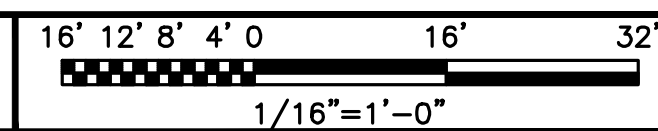
SHEET NUMBER

A-4

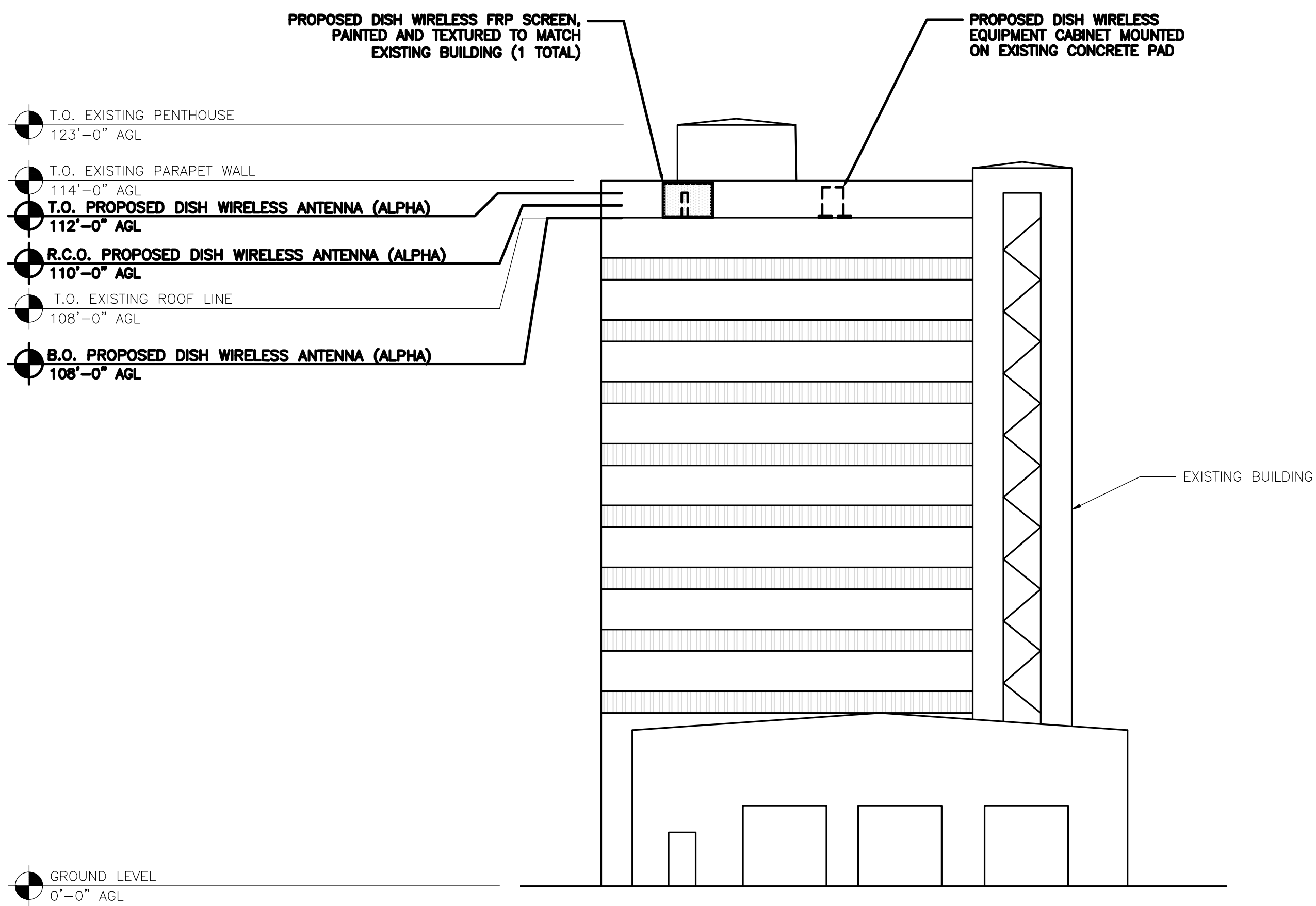




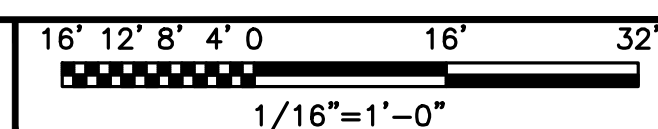
EXISTING BUILDING NORTH ELEVATION



1



PROPOSED BUILDING NORTH ELEVATION



2



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LITTLETON, CO 80120



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JM --- ---

RFDS REV #: ---

ZONING DOCUMENTS

SUBMITTALS

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J5 PROJECT NUMBER  
P-054329

DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00301B  
700 NATIONAL CITY BLVD  
NATIONAL CITY, CA 91950

SHEET TITLE  
NORTH  
ELEVATION

SHEET NUMBER

A-5

T.O. EXISTING PENTHOUSE  
123'-0" AGL

T.O. EXISTING ROOF LINE  
108'-0" AGL

GROUND LEVEL  
0'-0" AGL



EXISTING BUILDING EAST ELEVATION

16' 12' 8' 4" 0 16' 32'  
1/16"=1'-0"

1

PROPOSED DISH WIRELESS ANTENNA,  
PAINTED AND TEXTURED TO MATCH  
EXISTING BUILDING  
(TYP. OF 1 PER SECTOR, 3 TOTAL)

T.O. PROPOSED DISH WIRELESS ANTENNA (BETA AND GAMMA)  
123'-0" AGL

R.C.O. PROPOSED DISH WIRELESS ANTENNA (BETA AND GAMMA)  
120'-0" AGL

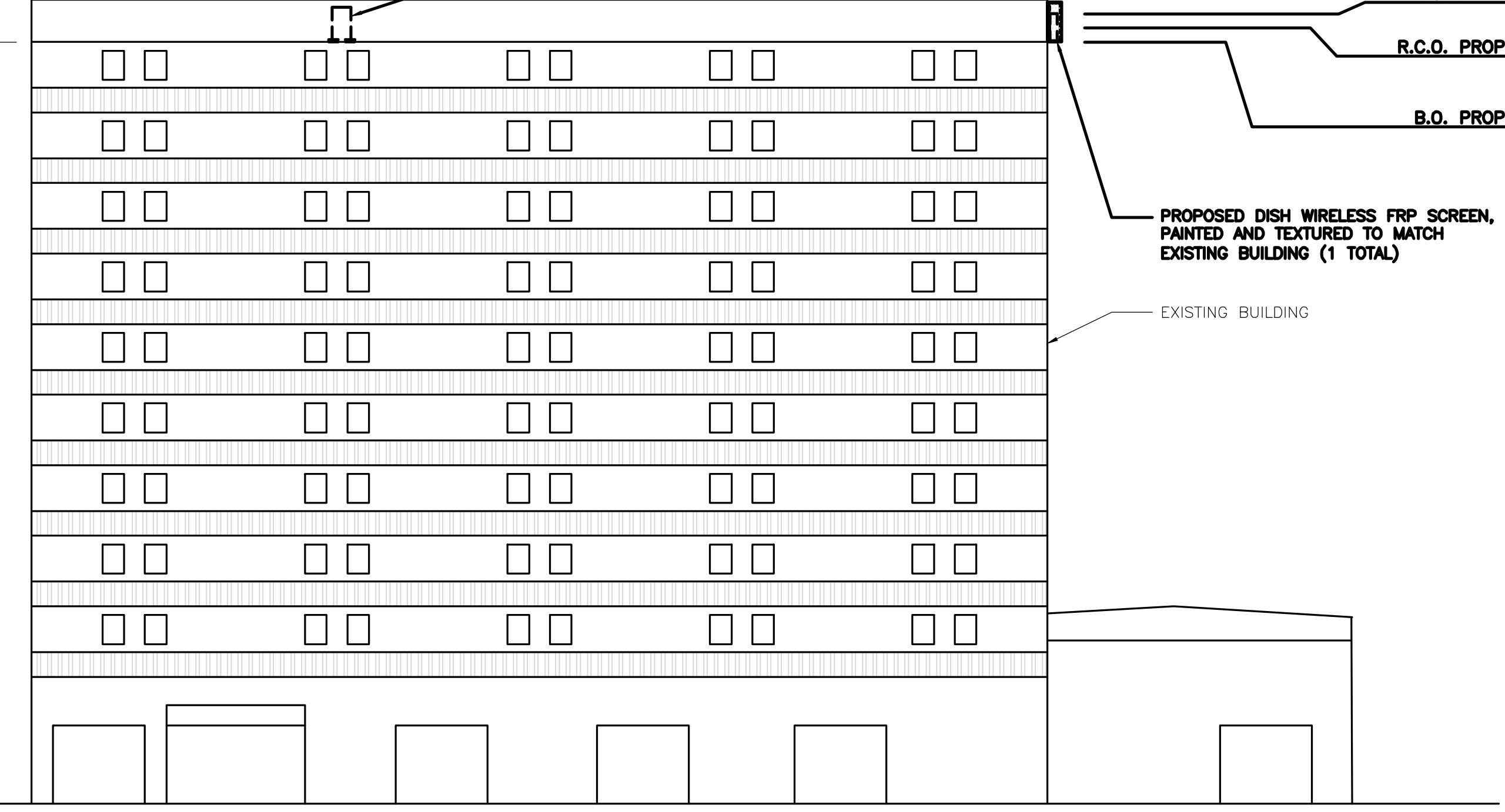
B.O. PROPOSED DISH WIRELESS ANTENNA (BETA AND GAMMA)  
117'-0" AGL

T.O. EXISTING ROOF LINE  
108'-0" AGL

PROPOSED DISH WIRELESS RRH's,  
PAINTED AND TEXTURED TO MATCH  
EXISTING BUILDING  
(TYP. OF 2 PER SECTOR, 6 TOTAL)

PROPOSED DISH WIRELESS OVP DEVICE,  
PAINTED AND TEXTURED TO MATCH  
EXISTING BUILDING  
(TYP. OF 1 PER SECTOR, 3 TOTAL)

PROPOSED DISH WIRELESS  
EQUIPMENT CABINET MOUNTED  
ON EXISTING CONCRETE PAD



PROPOSED BUILDING EAST ELEVATION

16' 12' 8' 4" 0 16' 32'  
1/16"=1'-0"

2



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LITTLETON, CO 80120



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DRAWN BY: CHECKED BY: APPROVED BY:  
JM --- ---

RFDS REV #: ---

ZONING DOCUMENTS

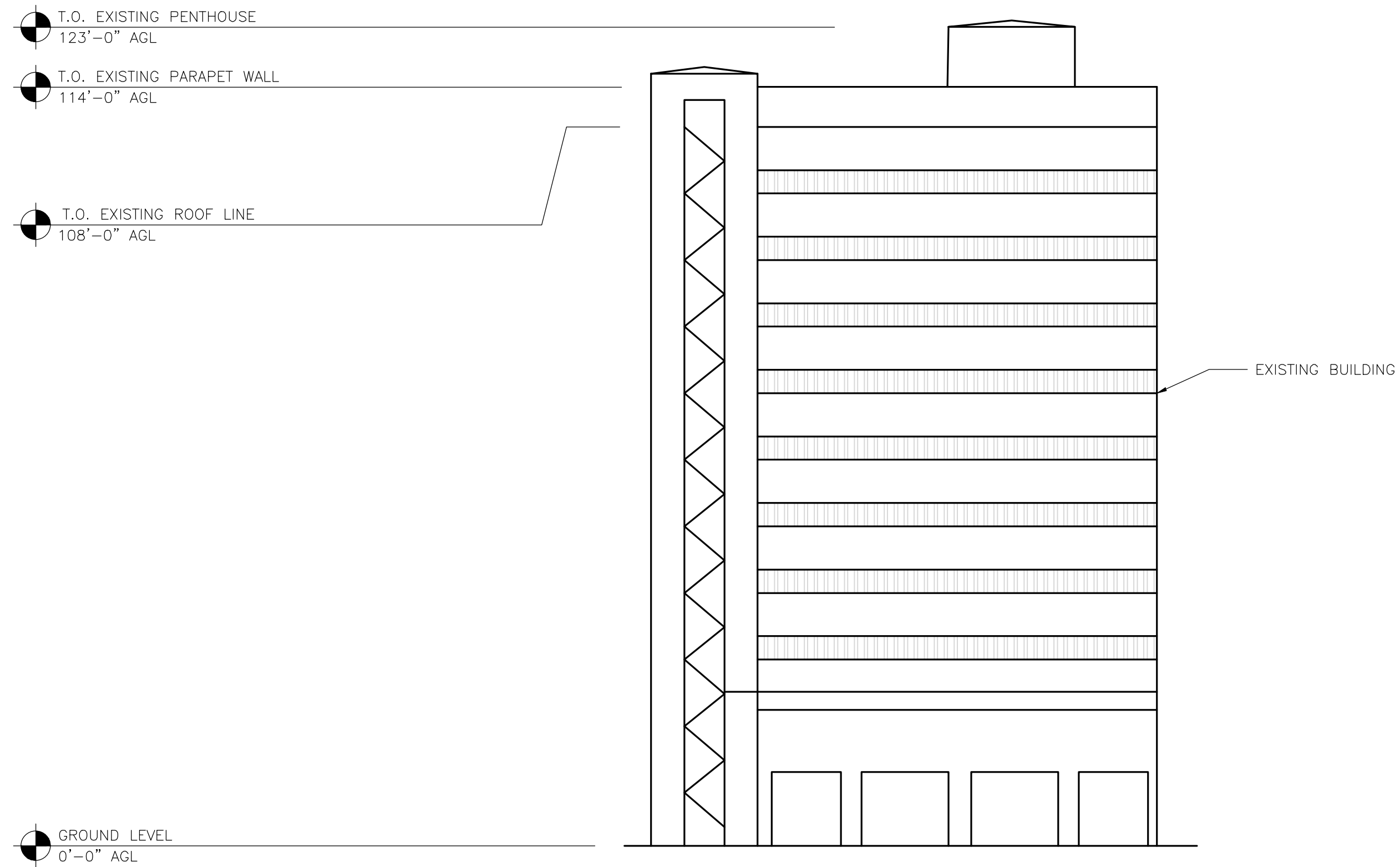
| SUBMITTALS |            |                        |
|------------|------------|------------------------|
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J5 PROJECT NUMBER  
P-054329

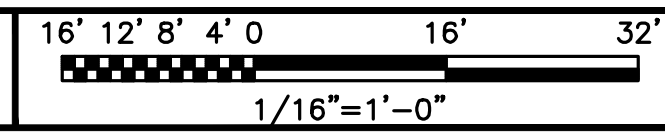
DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00301B  
700 NATIONAL CITY BLVD  
NATIONAL CITY, CA 91950

SHEET TITLE  
EAST  
ELEVATION

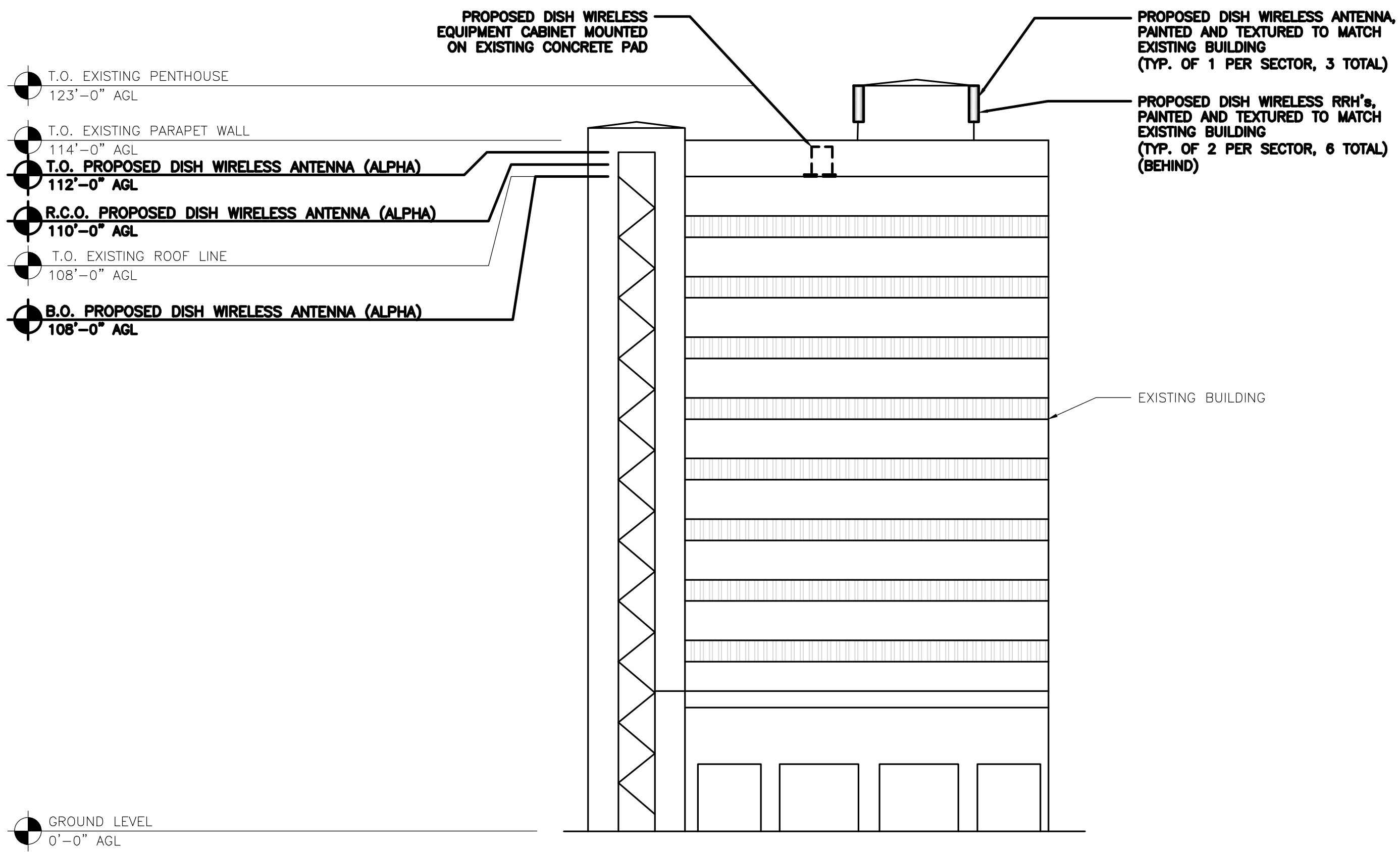
SHEET NUMBER  
A-6



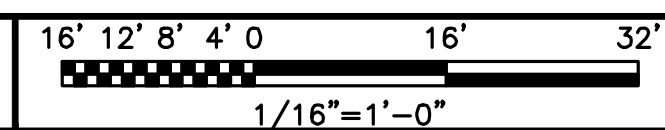
EXISTING BUILDING SOUTH ELEVATION



1



PROPOSED BUILDING SOUTH ELEVATION



2



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LITTLETON, CO 80120



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IRVINE, CA 92618

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DRAWN BY: JM CHECKED BY: --- APPROVED BY: ---

RFDS REV #: ---

ZONING DOCUMENTS

| SUBMITTALS |            |                        |
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J5 PROJECT NUMBER  
P-054329

DISH WIRELESS L.L.C.  
PROJECT INFORMATION  
SDSAN00301B  
700 NATIONAL CITY BLVD  
NATIONAL CITY, CA 91950

SHEET TITLE  
SOUTH  
ELEVATION

SHEET NUMBER

A-7



**Public Hearing**  
Conditional Use Permit  
for modification of existing  
wireless communications facility  
at 700 National City Blvd.  
2021-30 CUP

**Overhead**



**ATTACHMENT 5**

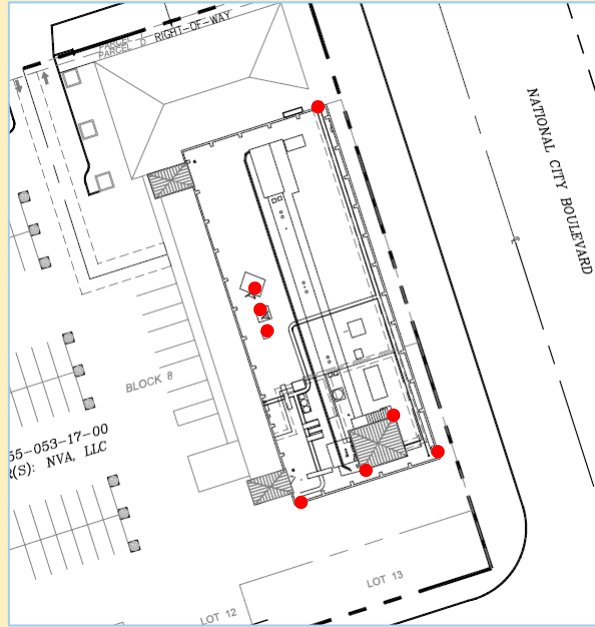
**Site Characteristics:**

- 12-story Ramada Hotel
- Existing facility on the roof
  - Existing panel antennas façade-mounted on N, S, & E sides of building
  - Existing panel antennas on N & S facades of elevator penthouse
  - 3 dish antennas on the roof
- 2 CUPs approved at the site (2000)
  - Metrocom and Skytel
  - Substantial conformance review approved Cricket Wireless (2009)

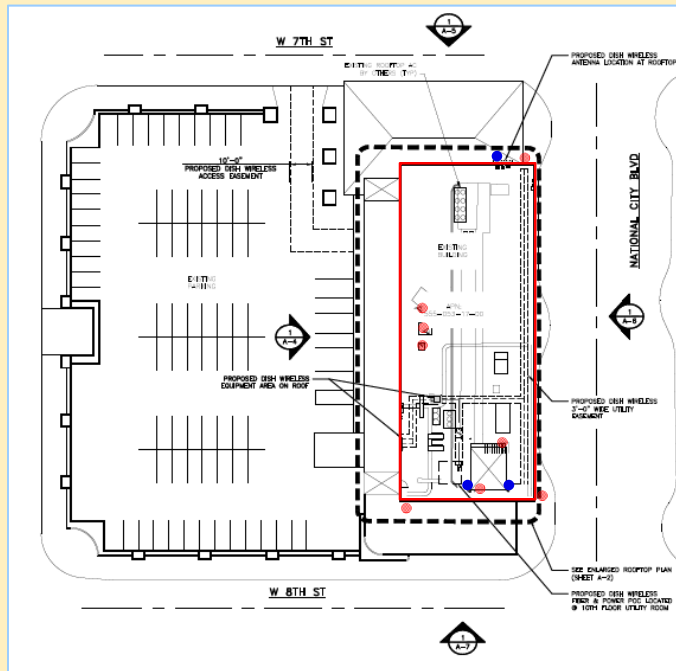
**Proposal:**

- Three sectors of panel antennas facing to N, E, S
- North sector installed within screened cover on north end of building
- East & west sectors façade-mounted to elevator penthouse
- All antennas/enclosures to be textured/painted to match
  - (Condition of approval)
- CUP is required for expansion of existing facilities not meeting current standards (i.e. screening)
- New facility designed to address area of weak service

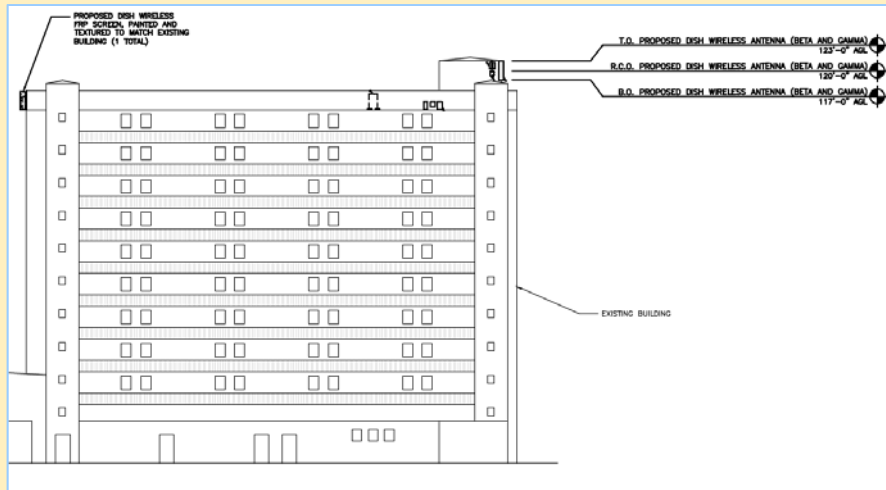
**Site Plan**



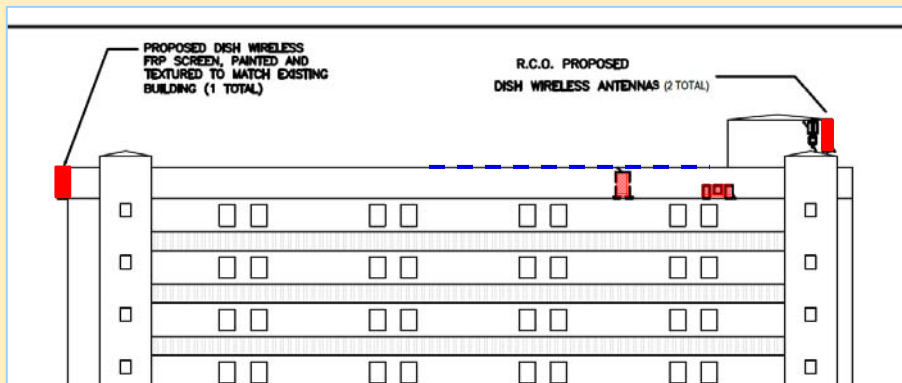
**Site Plan**



### Elevation



### Elevation



**Analysis:**

- Consistent with General Plan policy E-3.3 (Education and Public Participation)
  - Increase access to wireless internet connections, computers, and other forms of communication technology
- Consistent with the Land Use Code
  - Conditionally-allowed use in DZ 7
  - Screening of facility
  - Located at least 75 feet from habitable structures on other properties

**Analysis (cont.):**

- Public noticing – 259 people
- No public comment
  
- 1996 Telecommunications Act
  - No regulation based on RF emissions
  - Compliance with FCC limits



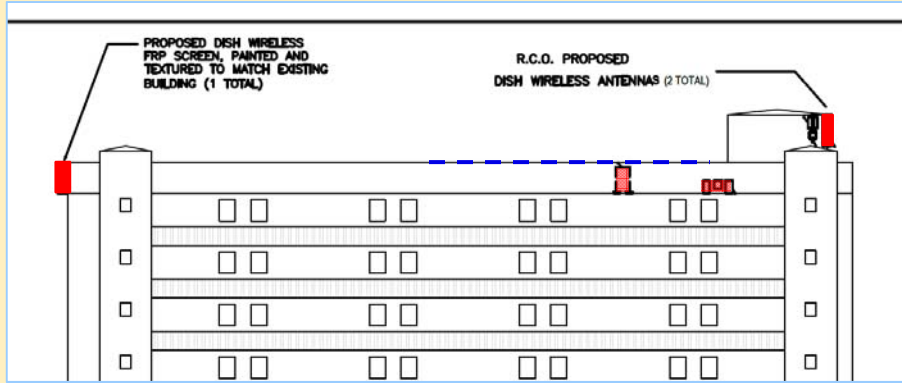
**Conditions/Summary:**

- Conditions of Approval
  - Standard conditions specific to wireless facilities
    - Agency permits
    - Building & Fire code compliance
    - Colocation
- Use consistent with General Plan and LUC
- Meets all applicable design requirements
- Considered 'stealth'
- Improve coverage in the area

**Options:**

- Approve CUP based on attached findings / findings determined by the Commission; or
- Deny CUP based on findings determined by the Commission; or
- Continue the item for additional information
- Staff recommending approval
- Notice of Decision to City Council

**Elevation**



The following page(s) contain the backup material for Agenda Item: [Temporary Use Permit – Cruise Nights hosted by United Lowrider Coalition from May 6, 2022 to October 7, 2022 with no waiver of fees. \(Community Development\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO. |**

**ITEM TITLE:**

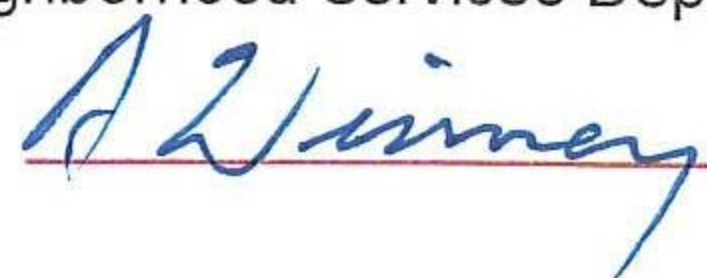
|Temporary Use Permit – Cruise Nights hosted by United Lowrider Coalition from May 6, 2022 to October 7, 2022 with no waiver of fees. |

**PREPARED BY:** Dionisia Trejo

**DEPARTMENT:** Neighborhood Services Department

**PHONE:** |(619) 336-4255|

**APPROVED BY:**



**EXPLANATION:**

This is a request from United Lowrider Coalition to conduct Cruise Nights at 1021 Highland Avenue every first Friday of each month beginning on Friday, May 6, 2022 and ending Friday, October 7, 2022 from 6 pm to 9 pm.

Applicant is requesting cruising on Highland Avenue between E. 6<sup>th</sup> Street & 24<sup>th</sup> Street from 6p.m. to 9 p.m.

NOTE: This is the first time this organization has requested a Temporary Use Permit to conduct the Cruise Nights.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.** |

**APPROVED:** \_\_\_\_\_ **MIS**

|City fee of \$272.00 for processing the TUP.  
Total fees: \$272.00 |

**ENVIRONMENTAL REVIEW:**

N/A |

**ORDINANCE:** INTRODUCTION:  FINAL ADOPTION:

**STAFF RECOMMENDATION:**

|Approve the Application for a Temporary Use Permit subject to compliance with all conditions of approval with no waive of fees or in accordance to City Council Policy 802. |

**BOARD / COMMISSION RECOMMENDATION:**

N/A |

**ATTACHMENTS:**

|Application for a Temporary Use Permit with recommended conditions of approval. |



City of National City ■ Neighborhood Services Department
1243 National City Boulevard ■ National City, CA 91950
(619) 336-4364 ■ fax (619) 336-4217
www.nationalcityca.gov

Special Event Application

Type of Event

- Fair/Festival, Parade/March, Walk or Run, Concert/Performance, TUP, Sporting Event, Other (specify) Cruises on Highland Avenue

Event Name & Location

Event Title Cruise Nights
Event Location (list all sites being requested) 6th to 24th on Highland Avenue

Event Times

Set-Up Starts Date 5-6-22 Time 6:00 p.m. Day of Week Friday
Event Starts Date 5-6-22 Time 6:00 pp.m. Day of Week Friday
Event Ends Date 10-7-22 Time 6:00 p.m. Day of Week Friday
Breakdown Ends Date 10-7-22 Time 9:00 p.m. Day of Week Friday

Applicant Information

Applicant (Your name) Jovita Arellano Sponsoring Organization United Lowrider Coalition
Event Coordinator (if different from applicant)
Mailing Address 3958 Bateman Avenue, San Diego CA 92154
Day Phone 619 227-4588 After Hours Phone Cell Fax
Public Information Phone 619 227-4588 E-mail Jovita592002@yahoo.com

Applicant agrees to investigate, defend, indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss, damage, liability, claims, demands, detriments, costs, charges, expense (including attorney's fees) and causes of action of any character which the City, its officers, employees and agents may incur, sustain or be subjected to on account of loss or damage to property or the loss of use thereof and for bodily injury to or death of any persons (including but not limited to the employees, subcontractors, agents and invitees of each party hereto) arising out of or in any way connected to the occupancy, enjoyment and use of any City premises under this agreement to the extent permitted by law.

Applicant understands this TUP/special event may implicate fees for City services, which will have to be paid in the City's Finance Department 48 hours prior to the event set-up. The undersigned also understands and accepts the City's refund policy for application processing and facility use and that fees and charges are adjusted annually and are subject to change.

Signature of Applicant: Jovita Arellano Date March 29, 2022

## Special Event Application (continued)

Please complete the following sections with as much detail as possible since fees and requirements are based on the information you provide us.

### Fees/Proceeds/Reporting

Is your organization a "Tax Exempt, nonprofit" organization? Yes  No

Are admission, entry, vendor or participant fees required? Yes  No

If YES, please explain the purpose and provide amount (s):

---

---

\$ 0.00 Estimated Gross Receipts including ticket, product and sponsorship sales from this event.

\$ 0.00 Estimated Expenses for this event.

\$ 0.00 What is the projected amount of revenue that the Nonprofit Organization will receive as a result of this event?

### Description of Event

First time event  Returning Event  include site map with application

Note that this description may be published in our City Public Special Events Calendar:

First Friday of each month beginning on Friday, May 6, 2022 and ending on Friday, October 7, 2022.

Cruises will be on Highland Avenue between 6th and 24th Steets.

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### Estimated Attendance

Anticipated # of Participants: 200 Anticipated # of Spectators: 50

**Traffic Control, Security, First Aid and Accessibility**

Requesting to close street(s) to vehicular traffic? Yes  No

List any streets requiring closure as a result of the event (provide map): \_\_\_\_\_  
\_\_\_\_\_

Date and time of street closure: \_\_\_\_\_ Date and time of street reopening: \_\_\_\_\_

Other (explain) \_\_\_\_\_

Requesting to post "no parking" notices? Yes  No

Requested "No Parking" on city streets and/or parking lots (list streets/parking lots) (provide map):  
\_\_\_\_\_

Other (explain) \_\_\_\_\_

**Security and Crowd Control**

Depending on the number of participants, your event may require Police services.

Please describe your procedures for both Crowd Control and Internal Security: United Lowrider Coalition

will be self-policing the event. Each month a specified car club will be assigned to walk Highland

Avenue monitoring for any public safety issues or concerns.  
\_\_\_\_\_

Have you hired Professional Security to handle security arrangements for this event?

Yes  No  If YES, name and address of Security Organization \_\_\_\_\_  
\_\_\_\_\_

Security Director (Name): \_\_\_\_\_ Phone: \_\_\_\_\_

If using the services of a professional security firm and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission. .

Is this a night event? Yes  No  If YES, please state how the event and surrounding area will be illuminated to ensure safety of the participants and spectators: \_\_\_\_\_

Cars will be cruising on Highland Avenue - United Lowrider Coalition will be ensuring safety  
throughout the evenings.  
\_\_\_\_\_  
\_\_\_\_\_

**First Aid**

Depending on the number of participants, your event may require specific First Aid services. First aid station to be staffed by event staff? Yes  No  First aid/CPR certified? Yes  No

First aid station to be staffed by professional company. ▶ Company \_\_\_\_\_

If using the services of a professional medical organization/company and the event will occur on City property, please provide a copy of its insurance certificate, evidencing liability with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate, as well as and additional insured endorsement naming the City of National City, its officers, employees, and agents as additional insureds. Evidence of insurance must be provided by the vendor or its insurer to the Neighborhood Services Department at the time of submission.

**Accessibility**

Please describe your Accessibility Plan for access at your event by individuals with disabilities:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Elements of your Event**

Setting up a stage? Yes  No

Requesting City's PA system

Requesting City Stage; if yes, which size?  Dimensions (13x28)  Dimensions (20x28)

Applicant providing own stage ▶ \_\_\_\_\_(Dimensions)

**Setting up canopies or tents?**

\_\_\_\_\_ # of canopies size \_\_\_\_\_

\_\_\_\_\_ # of tents size \_\_\_\_\_

No canopies/tents being set up



**Setting up tables and chairs?**

Furnished by Applicant or Contractor

\_\_\_\_\_ # of tables       No tables being set up

\_\_\_\_\_ # of chairs       No chairs being set up

(For City Use Only) Sponsored Events – Does not apply to co-sponsored events

\_\_\_\_\_ # of tables       No tables being set up

\_\_\_\_\_ # of chairs       No chairs being set up

Contractor Name \_\_\_\_\_

Contractor Contact Information \_\_\_\_\_  
Address City/State Phone Number

**Setting up other equipment?**

Sporting Equipment (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

Not setting up any equipment listed above at event

Having amplified sound and/or music? Yes  No

PA System for announcements       CD player or DJ music

Live Music   ▶  Small 4-5 piece live band   ▶  Large 6+ piece live band

Other (explain) \_\_\_\_\_

If using live music or a DJ. ▶ Contractor Name \_\_\_\_\_

▶ \_\_\_\_\_  
Address City/State Phone Number

Using lighting equipment at your event? Yes  No

Bringing in own lighting equipment

Using professional lighting company ▶ Company Name \_\_\_\_\_

\_\_\_\_\_

Address City/State Phone Number

Using electrical power? Yes  No

Using Kimball Park Bowl  
Lighting (from \_\_\_\_\_ to \_\_\_\_\_)

Using on-site electricity  For sound and/or lighting  For food and/or refrigeration

Bringing in generator(s)  For sound and/or lighting  For food and/or refrigeration

### Vendor Information

**PLEASE NOTE:** You may be required to apply for a temporary health permit if food or beverages are sold or given away during your special event. Also see 'Permits and Compliance' on page 8 in the Special Event Guide. For additional information on obtaining a temporary health permit, please contact the County of San Diego Environmental Health at (619) 338-2363.

Having food and non-alcoholic beverages at your event? Yes  No

Vendors preparing food on-site ▶ # \_\_\_\_\_ ▶ Business License # \_\_\_\_\_

If yes, please describe how food will be served and/or prepared: \_\_\_\_\_

If you intend to cook food in the event area please specify the method:

GAS  ELECTRIC  CHARCOAL  OTHER (Specify): \_\_\_\_\_

Vendors bringing pre-packaged food ▶ # \_\_\_\_\_ ▶ Business License # \_\_\_\_\_

Vendors bringing bottled, non-alcoholic beverages (i.e., bottled water, can soda, etc.) ▶ # \_\_\_\_\_

Vendors selling food # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

Vendors selling merchandise # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

Food/beverages to be handled by organization; no outside vendors

Vendors selling services # \_\_\_\_\_ ▶ Business License #(s) \_\_\_\_\_

▶ Explain services \_\_\_\_\_

Vendors passing out information only (no business license needed) # \_\_\_\_\_

▶ Explain type(s) of information \_\_\_\_\_

No selling or informational vendors at event

Having children activities? Yes  No

**PLEASE NOTE:** In the event inflatable jumps are provided at the event, The City of National City requires commercial liability insurance with limits of at least \$1 Million dollars per occurrence/\$2 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. The application should be filed out at least one week prior to the event. For questions or to obtain a copy of the "Facility Use Application", please contact the Engineering/Public Works Department at (619) 336-4580.

Inflatable bouncer house # \_\_\_\_\_  Rock climbing wall Height \_\_\_\_\_

Inflatable bouncer slide # \_\_\_\_\_  Arts & crafts (i.e., craft making, face painting, etc.)

Carnival Rides \_\_\_\_\_  Other \_\_\_\_\_

Having fireworks or aerial display? Yes  No

Vendor name and license # \_\_\_\_\_

Dimensions \_\_\_\_\_ Duration \_\_\_\_\_

Number of shells \_\_\_\_\_ Max. size \_\_\_\_\_

**PLEASE NOTE:** In the event fireworks or another aerial display is planned for your event, The City of National City requires commercial liability insurance with limits of at least \$2 Million dollars per occurrence/ \$4 Million dollars aggregate. In addition, the City of National City must be named as an Additional Insured pursuant to a separate endorsement, which shall be provided by the vendor or its insurer to the City's Risk Manager, along with the Certificate of Insurance, for approval prior to the event. Depending on the size and/or nature of the fireworks display, the City reserves the right to request higher liability limits. The vendor must also obtain a fireworks permit from the National City Fire Department and the cost is \$545.00

Arranging for media coverage? Yes  No

Yes, but media will not require special set-up

Yes, media will require special set-up. Describe \_\_\_\_\_

**Event Signage**

PLEASE NOTE: For City sponsored or co-sponsored events, banners publicizing the event may be placed on the existing poles on the 1800 block and 3100 block of National City Boulevard. The banners must be made to the City's specifications. Please refer to the City's Special Event Guidebook and Fee Schedule for additional information.

Are you planning to have signage at your event? Yes  No

Yes, we will post signage # \_\_\_\_\_ Dimensions \_\_\_\_\_

Yes, having inflatable signage # \_\_\_\_\_ ▶ (complete Inflatable Signage Request form)

Yes, we will have banners # \_\_\_\_\_

What will signs/banners say? \_\_\_\_\_

How will signs/banners be anchored or mounted? \_\_\_\_\_

Location of banners/signage \_\_\_\_\_

**Waste Management**

PLEASE NOTE: One toilet for every 250 people is required, unless the applicant can show that there are sufficient facilities in the immediate area available to the public during the event.

Are you planning to provide portable restrooms at the event? Yes  No

If yes, please identify the following:

▶ Total number of portable toilets: \_\_\_\_\_

▶ Total number of ADA accessible portable toilets: \_\_\_\_\_

Contracting with portable toilet vendor. ▶ \_\_\_\_\_  
Company Phone

▶ Load-in Day & Time \_\_\_\_\_ ▶ Load-out Day & Time \_\_\_\_\_

Portable toilets to be serviced. ▶ Time \_\_\_\_\_

**Set-up, Breakdown, Clean-up**

**Setting up the day before the event?**

Yes, will set up the day before the event. ▶ # of set-up day(s) \_\_\_\_\_

No, set-up will occur on the event day

**Requesting vehicle access onto the turf?**

Yes, requesting access onto turf for set-up and breakdown (complete attached Vehicle Access Request form)

No, vehicles will load/unload from nearby street or parking lot.

**NPDES-Litter Fence**

City to install litter fence

Applicant to install litter fence

N/A

**Breaking down set-up the day after the event?**

Yes, breakdown will be the day after the event. ▶ # of breakdown day(s) \_\_\_\_\_

No, breakdown will occur on the event day.

**How are you handling clean-up?**

Using City crews

Using volunteer clean-up crew during and after event.

Using professional cleaning company during and after event.

**Miscellaneous**

Please list anything important about your event not already asked on this application:

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**Please make a copy of this application for your records.  
We do not provide copies.**



# Special Events

## Pre-Event Storm Water Compliance Checklist

### I. Special Event Information

|  |                                     |
|--|-------------------------------------|
| Name of Special Event: <u>United, Lowrider Coalition Cruises</u> |                                     |
| Event Address: <u>between 6th and 24th on Highland</u>           | Expected # of Attendees: <u>200</u> |
| Event Host/Coordinator: <u>Jovita Arellano</u>                   | Phone Number: <u>619 227-4588</u>   |

### II. Storm Water Best Management Practices (BMPs) Review

|   | YES                      | NO                                  | N/A                                 |
|---|--------------------------|-------------------------------------|-------------------------------------|
| Will enough trash cans provided for the event?<br>Provide number of trash bins: _____                       | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Will enough recycling bins provided for the event?<br>Provide number of recycle bins: _____                 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Will all portable toilets have secondary containment trays? (exceptions for ADA compliant portable toilets) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Do all storm drains have screens to temporarily protect trash and debris from entering?                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Are spill cleanup kits readily available at designated spots?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

\* A Post-Event Storm Water Compliance Checklist will be completed by City Staff.

# City of National City

## PUBLIC PROPERTY USE HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

Persons requesting use of City property, facilities or personnel are required to provide a minimum of \$1,000,000 combined single limit insurance for bodily injury and property damage which includes the City, its officials, agents and employees named as additional insured and to sign the Hold Harmless Agreement. Certificate of insurance must be attached to this permit. The insurance company issuing the insurance policy must have a A.M. Best's Guide Rating of A:VII and that the insurance company is a California admitted company; if not, then the insurance policy to the issuance of the permit for the event. The Certificate Holder must reflect:

City of National City  
Risk Management Department  
1243 National City Boulevard  
National City, CA 91950

Organization: United Lowrider Coalition

Person in Charge of Activity: Jovita Arellano

Address: 3958 Bateman Avenue, San Diego CA 92154 -- DOU: 5-6,6-3,7-1,2022

Telephone: 619 227-4588 Date(s) of Use: 8-5, 9-2, 10-7, 2022

### HOLD HARMLESS AGREEMENT

As a condition of the issuance of a temporary use permit to conduct its activities on public or private property, the undersigned hereby agree(s) to defend, indemnify and hold harmless the City of National City and the Parking Authority and its officers, employees and agents from and against any and all claims, demands, costs, losses, liability or, for any personal injury, death or property damage, or both, or any litigation and other liability, including attorney's fees and the costs of litigation, arising out of or related to the use of public property or the activity taken under the permit by the permittee or its agents, employees or contractors.

Signature of Applicant: 

Official Title: Chair, United Lowrider Coalition Date: 3-29-2022

For Office Use Only

Certificate of Insurance Approved \_\_\_\_\_ Date \_\_\_\_\_

3/9/22, 6:23 AM

2400 Highland Ave - Google Maps



United Lowrider Coalition  
 Course 116475

Going South on Highland  
 Left on 24th, left on 5th  
 Left on 22nd, Right on Highland  
 heading back up North

Going North on Highland  
 Left on 6th, left on 6th street  
 Left on 7th, Right on Highland  
 heading back South

https://www.google.com/maps/@32.6704033,-117.1019033,15z/data=!4m2!1m1!1m1!1s0x9090902371d489197:0x702neb6336a6e9...



**CITY OF NATIONAL CITY  
 NEIGHBORHOOD SERVICES DEPARTMENT  
 APPLICATION FOR A TEMPORARY USE PERMIT  
 CONDITIONS OF APPROVAL**

**SPONSORING ORGANIZATION:** United Lowrider Coalition  
**EVENT:** Cruise Nights  
**DATE OF EVENT:** May 6, 2022 – October 7, 2022

APPROVALS:

|                       |           |        |                      |
|-----------------------|-----------|--------|----------------------|
| COMMUNITY SERVICES    | YES [ x ] | NO [ ] | SEE CONDITIONS [ ]   |
| RISK MANAGER          | YES [ x ] | NO [ ] | SEE CONDITIONS [ x ] |
| PUBLIC WORKS          | YES [ x ] | NO [ ] | SEE CONDITIONS [ ]   |
| FINANCE               | YES [ x ] | NO [ ] | SEE CONDITIONS [ x ] |
| FIRE                  | YES [ x ] | NO [ ] | SEE CONDITIONS [ x ] |
| POLICE                | YES [ x ] | NO [ ] | SEE CONDITIONS [ x ] |
| ENGINEERING           | YES [ x ] | NO [ ] | SEE CONDITIONS [ ]   |
| COMMUNITY DEVELOPMENT | YES [ x ] | NO [ ] | SEE CONDITIONS [ x ] |

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CONDITIONS OF APPROVAL:

PUBLIC WORKS (619)366-4580

No involvement

POLICE DEPARTMENT

The police department will provide extra patrol and a weekly review based on the calls for service, should they be generated in the future.

ENGINEERING

No comments received

COMMUNITY SERVICES

No involvement

## FINANCE

As the sponsor of the event, United Lowrider Coalition will need to get a business license. Since it is a non-profit organization, if they provide proof of the "nonprofit" status, they should only be required to pay the \$4 State Fee. If they are not registered with the State as a 'Non-Profit" organization they will apply as an "out of town" vendor and pay \$29.

## COMMUNITY DEVELOPMENT

### Planning

No comments

### Building

No comments

### Neighborhood Services

***Neighborhood Notifications*** – Events are required to notify residents and/or businesses of the surrounding impacted areas by the event. The notice shall include the name of the event, name and phone number of the company/organization producing the event, the dates and times of the event (including set-up and breakdown) and a detailed description of how the residents and/or businesses may be affected, such as by street closures, "No Parking" signs being posted, music at the event, etc.

***Display of banners*** -- Banners are allowed on site for event but must be removed immediately thereafter event completion. If you wish to place banners in any location other than on-site, you must get approval from the property/business owner where you intend to display the banner.

## RISK MANAGER (619) 336-4370

Risk Management has reviewed the above captioned request for the issuance of a Temporary Use Permit. All the insurance requirements were met and the following documents were provided with the Temporary Use Permit application:

- A valid copy of the Certificate of Liability Insurance.
- The insurance policy has a combined single limit of no less than \$1,000,000.00 (ONE MILLION DOLLARS) for each occurrence and \$2,000,000.00 (TWO MILLION DOLLARS) in aggregate that would cover the date and location of the event.
- The applicant provided a Certificate of Liability Insurance wherein it notes as the additional insured as "The City of National City, its officials, agents, employees and volunteers"

- The insurance company issuing the insurance policy has an A.M. Best's Guide Rating of A: VII and that the insurance company is a California admitted company.
- The Certificate Holder reflects:  
City of National City  
c/o Risk Manager  
1243 National City Boulevard  
National City, CA. 91950-4397

It should be noted that the Indemnification and Hold Harmless Agreement were properly executed by the applicant at the time the Special Event Application was submitted.

**FIRE (619) 336-4550**

**NO INSPECTION REQUIRED**

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Stipulations required by the Fire Department for this event are as follows:

- 1) I see no street closures requested at this point, but access to all businesses along the parade route or street closures are to be maintained at all times Access to entrances and Fire Department connections for fire sprinkler systems, standpipes, etc.
- 2) Fire Department access into and through all business areas are to be maintained at all times. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 14 feet.
- 3) Fire Hydrants shall not be blocked or obstructed.
- 4) Participants on foot are to move immediately to the sidewalk upon approach of emergency vehicle(s).
- 5) Vehicles in roadway are to move immediately to the right upon approach of emergency vehicle(s).

If you have any questions please feel free to contact me

The following page(s) contain the backup material for Agenda Item: [Public Hearing and Resolution of the Community Development Commission-Housing Authority of the City of National City, California approving the Streamlined Annual Public Housing Agency Plan \(“Annual PHA Plan”\) for the Housing Choice Voucher Program for Fiscal Year 2022-2023 and authorizing the submittal of the Annual PHA Plan for acceptance by the U.S. Department of Housing and Urban Development. \(Housing Authority\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COMMUNITY DEVELOPMENT COMMISSION-HOUSING AUTHORITY  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.** |

**ITEM TITLE:**

Public Hearing and Resolution of the Community Development Commission-Housing Authority of the City of National City, California approving the Streamlined Annual Public Housing Agency Plan ("Annual PHA Plan") for the Housing Choice Voucher Program for Fiscal Year 2022-2023 and authorizing the submittal of the Annual PHA Plan for acceptance by the U.S. Department of Housing and Urban Development.

**PREPARED BY:** Marta Rios, *MR*  
**PHONE:** Housing Programs Manager  
**EXPLANATION:** (619)336-4259

**DEPARTMENT:** Housing Authority

**APPROVED BY:** 

The Streamlined Annual PHA Plan for Fiscal Year 2022-2023 (Attachment No. 3) was distributed via email to Council on February 8, 2022 and is available for review on the City's website at [www.nationalcityca.gov/section8](http://www.nationalcityca.gov/section8), at the office of the City Clerk, and at the Section 8 Housing Choice Voucher Program office, located at 140 E. 12<sup>th</sup> Street, Suite B, National City, CA 91950.

Staff Report Attachment No. 1 provides additional information on the Annual PHA Plan.

**FINANCIAL STATEMENT:**

**ACCOUNT NO.** There will be no fiscal impact as a result of this action.

**APPROVED:** \_\_\_\_\_ **Finance**

**APPROVED:** \_\_\_\_\_ **MIS**

**ENVIRONMENTAL REVIEW:**

This action does not constitute a project under the California Environmental Quality Act ("CEQA") Guidelines Section 15378(b)(2).

**ORDINANCE:** **INTRODUCTION:**  **FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Adopt the Resolution.

**BOARD / COMMISSION RECOMMENDATION:**

Not applicable.

**ATTACHMENTS:**

1. Background Report
2. Public Hearing Notice with Proof of Publication
3. Streamlined Annual PHA Plan for Fiscal Year 2022-2023
4. Resolution

City of National City  
April 5, 2022  
Staff Report Explanation

**Public Hearing and Resolution of the Community Development Commission-Housing Authority of the City of National City, California approving the Streamlined Annual Public Housing Agency Plan (“Annual PHA Plan”) for the Housing Choice Voucher Program for Fiscal Year 2022-2023 and authorizing the submittal of the Annual PHA Plan for acceptance by the U.S. Department of Housing and Urban Development.**

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**Background:**

The U.S. Department of Housing and Urban Development (HUD), in response to the Quality Housing and Work Responsibility Act of 1998 (QHWRA), requires housing authorities to prepare a Section 8 Housing Choice Voucher Program (HCV), Public Housing Agency (PHA) Plan. The PHA Plan concept is based on the consolidated planning process used for HUD's community and development programs. Like the Consolidated Plan that HUD requires for jurisdictions using federal funds for housing and community development, the Plan provides a planning mechanism by which the National City Housing Authority (NCHA), Section 8 HCV Program can examine its long-range needs and short term needs. Specifically, the PHA Plan identifies the needs of the families that it serves and develops long-term strategies (i.e., Five-Year PHA Plan) and short-term strategies (i.e., Streamlined Annual Plan) for addressing the needs.

The Streamlined Annual Plans provide details about the immediate operations, program participants, programs, and services. This Plan also identifies the NCHA's strategy for handling operation concerns, residents' concerns, needs, programs, and services.

As required by the Regulations, a Public Hearing needs to be conducted regarding the PHA Plan and submitted to the U.S. Department of Housing and Urban Development prior to April 15, 2022.

The Streamlined Annual PHA Plans were distributed via email to Council on February 8, 2022. The referenced and supporting documents will be available for public review after February 7, 2022, on the City's webpage at: [www.nationalcityca.gov/Section8](http://www.nationalcityca.gov/Section8)

and at the following locations:

National City Housing Authority  
Section 8 HCV Program  
140 E. 12<sup>th</sup> Street, Suite B  
National City CA 91950

City of National City –City Hall  
City Clerk Office  
1243 National City Blvd  
National City CA 91950

**NOTICE OF PUBLIC HEARING**

Community Development Commission-Housing Authority of the City of National City  
Fiscal Year 2022-2023 Streamlined Annual Public Housing Agency Plan (PHA)

**NOTICE IS HEREBY GIVEN** that the Board of Commissioners of the Community Development Commission-Housing Authority of the City of National City will hold a public hearing on April 5, 2022, at 6:00 p.m., in the National City Council Chambers located at 1243 National City Boulevard, National City, California. The purpose of the public hearing is to gather input on the Fiscal Year 2022-2023 Streamlined Annual PHA Plan. The Streamlined Annual PHA Plan will also be released for a 45-day public review and comment period on or about February 7, 2022.

The PHA Plan is a comprehensive guide to the Section 8 Housing Choice Voucher Program (HCV) policies, programs, operations, and strategies for meeting local housing needs and goals. The Streamlined Annual Plan is submitted to HUD every year. The Section 8 HCV Administrative Plan is also subject to review as part of the Streamlined Annual PHA Plan and governs the Housing Authority’s administration of its Section 8 HCV Program.

The referenced and supporting documents will be available for public review after February 7, 2022 at the following locations and on the City of National City website:

|   |  |
|---|--|
| CDC, Housing Authority of the City<br>of National City<br>Section 8–Housing Choice Voucher Program<br>140 E. 12 <sup>th</sup> Street, Suite B<br>National City CA 91950 | City of National City – City Hall<br>City Clerk<br>1243 National City Blvd<br>National City CA 91950 |
|---|--|

Written comments may be submitted prior to the public hearing and during the 45-day comment period ending on or about April 5, 2022, to:

CDC, Housing Authority of the City of National City  
Section 8 - Housing Choice Voucher Program  
Attn: Marta Rios, Housing Programs Manager  
140 E. 12<sup>th</sup> Street, Suite B  
National City CA 91950  
Phone: (619) 336-4254  
Fax: (619) 477-3747

DATED: January 24, 2022

Date of Publication: February 4, 2022

**Legal Notices-STAR**

CV114840  
2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002431**

**New Concepts in Recovery**, Located at: 324 C Street #179, Chula Vista, CA 91910. This business is registered by the following: Ky Washington, 324 C Street #179, Chula Vista, CA 91910. This business is conducted by: Individual. The first day of business was: 08/01/2001. Signature: Ky Washington. Statement filed with the Recorder/County Clerk of San Diego County on: 1/28/2022. CV114842 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002443**

**Art's Mobility & Repairs**, Located at: 1639 Melrose Ave, Chula Vista, CA 91911. This business is registered by the following: San Diego Mobility Inc., 1454 Melrose Ave Ste 1-221, Chula Vista, CA 91911. This business is conducted by: Corporation. The first day of business was: 01/01/2022. Signature: Maria Marcq, CFO. Statement filed with the Recorder/County Clerk of San Diego County on: 1/31/2022. CV114844 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO.**

**NOTICE OF PUBLIC HEARING CITY COUNCIL CITY OF CHULA VISTA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Chula Vista will conduct a public hearing to consider the following matter:

PUBLIC HEARING AND STAFF REPORT ON THE FEDERAL BLOCK GRANT PROGRAMS FUNDING PRIORITIES AND NOTICE OF FUNDING AVAILABILITY FOR FY 2022/2023

**HEARING INFORMATION**

**Date and Time:** February 15, 2022 at 5:00 p.m.  
**Location:** Council Chambers, City Hall, 276 Fourth Avenue, Chula Vista

**Public Testimony:**

**In Person:** Interested persons wishing to express their views on the matter described above will be given an opportunity to do so at the public hearing.

**Written Comments:** Comments may be mailed or delivered to: City of Chula Vista, City Clerk Kerry Bigelow, 276 Fourth Ave, Chula Vista, CA 91910. Comments must be received by the City Clerk before the close of the public hearing.

**ENVIRONMENTAL NOTICE**

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines and Title 24 of the Federal Code of Regulations; therefore, pursuant to State Guidelines Section 15060(c)(3) and Federal Guidelines Part 58.34(a)(2)&(3) no environmental review is required. Notwithstanding the foregoing, the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines and Part 58.34 (a)(2)&(3) of the National Environmental Policy Act.

**ACCESSIBLE PUBLIC MEETINGS**

Written agenda materials in appropriate alternative formats, or disability-related modifications or accommodations, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings or services will be provided upon request. Please contact [cityclerk@chulavista.gov](mailto:cityclerk@chulavista.gov) or (619) 691-5041 (California Relay Service is available for the hearing impaired by dialing 711) at least forty-eight hours in advance of the meeting so that arrangements may be made.

**NOTE**

If you wish to challenge the City's action on these matters in court, you may be limited to raising only those issues you or someone else raise at the public hearing described in this notice, or in written correspondence delivered to the Office of the City Clerk at or prior to the public hearing. CV114932 2/4/2022

**Legal Notices-STAR**

2022-9002474

a) **Roofing Squad b) Roofing Squad 911**, Located at: 641 K St Apt C, Chula Vista, CA 91911. This business is registered by the following: Roofing Style 911 Inc, 641 K St Apt C, Chula Vista, CA 91911. This business is conducted by: Corporation. The first day of business was: 01/01/2020. Signature: Carlos Leyva, President. Statement filed with the Recorder/County Clerk of San Diego County on: 1/31/2022. CV114846 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9001987**

**Crown Brow Studio**, Located at: 1123 10th St, Coronado, CA 92118. This business is registered by the following: Sheba P. Kakarlamudi, 1412 Ridgeback Rd Apt E, Chula Vista, CA 91910. This business is conducted by: Individual. The first day of business was: 01/25/2022. Signature: Sheba P. Kakarlamudi. Statement filed with the Recorder/County Clerk of San Diego County on: 1/25/2022. CV114848 2/4,11,18,25/22

**NOTICE OF SALE OF PERSONAL PROPERTY**

NOTICE is hereby given that on **MARCH 1, 2022 at 1:00 P.M.**, till completion of sale, at **THE EASTLAKE SELF STORAGE, 2351 BOSWELL ROAD, CHULA**

**Legal Notices-STAR**

VISTA, CALIFORNIA, 91914, the under-

signed will sell at public bid, the personal property to which a statutory lien has been attached and left by the following:

D1079- GYANNY RODRIGUEZ  
CA013- JOHN & HELEN ELDER  
A A 0 9 1 - J O S H T A W H I A O  
D2298- TRULEY JONES  
BA092- CARRIE YOUNGS  
CA089- FREDERICK BLANDIN  
BB081- JUSTIN WELLS  
D2328- KAREN CRUZ  
D1008- CARMELITA CAMACHO  
D2355- VINCENT JANUSZEWSKI  
BB105- DWIGHT FLOWERS  
BB078- ANDRE MAGLALANG / SOUTH BAY BULLS

Said property consists of property to be sold can be but not limited to miscellaneous and household items, furniture, exercise and recreation equipment, personal items, clothing, books, possible collectibles/antiques, miscellaneous office and construction equipment, auto parts, tools, electronics, and other miscellaneous items. Said auction will be made pursuant to sections 21700-21716 of the Business and Professional Code, section 2328 of the Commercial Code, section 535 of the Penal Code, State of California.

**THE EASTLAKE SELF STORAGE 2351 BOSWELL ROAD CHULA VISTA, CA 91914 AUCTIONEER: WEST COAST AUCTIONS WILLIAM (KEN) RITCH PO BOX 2071 VISTA, CA 92083 STATE LIC # 0434194 (760) 724-0423**

**NOTICE OF PUBLIC HEARING**

Community Development Commission-Housing Authority of the City of National City Fiscal Year 2022-2023 Streamlined Annual Public Housing Agency Plan (PHA)

**NOTICE IS HEREBY GIVEN** that the Board of Commissioners of the Community Development Commission-Housing Authority of the City of National City will hold a public hearing on April 5, 2022, at 6:00 p.m., in the National City Council Chambers located at 1243 National City Boulevard, National City, California. The purpose of the public hearing is to gather input on the Fiscal Year 2022-2023 Streamlined Annual PHA-Plan. The Streamlined Annual PHA Plan will also be released for a 45-day public review and comment period on or about February 7, 2022. The PHA Plan is a comprehensive guide to the Section 8 Housing Choice Voucher Program (HCV) policies, programs, operations, and strategies for meeting local housing needs and goals. The Streamlined Annual Plan is submitted to HUD every year. The Section 8 HCV Administrative Plan is also subject to review as part of the Streamlined Annual PHA Plan and governs the Housing Authority's administration of its Section 8 HCV Program. The referenced and supporting documents will be available for public review after February 7, 2022 at the following locations and on the City of National City website:

CDC, Housing Authority of the City of National City  
Section 8-Housing Choice Voucher Program  
140 E. 12th Street, Suite B  
National City CA 91950  
City of National City - City Hall  
City Clerk  
1243 National City Blvd  
National City CA 91950

Written comments may be submitted prior to the public hearing and during the 45-day comment period ending on or about April 5, 2022, to:

CDC, Housing Authority of the City of National City  
Section 8 - Housing Choice Voucher Program  
Attn: Marta Rios, Housing Programs Manager  
140 E. 12th Street, Suite B  
National City CA 91950  
Phone: (619) 336-4254  
Fax: (619) 477-3747

DATED: January 24, 2022  
CV114497 2/4/2022

**Legal Notices-STAR**

CV114859 2/4,11/2022

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002506**

**Allied Coast Realty, LLC**, Located at: 2400 Fenton St Suite 214, Chula Vista, CA 91914. This business is registered by the following: Michael J. Lofton, 66 Connoley Circle, Chula Vista, CA 91911. This business is conducted by: Individual. The first day of business was: N/A. Signature: Michael J. Lofton. Statement filed with the Recorder/County Clerk of San Diego County on: 1/31/2022. CV114861 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9001914**

**The Little Gift Shop San Diego**, Located at: 2268 Calle Catarina, Chula Vista, CA 91914. This business is registered by the following: Silvia Karina Arce, 2268 Calle Catarina, Chula Vista, CA 91914. This business is conducted by: Individual. The first day of business was: 01/05/2022. Signature: Silvia Karina Arce. Statement filed with the Recorder/County Clerk of San Diego County on: 1/25/2022. CV114867 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9001769**

**G M F Floorcovering**, Located at: 2130 J. Ave, National City, CA 91950. This business is registered by the following: George Fernandez, 2130 J. Ave, National City, CA 91950. This business is conducted by: Individual. The first day of business was: 03/01/2001. Signature: George Fernandez. Statement filed with the

**Legal Notices-STAR**

Recorder/County Clerk of San Diego County on: 1/21/2022. CV114871 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002240**

**Manzano's Vending**, Located at: 1223 Seagreen Pl, San Diego, CA 92154. This business is registered by the following: Rogelio Manzano, 1223 Seagreen Pl, San Diego, CA 92154. This business is conducted by: Individual. The first day of business was: N/A. Signature: Rogelio Manzano. Statement filed with the Recorder/County Clerk of San Diego County on: 1/27/2022. CV114875 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9001822**

**Lomax HR Solutions**, Located at: 1061 Park Meadows Rd, Chula Vista, CA 91915. This business is registered by the following: Angelene M. Lomax, 1061 Park Meadows Rd, Chula Vista, CA 91915. This business is conducted by: Individual. The first day of business was: 01/24/2022. Signature: Angelene M. Lomax. Statement filed with the Recorder/County Clerk of San Diego County on: 1/24/2022. CV114878 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002469**

**Ashide**, Located at: 2471 Calle Tres Lomas, San Diego, CA 92139. This business is registered by the following: Norma Elizabeth Gamez Amezcua, 2471 Calle Tres Lomas, San Diego, CA 92139. This business is conducted by: Individual. The first day of business was: N/A. Signature: Norma Elizabeth Gamez Amezcua. Statement filed with the Recorder/County Clerk of San Diego County on: 1/31/2022. CV114879 2/4,11,18,25/22

**CITY OF CHULA VISTA NOTICE OF ELECTION**

NOTICE IS HEREBY GIVEN that a General Municipal Election will be held in the City of Chula Vista on Tuesday, June 7, 2022, for the following officers:

One (1) Mayor for the full term of four years, commencing December 2022

One (1) Member of the City Council to represent District 1 for the full term of four years, commencing December 2022

One (1) Member of the City Council to represent District 2 for the full term of four years, commencing December 2022

One (1) City Attorney for the full term of four years, commencing December 2022

The nomination period for these offices begins on Monday, February 14, 2022, and closes on Friday, March 11, 2022.

If nomination papers for an incumbent officer of the City are not filed by or on March 11, 2022 (the 88th day before the election), the voters shall have until the 83rd day before the election, March 16, 2022, to nominate candidates other than the person who was the incumbent on the 88th day before the election, for that incumbent's elective office. This extension is not applicable where there is no incumbent eligible to be elected.

The polls (vote centers) will be open the hours of 7:00 a.m. and 8:00 p.m.  
/s/ Kerry K. Bigelow, MMC  
City Clerk/City Elections Official  
City of Chula Vista, California

**Legal Notices-STAR**

FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9001470

**2 Days Painting**, Located at: 3952 Florence St, San Diego, CA 92113. This business is registered by the following: Jose Ibarra, 3952 Florence St, San Diego, CA 92113. This business is conducted by: Individual. The first day of business was: 01/19/2022. Signature: Jose Ibarra. Statement filed with the Recorder/County Clerk of San Diego County on: 1/19/2022. CV114742 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002552**

**Stashout**, Located at: 315 Corte Goleta, Chula Vista, CA 91914. This business is registered by the following: Stashout, 315 Corte Goleta, Chula Vista, CA 91914. This business is conducted by: Limited Liability Company. The first day of business was: 01/31/2022. Signature: Daniel R Cabigas, CEO. Statement filed with the Recorder/County Clerk of San Diego County on: 1/31/2022. CV114881 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002363**

**BurnFuel Co.**, Located at: 4836 Camino Roberto, Bonita, CA 91902. This business is registered by the following: Vanessa Tortolero, 4836 Camino Roberto, Bonita, CA 91902. This business is conducted by: Individual. The first day of business was: 06/11/2021. Signature: Vanessa Tortolero. Statement filed with the Recorder/County Clerk of San Diego County on: 1/28/2022. CV114882 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002676**

**Better Way Handyman Services**, Located at: 110 Tinnie St #A, San Ysidro, CA 92173. This business is

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registered by the following: Luis Hernandez, 110 Tinnie St #A, San Ysidro, CA 92173.

This business is conducted by: Individual. The first day of business was: N/A. Signature: Luis Hernandez. Statement filed with the Recorder/County Clerk of San Diego County on: 2/01/2022. CV114914 2/4,11,18,25/22

**ORDER TO SHOW CAUSE FOR CHANGE OF NAME CASE NO. 37-2022-00003714-CU-PT-CTL**

TO ALL INTERESTED PERSONS: Petitioner: HANI ABDULQADIR ADEN filed a petition with this court for a decree changing names as follows: HANI ABDULQADIR ADEN to HANI HASSAN NOOR. THE COURT ORDERS that all persons interested in this matter shall appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.

**NOTICE OF HEARING 03/16/2022 8:30 a.m., Dept. 61 Superior Court 330 W. Broadway San Diego, CA 92101**

A copy of this Order to Show Cause shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: The Star News Due to the COVID-19 pandemic, which poses a substantial risk to the health and welfare of court personnel and the public, rendering presence in, or access to, the court's facilities unsafe, and pursuant to the emergency orders of the Chief Justice of the State of California and General Orders of the Presiding Department of the San Diego Superior Court, the following Order is made: NO HEARING WILL OCCUR ON THE DATES SPECIFIED IN THE ORDER TO SHOW CAUSE. The court will review the documents filed as of the date specified on the Order to Show Cause for Change of Name (JC Form #NC-120). If all requirements for a name change have been met as of the date specified, and no timely written objection has been received (required at least two court days before the date specified), the Petition for Change of Name (JC #NC-100) will be granted without a hearing. One certified copy of the Order Granting the Petition will be mailed to the petitioner. If all the requirements have not been met as of the date specified, the court will mail the petitioner a written order with further directions. If a timely objection is filed, the court will set a remote hearing date and contact the parties by mail with further directions. A RESPONSE OBJECTING TO THE NAME CHANGE MUST FILE A WRITTEN OBJECTION AT LEAST TWO COURT DAYS (excluding weekends and holidays) BEFORE THE DATE SPECIFIED. Do not come to court on the specified date. The court will notify the parties by mail of a future remote hearing date. Any petition for the name change of a minor that is signed by only one parent must have this Attachment served along with the Petition and Order to Show Cause, on the other non-signing parent, and proof of service must be filed with the court. DATE: 1/31/2022 Michael T Smyth Judge of the Superior Court CV114915 2/4,11,18,25/22

**Legal Notices-STAR**

FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002546

**RMS Deals**, Located at: 1138 Purdy St, Spring Valley, CA 91977. This business is registered by the following: Nighthoot LLC, 1138 Purdy St, Spring Valley, CA 91977. This business is conducted by: Limited Liability Company. The first day of business was: N/A. Signature: Ricardo Santos, Member. Statement filed with the Recorder/County Clerk of San Diego County on: 1/31/2022. CV114880 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002672**

**All Catering Food**, Located at: 780 Hollister St Unit 17, San Diego, CA 92154. This business is registered by the following: Sammy's Food Industries, Inc, 1129 Myra Ave, Chula Vista, CA 91910. This business is conducted by: Corporation. The first day of business was: N/A. Signature: Eduardo Garcia Munoz, President. Statement filed with the Recorder/County Clerk of San Diego County on: 2/01/2022. CV114913 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002399**

**JC Keychains & Souvenirs**, Located at: 50 Monte Vista Avenue #76, Chula Vista, CA 91910. This business is registered by the following: Juan Carlos Barragan Gonzalez & Liliana Granados Marquez, 50 Monte Vista Avenue #76, Chula Vista, CA 91910. This business is conducted by: Married Couple. The first day of business was: N/A. Signature: Juan Carlos Barragan Gonzalez. Statement filed with the Recorder/County Clerk of San Diego County on: 1/28/2022. CV114834 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002681**

**American Trucking and Rentals**, Located at: 1066 Eagle Ridge Pl, Chula Vista, CA 91913. This business is registered by the following: Jose Vilchis Hernandez, 1066 Eagle Ridge Pl, Chula Vista, CA 91913. This business is conducted by: Individual. The first day of business was: N/A. Signature: Jose Vilchis Hernandez. Statement filed with the Recorder/County Clerk of San Diego County on: 2/01/2022. CV114916 2/4,11,18,25/22

**FICTITIOUS BUSINESS NAME STATEMENT NO. 2022-9002070**

**Meraz Transport Trucking**, Located at: 418 Anita June Ct, Chula Vista, CA 91911. This business is registered by the following: Ivan Meraz & Joel Meraz, 418 Anita June Ct, Chula Vista, CA 91911. This business is conducted by: Individual. The first day of business was: N/A. Signature: Ivan Meraz & Joel Meraz. Statement filed with the Recorder/County Clerk of San Diego County on: 2/01/2022. CV114915 2/4,11,18,25/22





*National City Housing Authority*  
HOUSING CHOICE VOUCHER PROGRAM

**STREAMLINED ANNUAL  
PUBLIC HOUSING AGENCY PLAN  
FOR  
FISCAL YEAR 2022 - 2023**

140 E. 12<sup>th</sup> Street, Suite B  
National City CA 91950-3312  
(619) 336-4254— Telephone  
(619) 477-3747— Facsimile  
[www.nationalcityca.gov](http://www.nationalcityca.gov)  
[Section8@nationalcityca.gov](mailto:Section8@nationalcityca.gov)

|  |   |   |
|--|---|---|
| <b>Streamlined Annual PHA Plan</b><br><i>(HCV Only PHAs)</i> | U.S. Department of Housing and Urban Development<br>Office of Public and Indian Housing | OMB No. 2577-0226<br>Expires 03/31/2024 |
|--|---|---|

**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, including changes to these policies, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** The Form HUD-50075-HCV is to be completed annually by **HCV-Only PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, High Performer PHA, Small PHA, or Qualified PHA do not need to submit this form. Where applicable, separate Annual PHA Plan forms are available for each of these types of PHAs.

**Definitions.**

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS and SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined and is not PHAS or SEMAP troubled.

| A.                 | PHA Information.  |                             |                                 |                              |                                 |                              |          |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| A.1                | <p>PHA Name: <u>City of National City Housing Authority</u> PHA Code: <u>CA116</u></p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2022</u></p> <p>PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)</p> <p>Number of Housing Choice Vouchers (HCVs) <u>1123</u></p> <p>PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission</p> <p><b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at the main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website.</p> <p><input type="checkbox"/> <b>PHA Consortia:</b> (Check box if submitting a joint Plan and complete table below)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Participating PHAs</th> <th style="width: 10%;">PHA Code</th> <th style="width: 25%;">Program(s) in the Consortia</th> <th style="width: 25%;">Program(s) not in the Consortia</th> <th style="width: 15%;">No. of Units in Each Program</th> </tr> </thead> <tbody> <tr> <td>Lead HA:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> | Participating PHAs          | PHA Code                        | Program(s) in the Consortia  | Program(s) not in the Consortia | No. of Units in Each Program | Lead HA: |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Participating PHAs | PHA Code  | Program(s) in the Consortia | Program(s) not in the Consortia | No. of Units in Each Program |                                 |                              |          |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Lead HA:           |   |                             |                                 |                              |                                 |                              |          |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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|            |  |
|------------|--|
| <b>B.</b>  | <b>Plan Elements.</b>  |
| <b>B.1</b> | <p><b>Revision of Existing PHA Plan Elements.</b></p> <p>a) Have the following PHA Plan elements been revised by the PHA since its last Annual Plan submission?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Operation and Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Informal Review and Hearing Procedures.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification.</p> <p>(b) If the PHA answered yes for any element, describe the revisions for each element(s):</p> |
| <b>B.2</b> | <b>New Activities.</b> – Not Applicable  |
| <b>B.3</b> | <p><b>Progress Report.</b> See Attach.</p> <p>Provide a description of the PHA’s progress in meeting its Mission and Goals described in its 5-Year PHA Plan.</p>   |
| <b>B.4</b> | <b>Capital Improvements.</b> – Not Applicable  |
| <b>B.5</b> | <p><b>Most Recent Fiscal Year Audit.</b></p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N N/A</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe:</p>   |
| <b>C.</b>  | <b>Other Document and/or Certification Requirements.</b>   |
| <b>C.1</b> | <p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) have comments to the PHA Plan?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>  |
| <b>C.2</b> | <p><b>Certification by State or Local Officials. See Attach.</b></p> <p><a href="#">Form HUD 50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>   |
| <b>C.3</b> | <p><b>Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.</b></p> <p>Form HUD-50077-ST-HCV-HP, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>   |
| <b>C.4</b> | <p><b>Challenged Elements.</b> If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA’s response to the public.</p> <p>(a) Did the public challenge any elements of the Plan?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>If yes, include Challenged Elements.</p>   |

|   |   |                           |  |                           |   |                           |
|---|---|---------------------------|--|---------------------------|---|---------------------------|
| D.  | <b>Affirmatively Furthering Fair Housing (AFFH).</b>  |                           |  |                           |   |                           |
| D.1   | <p>Affirmatively Furthering Fair Housing (AFFH).</p> <p>Provide a statement of the PHA’s strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.</p> <table border="1" data-bbox="180 472 1451 919"> <tr> <td data-bbox="180 472 1451 510"><b>Fair Housing Goal:</b></td> </tr> <tr> <td data-bbox="180 510 1451 919"> <p><u>Describe fair housing strategies and actions to achieve the goal</u></p> <p>The PHA must take steps to ensure that families and owners are fully aware of all applicable civil rights laws. As part of the briefing process, the PHA must provide information to HCV applicant families about civil rights requirements and the opportunity to rent in a broad range of neighborhoods [24 CFR 982.301]. The Housing Assistance Payments (HAP) contract informs owners of the requirement not to discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the contract.</p> </td> </tr> </table> <table border="1" data-bbox="180 947 1451 1535"> <tr> <td data-bbox="180 947 1451 984"><b>Fair Housing Goal:</b></td> </tr> <tr> <td data-bbox="180 984 1451 1535"> <p><u>Describe fair housing strategies and actions to achieve the goal</u></p> <p>The PHA is to treat all applicants and participants equally, providing the same opportunity to access services, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including: Title VI of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988); Executive Order 1106; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern); The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the <i>Federal Register</i> February 3, 2012 and further clarified in Notice PIH 2014-20<br/>Violence Against Women Reauthorization Act of 2013 (VAWA)</p> </td> </tr> </table> <table border="1" data-bbox="180 1562 1451 1640"> <tr> <td data-bbox="180 1562 1451 1640"><b>Fair Housing Goal:</b></td> </tr> </table> | <b>Fair Housing Goal:</b> | <p><u>Describe fair housing strategies and actions to achieve the goal</u></p> <p>The PHA must take steps to ensure that families and owners are fully aware of all applicable civil rights laws. 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| <b>Fair Housing Goal:</b>   |   |                           |  |                           |   |                           |
| <p><u>Describe fair housing strategies and actions to achieve the goal</u></p> <p>The PHA must take steps to ensure that families and owners are fully aware of all applicable civil rights laws. As part of the briefing process, the PHA must provide information to HCV applicant families about civil rights requirements and the opportunity to rent in a broad range of neighborhoods [24 CFR 982.301]. The Housing Assistance Payments (HAP) contract informs owners of the requirement not to discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the contract.</p>  |   |                           |  |                           |   |                           |
| <b>Fair Housing Goal:</b>   |   |                           |  |                           |   |                           |
| <p><u>Describe fair housing strategies and actions to achieve the goal</u></p> <p>The PHA is to treat all applicants and participants equally, providing the same opportunity to access services, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including: Title VI of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988); Executive Order 1106; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern); The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the <i>Federal Register</i> February 3, 2012 and further clarified in Notice PIH 2014-20<br/>Violence Against Women Reauthorization Act of 2013 (VAWA)</p> |   |                           |  |                           |   |                           |
| <b>Fair Housing Goal:</b>   |   |                           |  |                           |   |                           |

Describe fair housing strategies and actions to achieve the goal

The PHA must ensure that persons with disabilities have full access to the PHA's programs and services. This responsibility begins with the first contact by an interested family and continues through every aspect of the program. The PHA will ask all applicants and participants if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the PHA, by including the following language:

**“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the housing authority.”**

## Instructions for Preparation of Form HUD-50075-HCV Annual PHA Plan for HCV-Only PHAs

### A. PHA Information. All PHAs must complete this section. (24 CFR §903.4)

**A.1** Include the full PHA Name, PHA Code, PHA Type, PHA Fiscal Year Beginning (MM/YYYY), Number of Housing Choice Vouchers (HCVs), PHA Plan Submission Type, and the Availability of Information, specific location(s) of all information relevant to the public hearing and proposed PHA Plan.

**PHA Consortia:** Check box if submitting a Joint PHA Plan and complete the table. (24 CFR §943.128(a))

### B. Plan Elements. All PHAs must complete this section. (24 CFR §903.11(c)(3))

#### B.1 Revision of Existing PHA Plan Elements. PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the “yes” box. If an element has not been revised, mark “no.” NO.

**Statement of Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA's strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA and other families who are on the Section 8 tenant-based assistance waiting lists. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income); (ii) elderly families (iii) households with individuals with disabilities, and households of various races and ethnic groups residing in the jurisdiction or on the public housing and Section 8 tenant-based assistance waiting lists. The statement of housing needs shall be based on information provided by the applicable Consolidated Plan, information provided by HUD, and generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. Once the PHA has submitted an Assessment of Fair Housing (AFH), which includes an assessment of disproportionate housing needs in accordance with 24 CFR 5.154(d)(2)(iv), information on households with individuals with disabilities and households of various races and ethnic groups residing in the jurisdiction or on the waiting lists no longer needs to be included in the Statement of Housing Needs and Strategy for Addressing Housing Needs. (24 CFR § 903.7(a)).

The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. (24 CFR §903.7(a)(2)(i)) Provide a description of the ways in which the PHA intends, to the maximum extent practicable, to address those housing needs in the upcoming year and the PHA's reasons for choosing its strategy. (24 CFR §903.7(a)(2)(ii)) NO.

**Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.** A statement of the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for HCV. (24 CFR §903.7(b)) NO.

**Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA HCV funding and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. (24 CFR §903.7(c)) NO.

**Rent Determination.** A statement of the policies of the PHA governing rental contributions of families receiving tenant-based assistance, discretionary minimum tenant rents, and payment standard policies. (24 CFR §903.7(d)) NO.

**Operation and Management.** A statement that includes a description of PHA management organization, and a listing of the programs administered by the PHA. (24 CFR §903.7(e)) NO.

**Informal Review and Hearing Procedures.** A description of the informal hearing and review procedures that the PHA makes available to its applicants. (24 CFR §903.7(f))

**Homeownership Programs.** A statement describing any homeownership programs (including project number and unit count) administered by the agency under section 8y of the 1937 Act, or for which the PHA has applied or will apply for approval. (24 CFR §903.7(k))

**Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.** A description of any PHA programs relating to services and amenities coordinated, promoted, or provided by the PHA for assisted families, including those resulting from the PHA's partnership with other entities, for the enhancement of the economic and social self-sufficiency of assisted families, including programs provided or offered as a result of the PHA's partnerships with other entities, and activities subject to Section 3 of the Housing and Community Development Act of 1968 (24 CFR Part 135) and under requirements for the Family Self-Sufficiency Program and others. Include the program's size (including required and actual size of the FSS program) and means of allocating assistance to households. (24 CFR §903.7(d)(i)) Describe how the PHA will comply with the requirements of section 12(c) and (d) of the 1937 Act that relate to treatment of income changes resulting from welfare program requirements. (24 CFR §903.7(d)(iii)). NO.

**Substantial Deviation.** PHA must provide its criteria for determining a "substantial deviation" to its 5-Year Plan. (24 CFR §903.7(r)(2)(i))

**Significant Amendment/Modification.** PHA must provide its criteria for determining a "Significant Amendment or Modification" to its 5-Year and Annual Plan.

If any boxes are marked "yes", describe the revision(s) to those element(s) in the space provided.

**B.2 New Activities.** This section refers to new capital activities which is not applicable for HCV-Only PHAs.

**B.3 Progress Report.** For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year PHA Plan. (24 CFR §903.11(c)(3), 24 CFR §903.7(r)(1)) SEE ATTACH.

**B.4 Capital Improvements.** This section refers to PHAs that receive funding from the Capital Fund Program (CFP) which is not applicable for HCV-Only PHAs

**B.5 Most Recent Fiscal Year Audit.** If the results of the most recent fiscal year audit for the PHA included any findings, mark "yes" and describe those findings in the space provided. (24 CFR §903.7(p)) NO.

**C. Other Document and/or Certification Requirements.**

**C.1 Resident Advisory Board (RAB) comments.** If the RAB had comments on the annual plan, mark "yes," submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. (24 CFR §903.13(c), 24 CFR §903.19) NO.

**C.2 Certification by State of Local Officials.** Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan. (24 CFR §903.15). Note: A PHA may request to change its fiscal year to better coordinate its planning with planning done under the Consolidated Plan process by State or local officials as applicable.

**C.3 Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.** Provide a certification that the following plan elements have been revised, provided to the RAB for comment before implementation, approved by the PHA board, and made available for review and inspection by the public. This requirement is satisfied by completing and submitting form HUD-50077 ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed*. Form HUD-50077-ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed* must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the certification requirement to affirmatively further fair housing if the PHA fulfills the requirements of §§ 903.7(o)(1) and 903.15(d) and: (i) examines its programs or proposed programs; (ii) identifies any fair housing issues and contributing factors within those programs, in accordance with 24 CFR 5.154; or 24 CFR 5.160(a)(3) as applicable (iii) specifies actions and strategies designed to address contributing factors, related fair housing issues, and goals in the applicable Assessment of Fair Housing consistent with 24 CFR 5.154 in a reasonable manner in view of the resources available; (iv) works with jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; (v) operates programs in a manner consistent with any applicable consolidated plan under 24 CFR part 91, and with any order or agreement, to comply with the authorities specified in paragraph (o)(1) of this section; (vi) complies with any contribution or consultation requirement with respect to any applicable AFH, in accordance with 24 CFR 5.150 through 5.180; (vii) maintains records reflecting these analyses, actions, and the results of these actions; and (viii) takes steps acceptable to HUD to remedy known fair housing or civil rights violations, impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. (24 CFR §903.7(o)).

**C.4 Challenged Elements.** If any element of the Annual PHA Plan or 5-Year PHA Plan is challenged, a PHA must include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public. NO.

**D. Affirmatively Furthering Fair Housing (AFFH).**

**D.1 Affirmatively Furthering Fair Housing.** The PHA will use the answer blocks in item D.1 to provide a statement of its strategies and actions to implement each fair housing goal outlined in its accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5) that states, in relevant part: "To implement goals and priorities in an AFH, strategies and actions shall be included in program participants' ... PHA Plans (including any plans incorporated therein) ... Strategies and actions must affirmatively further fair housing ...." Use the chart provided to specify each fair housing goal from the PHA's AFH for which the PHA is the responsible program participant – whether the AFH was prepared solely by the PHA, jointly with one or more other PHAs, or in

collaboration with a state or local jurisdiction – and specify the fair housing strategies and actions to be implemented by the PHA during the period covered by this PHA Plan. If there are more than three fair housing goals, add answer blocks as necessary.

Until such time as the PHA is required to submit an AFH, the PHA will not have to complete section D., nevertheless, the PHA will address its obligation to affirmatively further fair housing in part by fulfilling the requirements at 24 CFR 903.7(o)(3) enacted prior to August 17, 2015, which means that it examines its own programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintain records reflecting these analyses and actions. Furthermore, under Section 5A(d)(15) of the U.S. Housing Act of 1937, as amended, a PHA must submit a civil rights certification with its Annual PHA Plan, which is described at 24 CFR 903.7(o)(1) except for qualified PHAs who submit the Form HUD-50077-CR as a standalone document.

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This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the Annual PHA Plan. The Annual PHA Plan provides a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public for serving the needs of low- income, very low- income, and extremely low- income families.

Public reporting burden for this information collection is estimated to average 6.02 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

**A.1 Location where the public may obtain copies of the Annual PHA Plan:**

**Main Administrative office of the PHA:**

National City Housing Authority  
Section 8 Housing Choice Voucher Program  
140 E 12<sup>th</sup> Street, Suite B  
National City, CA 91950

**Main administrative office of local, county or State government:**

City of National City – City Hall  
City Clerk Office  
1243 National City Boulevard  
National City, CA 91950

[www.nationalcityca.gov](http://www.nationalcityca.gov)

**B.3 Progress Report**

**Mission and Goals**

**PHA Goal: Expand the supply of assisted housing**

Objective: Increase housing choices for families and individuals.

- Progress: The National City Housing Authority continued its leasing process to maximize the number of families being assisted.

**PHA Goal: Improve the quality of assisted housing**

Objective: Provide replacement vouchers

- Progress: Once a family leaves the program, a replacement family is immediately available.

Maintain safe, decent, sanitary units and improve quality of life for residents living in assisted units.



- Progress: National City Housing Authority (NCHA) inspects each assisted unit at least once a year to make sure it passes HUD's Housing Quality Standards and participants are living in a unit that is decent, safe and sanitary. Due to COVID-19 NCHA has followed HUD's safety guidance on Housing Quality Standard inspections, accepting written self-certifications from the Owner and Tenant.

**PHA Goal: Increase assisted housing choices**

Objective: Maintain current number of vouchers within funding level.

- Progress: Management closely monitors the utilization of vouchers and make sure that there are within the funding level.

**PHA Goal: Provide an improved living environment**

Objective: Assists the local economy by increasing the occupancy rate and the amount of money flowing in the community.

- Progress: The current occupancy rate is at 97%, thus, maximizing the number of families being assisted which turns into more spending power for residents in the community.

**PHA Goal: Promote self-sufficiency and asset development of families and individuals**

Objective: Increase the number and percentage of employed persons within the assisted units.

- Progress: Continued referrals to the National City Collaborative and other supportive services to increase independence.

**PHA Goal: Ensure equal opportunity and affirmatively further fair housing**

Objective: Promote equal housing opportunities.

- Progress: Fair housing programs and resources are included in all issuance briefings.

**PHA Goal: Deter and eliminate program fraud**

Objective: Take all steps necessary to prevent to prevent fraud, waste and mismanagement.

- Progress: Continued tenant counseling and providing detailed understanding of the program at briefing, annuals and moves.

### **VAWA Attachment**

On January 5, 2006, President Bush signed the Violence Against Women Act (VAWA) into law as Public Law 109-162. In response to VAWA, the National City Housing Authority (NCHA) has taken the following steps:

- NCHA partners with the National City Collaborative (NCC) to provide services to individuals and families caught in domestic violence. These services include: 24-hour crisis line, legal support, transitional housing program referrals, clinical counseling, support groups, domestic violence treatment program for people who abuse, youth education and prevention programs, and volunteer training.
- NCHA refers child or adult victims of domestic violence, dating violence, sexual assault, or stalking to NCC for assistance.
- NCHA has revised many of its policies and procedures so as to enable child or adult victims of domestic violence, dating violence, sexual assault, or stalking to obtain or maintain housing.
- NCC provides numerous domestic violence prevention and intervention programs and classes. Clients are referred when there is a belief that they may be victims of domestic violence, or potential victims.

### **VAWA Components in the Housing Choice Voucher Administrative Plan**

VAWA policies are incorporated throughout the Housing Choice Voucher Administrative Plan. Those policies are summarized below:

- NCHA may deny assistance to applicants if any household member is currently engaged in, or has engaged in violent criminal activity or criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity during the past five years. However, no applicant who has been a victim of domestic violence, dating violence or stalking will be denied assistance if they are otherwise qualified for the program.
- NCHA may terminate a participant family's assistance if any household member has violated the family's obligation not to engage in any violent criminal activity or criminal activity that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity during participation in the HCV Program. However, no

Applicant who has been a victim of domestic violence, dating violence or stalking will have their assistance terminated if they are otherwise qualified for the program.

- Any incident or incidents of actual or threatened domestic violence, dating violence or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for terminating the assistance, tenancy or occupancy rights of the victim.
- NCHA may terminate the assistance of an individual family member to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.
- There is no limitation on the ability of the NCHA to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking, other than the victim may not be subject to a "more demanding standard" than non-victims.
- NCHA will require certification by the victim of the victim status on such forms as the NCHA and/or **HUD** shall prescribe or approve.
- When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date.
- If the family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted.

## **VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY**

### **I. Purpose and Applicability**

The purpose of this policy is to implement the applicable provisions of the violence against women and department of justice reauthorization act of 2005 (pub. L. 109-162) and more generally to set forth the NCHA's policies and procedures regarding domestic violence, dating violence, and stalking, as hereafter defined.

The policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, or stalking as well as female victims of such violence.

### **II. Goals and Objectives**

This policy and the following goals and objectives:

- A. Maintaining compliance with all applicable legal requirements imposed by VAWA;

- B. Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, or stalking who are assisted by NCHA;
- C. Providing and maintaining housing opportunities for victims of domestic violence, dating violence, or stalking;
- D. Creating and maintaining collaborative arrangements between NCHA, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence and stalking, who are assisted by NCHA; and
- E. Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, or stalking, affecting individuals assisted by NCHA.

### III. **Other NCHA Policies and Procedures**

This Policy shall be referenced in and incorporated in and made a part of NCHA's Admission and Continued Occupancy Policy. To the extent any provision of this policy shall vary or contradict any previously adopted policy or procedure of NCHA, the provisions of this Policy shall prevail.

### IV. **Definitions**

As used in this Policy;

- A. *Domestic Violence* – The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- B. *Dating Violence* – means violence committed by a person –
  - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - (i) the length of the relationship
    - (ii) the type of relationship
    - (iii) the frequency of interaction between the persons involved in the relationship.
- C. *Stalking* - means

(A) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and

(B) In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of death of, or serious bodily injury to, or to cause substantial emotional harm to –

(i) that person;

(ii) a member of the immediate family of that person; or

(iii) the spouse or intimate partner of that person;

D. *Immediate Family Member* – means, with respect to a person –

(A) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or

(B) Any other person living in the household of that person and related to that person by blood or marriage.

E. *Perpetrator* – means person who commits an act of domestic violence, dating violence or stalking against a victim.

## V. ADMISSIONS AND SCREENING

A. *Non-Denial of Assistance*. NCHA will not deny admission to public housing to any person because that person is or has been a victim of domestic violence, dating violence, or stalking, provided that such person is otherwise qualified for such admission.

## VI. TERMINATION OF TENANCY OR ASSISTANCE

A. VAWA Protections. Under VAWA, public housing residents have the following specifications, which will be observed by NCHA.

1. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be considered to be a "serious or repeated" violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.

2. In additions to the foregoing, tenancy or assistance will not be terminated by NCHA as a result of criminal activity, if that

criminal activity is directly related to domestic violence, dating violence or stalking engaged in by a member of the assisted household, a guest or another person under the tenant's control, and the tenant or an immediate family member is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:

- a. Nothing contained in this paragraph shall limit any otherwise available authority of NCHA or to terminate tenancy, evict, or to terminate assistance, as the case may be, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, or stalking in question against the tenant or a member of the tenant's household. However, in taking any such action, the NCHA may apply a more demanding standard to the victim of domestic violence dating or stalking than that applied to other tenants.
  - b. Nothing contained in this paragraph shall be construed to limit the authority of NCHA to evict or terminate from assistance any tenant or lawful applicant if the NCHA can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from assistance.
- B. *Removal of Perpetrator.* Further, notwithstanding anything in paragraph VI.A.2. or Federal, State or local law to the contrary, NCHA, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant. Such

eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by HACNC.

## **VII. VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING**

A. *Requirement for Verification.* The law allows, but does not require, NCHA to verify that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. NCHA shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by NCHA. Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence or stalking may be accomplished in one of the following three ways:

1. *HUD-approved form* – by providing the NCHA a written certification, on a form approved by U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence or stalking that the incident or incidents in question must be described in reasonable detail as required in the HUD approved form, and the completed certification must include the name of the perpetrator.
2. *Other documentation* – by providing to NCHA documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence or stalking violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.

3. *Police or court record* – by providing to NCHA a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.
8. *Time allowed to provide verification/failure to provide.* An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence or stalking, and who is requested by NCHA, to provide verification, must provide such verification within 14 business days (*i.e., 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays*) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.
- C. *Waiver of verification requirement.* The Executive Director of NCHA may with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case of cases, regardless of similarity in circumstances.

## VIII. CONFIDENTIALITY

- A. *Right of confidentiality.* All Information (including the fact that an individual is a victim of domestic violence, dating violence or stalking) provided to HACNC in connection with a verification required under section VII of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained by the receiving party in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is:
  1. Requested or consented to by the individual in writing, or
  2. Required for use in a public housing eviction proceeding, as permitted in VAWA, or
  3. Otherwise required by applicable law



- B. Notification of rights. All tenants of public housing shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.

**IX. Transfer to New Residence**

- A. *Application for transfer.* In situations that involve significant risk of violent harm to an individual as a result of previous incidents or threats of domestic violence, dating violence, or stalking, NCHA will, if an approved unit size is available at a location that may reduce the risk of harm, approve transfer by a public housing to a different unit in order to reduce the level of risk to the individual. A tenant who requests transfer must attest in such application that the requested transfer is necessary to protect the health or safety of the tenant or another member of the household who is or was the victim of domestic violence, dating violence, or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

- B. *Action on Applications.* NCHA will act upon such an application promptly.

- C. No right to transfer. NCHA will make every effort to accommodate requests for transfer when suitable alternative vacant units are available and the circumstances warrant such action.

**X. COURT ORDERS/FAMILY BREAK-UP**

- A. *Court Orders.* It is NCHA's policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted by NCHA and their property. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

- B. Family Break-Up. Other NCHA policies regarding family break-up are contained in HACNC's Administrative Plan.

**XI. NOTIFICATION**

NCHA shall provide written notification to applicants, tenants, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance and, termination of tenancy or assistance.

**XII. RELATIONSHIP WITH OTHER APPLICABLE LAWS**

Neither VAWA nor this Policy implementing it shall preempt or supersede any provision of Federal, State or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence or stalking.

**XIII. AMENDMENT**

This policy may be amended from time to time by NCHA as approved by the NCHA Board of Commissioners.

**DEFINITION OF SUBSTANDARD DEVIATION AND SIGNIFICANT CHANGE OR MODIFICATION****Substandard deviation;**

The following actions would be considered a substantial deviation from the 5-year plan:

- Change to the target population included in the adopted plan.
- Decisions to change the process for accepting applications to the Housing Choice Voucher Program.
- Decision to change Priority of Preference Criteria for the Housing Choice Voucher Program.

It will not be considered a substantial deviation from the plan:

- To choose another course of action not specifically spelled out in the plan to meet the established goals.
- To meet goals of the program to assist low-and moderate-income population in a manner not discussed in the adopted plan.
- To increase or decrease the Payment Standard (PS) (within budget authority) based on, (1) in the case of an increase to the PS, unforeseen increases in rents or inability of tenants to rent units within the program rules or (2) in the case of decreases to the PS, reductions in the budget authority awarded by HUD.
- To make modifications to the Administrative Plan which improve the access to the program by applicants and participants or clarification of new issues in order to provide a consistent implementation of the rules.

- To incorporate new procedures brought about by new regulations or clarification of regulations by **HUD**.
- To make changes to parts of the plan, which are found to be inconsistent with regulations.
- To make changes required by statute or regulation that need to take place before a consultative process can take place.
- Changes in the Standard Operating Procedures that do not involve policy decisions.

**Significant change or modification:**

A significant change or modification is defined as discretionary changes in the plan or policies of the housing authority that fundamentally changes the mission, goals, objectives or plans of the agency which require the formal approval of the Board of Commissioners.

Other similar circumstances will be treated as defined above. Those items which are considered a substantial deviation would require Board Approval at a Regular Meeting of the Housing Authority Board of Commissioners and submission to **HUD** at the next annual submission, where a report will be given of policies changed since the last submission of the Plan. Where feasible on discretionary issues, the Housing Authority will make an effort to consult with the Resident Advisory Committee prior to bringing the issue to the Board.

**SMALL AREA FAIR MARKET RENT (SAFMR)**

The Small Area Fair Market Rent (SAFMR) Final Rule was published on November 16, 2016 and became effective on January 17, 2017. Under the final rule, the use of Small Area FMRs is required in the administration of the HCV program for certain metropolitan areas including San Diego-Carlsbad, CA MSA, beginning on October 1, 2017. Although **HUD** had suspended the implementation of the SAFMR, it was reinstated effective January 1, 2018. The purpose of this rule is to establish a more effective means for HCV tenants to move into areas of higher opportunity and lower poverty by providing the tenants with a subsidy adequate to make such areas accessible and, consequently, help reduce the number of voucher families that reside in areas of higher poverty concentration.

| <b>FY2022 SAFMR's By Unit Bedrooms</b> |                    |                    |                      |                     |
|--|--------------------|--------------------|----------------------|---------------------|
| <b>Efficiency</b>                      | <b>One-Bedroom</b> | <b>Two-Bedroom</b> | <b>Three-Bedroom</b> | <b>Four-Bedroom</b> |
| \$1,190                                | \$1,390            | \$1,690            | \$2,350              | \$2,870             |
| <b>FY2022 Payment Standard</b>         |                    |                    |                      |                     |
| <b>Efficiency</b>                      | <b>One-Bedroom</b> | <b>Two-Bedroom</b> | <b>Three-Bedroom</b> | <b>Four-Bedroom</b> |
| \$1,428                                | \$1,584            | \$2,028            | \$2,820              | \$3,444             |

**Certification by State or Local  
Official of PHA Plans Consistency  
with the Consolidated Plan or  
State Consolidated Plan  
(All PHAs)**

U. S Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 3/31/2024

**Certification by State or Local Official of PHA Plans  
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Carlos Aguirre, the Housing Director  
*Official's Name* *Official's Title*

certify that the 5-Year PHA Plan for fiscal years 2021-2025 and/or Annual PHA  
Plan for fiscal year 2022-2023 of the National City Housing Authority is consistent  
with the National City Housing Authority  
*PHA Name*

Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair  
Housing Choice or Assessment of Fair Housing (AFH) as applicable to the

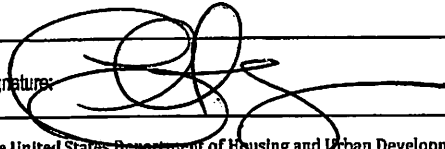
City of National City  
*Local Jurisdiction Name*

pursuant to 24 CFR Part 91 and 24 CFR §§ 903.7(o)(3) and 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or  
State Consolidated Plan.

The goals of the PHA Plan are aimed at meeting the priority housing needs outlined in the  
Consolidated Plan by expanding Housing Choice Voucher utilization to increase  
availability of affordable housing to families earning less than 50% AMI.  
Its goal is also to increase availability of service-enriched housing.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will  
prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

|   |                                   |
|---|-----------------------------------|
| Name of Authorized Official:<br><u>Carlos Aguirre</u>   | Title:<br><u>Housing Director</u> |
| Signature:<br> | Date:<br><u>3/16/2022</u>         |

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S.  
Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information  
are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to  
ensure consistency with the consolidated plan or state consolidated plan.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing  
instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD  
may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

|  |  |
|--|--|
| <p><b>Certifications of Compliance with PHA Plan and Related Regulations</b><br/> <i>(Standard, Troubled, HCV-Only, and High Performer PHAs)</i></p> | <p>U.S. Department of Housing and Urban Development<br/> Office of Public and Indian Housing<br/> OMB No. 2577-0226<br/> Expires 3/31/2024</p> |
|--|--|

**PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations including PHA Plan Elements that Have Changed**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year and/or Annual PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the PHA fiscal year beginning 2022 in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located (24 CFR § 91.2).
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments (AI) to Fair Housing Choice, or Assessment of Fair Housing (AFH) when applicable, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan (24 CFR §§ 91.2, 91.225, 91.325, and 91.425).
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA provides assurance as part of this certification that:
  - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
  - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
  - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program.
7. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.
8. For PHA Plans that include a policy for site-based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2011-65);

- The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing; and
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR 903.7(o)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
  10. In accordance with 24 CFR § 5.105(a)(2), HUD's Equal Access Rule, the PHA will not make a determination of eligibility for housing based on sexual orientation, gender identify, or marital status and will make no inquiries concerning the gender identification or sexual orientation of an applicant for or occupant of HUD-assisted housing.
  11. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
  12. The PHA will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
  13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
  14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
  15. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
  16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
  17. The PHA will keep records in accordance with 2 CFR 200.333 and facilitate an effective audit to determine compliance with program requirements.
  18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
  19. The PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Financial Assistance, including but not limited to submitting the assurances required under 24 CFR §§ 1.5, 3.115, 8.50, and 107.25 by submitting an SF-424, including the required assurances in SF-424B or D, as applicable.
  20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
  21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
  22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

City of National City Housing Authority  
PHA Name

CA116  
PHA Number/HA Code

Annual PHA Plan for Fiscal Year 2022-2023

5-Year PHA Plan for Fiscal Years 2021 - 2025

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

|   |      |   |      |
|---|------|---|------|
| Name of Executive Director <b>Brad Raulston</b> |      | Name Board Chairman <b>Alejandra Sotelo-Solis</b> |      |
| Signature                                       | Date | Signature   | Date |

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq, and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure compliance with PHA Plan, Civil Rights, and related laws and regulations including PHA plan elements that have changed.

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**RESOLUTION NO. 2022 -**

**RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION–HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING THE STREAMLINED ANNUAL PUBLIC HOUSING AGENCY PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM FOR THE FISCAL YEAR 2022-2023 AND AUTHORIZING THE SUBMITTAL OF THE PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**WHEREAS**, on October 21, 1998, the U.S. Congress enacted Public Law 105- 276, known as the Quality Housing and Work Responsibility Act (“QHWRA”) requiring housing authorities to adopt and amend an Administrative Plan and submit a Public Housing Agency (“PHA”) Annual Plan; and

**WHEREAS**, the Streamlined Public Housing Agency Annual Plan provides details about the Community Development Commission–Housing Authority of National City’s immediate operations, program participants, programs, and services and also identifies the Community Development Commission–Housing Authority’s strategy for handling operational concerns, resident concerns, and needs, programs, and services; and

**WHEREAS**, the U.S. Department of Housing and Urban Development (“HUD”) requires a Public Hearing to receive public input; and

**WHEREAS**, on April 5, 2022, a Public Hearing was held for review and recommendation by the public of the proposed Streamlined Annual Public Housing Agency Plan for the Fiscal Year 2022-2023; and

**WHEREAS**, the Resident Advisory Board, composed of all Section 8 Housing Choice Voucher participants, was given an opportunity to review and comment on the proposed plan. No recommendations or comments were received regarding the proposed plan.

**NOW, THEREFORE, THE COMMUNITY DEVELOPMENT COMMISSION–HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1.** Approves the Annual Public Housing Agency Plan (“PHA”) for Fiscal Year 2022-2023.

**Section 2.** Approves submitting the Streamlined PHA Plan for Fiscal Year 2022-2023 by the Executive Director to the U.S. Department of Housing and Urban Development (“HUD”).

**Section 3.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED and ADOPTED this 5<sup>th</sup> day of April 2022.**

\_\_\_\_\_  
Alejandra Sotelo-Solis, Chairwoman

**ATTEST:**

\_\_\_\_\_  
Luz Molina, Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Charles E. Bell Jr., General Counsel

The following page(s) contain the backup material for Agenda Item: [Discussion of Public Meeting Protocols. \(City Clerk\)](#)

Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.**

**ITEM TITLE:**

Discussion of Public Meeting Protocols (City Clerk).

**PREPARED BY:** Shelley Chapel, Deputy City Clerk

**DEPARTMENT:** City Clerk's Office

**PHONE:** 619-336-4228

**APPROVED BY:** *Shelley Chapel*

**EXPLANATION:**

On March 1, 2022, the City Council voted 3-2 to continue Public Meetings including City Council and all Boards, Commissions & Committees (BCCs) in the virtual format until the City Council returns from the Summer hiatus in August. Currently the City Council has made findings to remain virtual as allowed under AB 361 which authorizes a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Brown Act.

This report outlines public meeting formats for City Council and Board, Commission and Committee meetings, and possible return to in-person meetings in August. City Council can choose to return to in person meetings under the Brown Act or to remain virtual on Zoom contingent upon continued findings of the impacts of the pandemic under AB 361.

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ **MIS**

This report does not reflect any financial changes to the budget at this time.

**ENVIRONMENTAL REVIEW:**

This action is not subject to review under the California Environmental Quality Act (CEQA)

**ORDINANCE:** **INTRODUCTION:**

**FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Staff recommends a return to in-person for all City Council Meetings and Board and Commission meetings based upon the current COVID guidance from the State and local health authorities.

**BOARD / COMMISSION RECOMMENDATION:**

None.

**ATTACHMENTS:**

Attachment 1 – Explanation

Attachment 2 – Summary of Public Comment 2019-Current

## **Protocols Pertaining to City Council Meetings and City Council Appointed Boards, Commissions and Committees (BCCs)**

### **Background:**

In accordance with the Ralph M. Brown Act (Brown Act) the City Council and Boards, Commissions, and Committees (BCCs) conduct their business in a public forum on behalf of the community it represents. The Brown Act requires local government agencies to conduct its business at noticed public meetings with limited expectations. The Act includes numerous procedures specific to location, attendance, agenda and public notifications.

Prior to the COVID-19 pandemic, City Council meetings were noticed on the City website and Bulletin Boards, formally conducted in the Council Chamber located in City Hall, the City Council were present on the dais, City staff and consultants would present reports at the podium, public comment was accepted by those in the audience who submitted a speakers slip, written comment submitted prior to the meeting would be distributed to the Councilmembers, and the meeting was available via livestream and a video recording retained for historical record, and all available on the City website.

On March 12, 2020, as part of the state's initial response to the coronavirus pandemic, Governor Newsom issued Executive Order N-25-20, which authorized local legislative bodies to hold public meetings via teleconference and waived some of the legal requirements for teleconference meetings under the Brown Act. Subsequently, the State adopted Assembly Bill 361 (AB 361) which temporarily allowed the City Council, staff and Boards, Commissions, and Committees to shift to a 100% virtual environment for public meetings under certain circumstances.

Our City Council and Boards and Commissions have remained in the virtual environment for two years as of March 2021. Under AB 361, every 30 days the City Council must adopt findings that that the City Council has reconsidered the circumstances of the state of emergency and that the public health emergency continues to impact the ability to "meet safely in person," or that state or local officials continue to recommend measures regarding the pandemic. The statewide indoor mask mandate established by the California Department of Public Health expired on February 15, 2022, with the exceptions of public transit, health care and long term care settings, correctional and detention centers and homeless and emergency shelters. AB 361 will expire on October 1, 2021 or when Governor Newsom rescinds the Statewide State of Emergency declaration.

At the City Council Meeting on March 1, 2022, the City Council voted 3-2 to remain in the virtual teleconference meeting format until August 2022, as allowed by AB 361.

### **City Council Meeting Options:**

As of March 22, 2022, only three other San Diego County area cities remain virtual: Del Mar, San Diego, and Solana Beach. All other cities have returned to in person proceedings, or remained in person for the duration of the pandemic.

City Council can choose to return to in person meetings under the Brown Act or to remain virtual on Zoom contingent upon continued findings of the impacts of the pandemic under AB 361. There is no “hybrid” option regarding virtual participation by City Councilmembers under the Brown Act.

If the City Council chooses to return to in person meetings, teleconferencing can only be used under very specific conditions for City Council members under the Brown Act which are outlined below.

### **Teleconferencing for City Council Members under the Brown Act:**

The Brown Act allows City Council to use teleconferencing in connection with a public meeting, but only under certain circumstances and under the following strict guidelines:

1. At least a quorum of the public body must participate from locations within the local agency’s jurisdiction. (e.g. At least a quorum is present within the City’s boundaries at the City Council meeting, conducting the City’s business.)
2. All remote locations from which a member of the body is participating must be made available for the public. (e.g. The requirement identifying locations of teleconferencing on the public notice and agenda which is posted 24 – 72 hours in advance of a meeting.)
3. Each remote location must be specifically identified in the notice and agenda of the meeting, including the full address. Each location is specifically identified for transparency, by providing the street address, any suite or office number for public attendance. If this includes a locked building, the member must provide public access. If the building is a secure building with restrictions, then the teleconference cannot occur at that location. The same would apply for a restricted hospital room or other similarly compromised situation.
4. The agenda must be posted at each remote location. Agendas must be posted specific to posting guidelines (72 hours prior to meeting), both outside of the main facility/building and outside of the conference room, hotel room or particular office door, they are to remain visible prior to and during the meeting.
5. Each remote location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate in public comment.

6. The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.
7. All votes must be by roll call.

Unless future state legislation is adopted to change the Brown Act, these requirements would be in place when returning to in-person meetings. The prior flexibility afforded by AB 361 due to the COVID pandemic would no longer apply.

Violations of the Brown Act carry civil and/or criminal penalties, depending upon the type of violation and the intent. Failure to meet any of the above standards can also jeopardize any decision that the legislative body may have approved during those proceedings.

**State Legislation:** In the 2021 State Legislative session, AB 703 (Rubio, Blanca) would have modified the teleconferencing provisions of the Brown Act to remove the notice requirements particular to teleconferencing; however, it did not pass. AB 339 (Lee), which would have required (instead of allowing) city councils and boards of supervisors in jurisdictions with populations over 250,000 to provide both in-person and teleconference options for the public to participate in meetings also failed during the last legislative session.

A similar bill, AB 1944 (Lee), has been introduced in the current legislative session modifying teleconferencing provisions of the Brown Act; however, it is still in the House Local Government Committee.

**Public Participation:** It is important to note that many organizations have both benefitted and struggled with the remote model. A comparison of the numbers of written and verbal public comment here in National City are attached including pre-pandemic, mid-pandemic (prior to introduction of live online public comment), and present virtual meetings. In summary, while verbal comment has decreased in comparison to pre-COVID, the number of written comments have increased significantly.

If the City Council chooses to return to in-person City Council meetings, staff could continue to offer online public verbal comment via audio only on a trial basis.

In addition, public seating in the City Council Chambers would be limited to 50% of prior capacity with overflow seating available in the adjacent lobby. Plexiglass has been installed on the dais and behind staff tables as well.

**Limitations of Virtual Meetings:** While virtual meetings have allowed for safe proceedings during the pandemic and have provided flexibility and convenience, they also have their limitations. There have been numerous instances of trouble with the technology, both on the user side and the City's side at times creating a delay in the meetings. For instance, the participant may miss parts of the meeting (from being kicked

out by a weak internet connection or from freezes), the person's movements may appear inconsistent to other attendees, or the participant may lose either the video or the sound.

In addition to technology issues, face-to-face communication has suffered during the pandemic. Personal contact is important and the use of emotions, tone, body language and facial expression are all a part of effective communications. A virtual meeting does not reliably give participants the opportunity to truly convey themselves, and may also limit the depth of understanding from others at the meeting.

### **City Board, Commission and Committee Meetings:**

Board, Commission and Committee meetings have also been virtual since the beginning of the pandemic, utilizing Zoom to create meetings similar to the City Council. If the City Council chooses to return to in person public meetings, Boards, Commissions, and Committee meetings **must** return to in person at the same time as City Council due to the requirements of AB 361 which require the findings to align for all public meetings.

Board, Commission, and Committee members cannot utilize teleconferencing due to the onerous regulations of the Brown Act and the City's legal responsibility to ensure all 52 members meet those requirements. We also do not want to place our volunteers in jeopardy of being in violation inadvertently and subject themselves to any associated criminal and/or civil penalties and jeopardizing the validity of the proceedings.

If the City Council chooses to return to in person public meeting, Boards, Commissions, and Committees would also revert to their pre-COVID protocols with meetings taking place in the City Hall large conference room, with the exception of the Library Board of Trustees that would return to meeting at the Library and the Planning Commission and Community and Police Relations Commission will meet in the City Council Chambers.

Public Comment would also return to pre-COVID protocols, and would be accepted in-person and written via email. Written Public Comment would no longer be read into the record, but would be provided to the Board, Commission or Committee prior to the meeting if received by deadline. All written public comment is available on the City website following the meeting, posted within 48 hours of conclusion of meeting.

If City Council would like, audio only verbal comments could also be offered virtually for the public on a trial basis for the Planning Commission and the Community and Police Relations Commission since they both meet in the City Council Chambers. The remaining Boards and Commissions would return to pre-COVID protocols as mentioned above with in-person and written public comment only.

A number of Boards, Commissions and Committees have also struggled to maintain a quorum using virtual meetings due to challenges with the technology. Staff believes a return to in person meetings will help increase quorum and participation by Board, Commission, and Committee members, and help build comradery between members who may have never yet met each other in person due to the pandemic.



**Staff Recommendation:**

Staff recommends a return to in-person all City Council Meetings and Board, Commission, and Committee meetings based upon the current COVID guidance from the State and local health authorities.

All City Council Members and staff would return to attending City Council Meetings in-person. City Council Members should teleconference only when they are in full compliance with the Brown Act as outlined above with at least a quorum of the City Council present within the City's boundaries at the City Council meeting. No teleconferencing option would be available to City Council Members for closed session as it is not feasible to ensure confidentiality of those proceedings as outlined in City Council Policy No. 113. Teleconferencing is not an option to Board, Commission, and Committee members due to the Brown Act requirements.

Public comment for City Council meetings would return to pre-COVID protocols as outlined in City Council Policy 104 – Rules and Procedures for City Council Meetings, and would be accepted in-person and written via email.

Written Public Comment would no longer be read into the record, but would be provided to the City Council prior to the meeting if received by deadline. All written public comment is available on the City website following the meeting and posted within 48 hours of conclusion of meeting. This would also apply to Boards, Commissions, and Committees.

If City Council would like, audio only verbal comments could also be offered virtually for the public on a trial basis for City Council meetings and/or the Planning Commission and Community & Police Relations Commission as they also meet in the City Council Chambers. The remaining Boards and Commissions would return to pre-COVID protocols as mentioned above with in-person and written public comment only.

If necessary in the future, City Council can choose to revert to virtual meetings as authorized under AB 361 based upon any future modifications of State and/or County COVID related health mandates and guidance.

## SUMMARY OF PUBLIC COMMENT 2019-CURRENT

| In-Person Meeting Date                                    | Written /Verbal Comments | Webcast Views |
|---|--------------------------|---------------|
| <b>2019 - In-Person Meetings</b>                          |                          |               |
| January 29, 2019 - City Council Vacancy                   | 22                       | 129           |
| February 5, 2019 - City Council Vacancy                   | 41                       | 48            |
| February 12, 2019 Special Mtg. - City Council Appointment | 34                       | 27            |
| February 19, 2019   | 8                        | 21            |
| March 5, 2019   | 3                        | 17            |
| March 19, 2019  | 8                        | 19            |
| April 2, 2019   | 9                        | 12            |
| April 16, 2019  | 2                        | 33            |
| April 24, 2019  | 6                        | 13            |
| May 7, 2019   | 3                        | 30            |
| May 21, 2019 - Retail Sales of Cats/Dogs                  | 23                       | 55            |
| June 4, 2019  | 8                        | 23            |
| June 18, 2019   | 12                       | 25            |
| August 6, 2019  | 15                       | 15            |
| August 20, 2019 - Retail Sales of Cats/Dogs               | 22                       | 33            |
| September 3, 2019 - Retail Sales of Cats/Dogs             | 38                       | 23            |
| September 17, 2019 - Cannabis                             | 10                       | 47            |
| October 1, 2019   | 8                        | 24            |
| October 15, 2019 - MEHKOs                                 | 21                       | 20            |
| November 5, 2019  | 3                        | 29            |
| November 5, 2019  | 4                        | 29            |
| November 19, 2019 - Referendum - Retail Sales Cats/Dogs   | 25                       | 35            |
| December 3, 2019  | 11                       | 24            |
| December 17, 2019   | 4                        | 23            |
| <b>TOTALS</b>   | <b>338</b>               | <b>754</b>    |

SUMMARY OF PUBLIC COMMENT 2019-CURRENT

| Virtual Meeting Date   | Written Comment | Verbal Comment | Zoom Viewers via website |
|--|-----------------|----------------|--------------------------|
| <b>2020 - Zoom Option for Verbal Comment was Not Available</b> |                 |                |                          |
| March 17, 2020   | 0               | n/a            | 36                       |
| April 7, 2020 - Evictions Moratorium - COVID                   | 46              | n/a            | 102                      |
| April 21, 2020 - Election Results and COVID Related            | 25              | n/a            | 65                       |
| April 28, 2020 - Budget Presentation                           | 31              | n/a            | 68                       |
| May 5, 2020  | 6               | n/a            | 43                       |
| May 19, 2020   | 4               | n/a            | 41                       |
| June 2, ,2020  | 1               | n/a            | 48                       |
| June 16, 2020 - Councilmember Social Media Post                | 32              | n/a            | 109                      |
| August 4, 2020 - Censure Morrison                              | 326             | n/a            | 104                      |
| August 18, 2020  | 8               | n/a            | 66                       |
| September 1, 2020  | 6               | n/a            | 15                       |
| September 15, 2020   | 6               | n/a            | 12                       |
| October 6, 2020  | 7               | n/a            | 25                       |
| October 20, 2020   | 20              | n/a            | 32                       |
| November 17, 2020  | 4               | n/a            | 14                       |
| December 1, 2020 - Port Commissioner Appointment               | 15              | n/a            | 64                       |
| December 15, 2020  | 6               | n/a            | 58                       |
| <b>TOTALS</b>  | <b>543</b>      | <b>1</b>       | <b>902</b>               |

SUMMARY OF PUBLIC COMMENT 2019-CURRENT

| Virtual Meeting Date                                     | Written Comment | Verbal Comment | Zoom Viewers via website |
|--|-----------------|----------------|--------------------------|
| January 26, 2021   | 11              | 0              | 6                        |
| February 2, 2021   | 5               | 0              | 24                       |
| February 16, 2021  | 5               | 0              | 26                       |
| March 2, 2021  | 9               | 15             | 47                       |
| March 16, 2021   | 4               | 10             | 44                       |
| April 6, 2021 - Cannabis                                 | 22              | 24             | 72                       |
| April 20, 2021   | 3               | 8              | 36                       |
| May 4, 2021  | 3               | 5              | 32                       |
| May 18, 2021 Regular Mtg.                                | 2               | 4              | 18                       |
| May 18, 2021 Budget Workshop                             | 3               | 0              | 2                        |
| June 1, 2021 - MAC Project/TODO/Flags                    | 13              | 15             | 31                       |
| June 15, 2021 - Display of Flags                         | 6               | 9              | 32                       |
| July 13, 2021  | 2               | 0              | 3                        |
| August 3, 2021   | 5               | 3              | 41                       |
| August 17, 2021  | 3               | 0              | 32                       |
| September 7, 2021  | 3               | 9              | 31                       |
| September 21, 2021 - Climate Action Plan/Mayoral Appoint | 8               | 28             | 15                       |
| October 5, 2021  | 2               | 3              | 13                       |
| October 19, 2021 - 5 pm meeting                          | 3               | 1              | 4                        |
| October 19, 2021 - 6 pm meeting - Dolores Huerta Park    | 30              | 17             | 40                       |
| November 2, 2021 - Cannabis Workshop                     | 4               | 12             | 30                       |
| November 9, 2021 Special - Cannabis                      | 3               | 6              | 44                       |
| November 16, 2021 - MEA                                  | 8               | 19             | 28                       |
| November 22, 2021 Special                                | 0               | 0              | 0                        |
| December 7, 2021 - Regular Mtg. - MEA                    | 53              | 33             | 75                       |
| December 7, 2021 Special                                 | 2               | 2              | 31                       |
| December 9, 2021   | 0               | 0              | 3                        |
| <b>TOTALS</b>  | <b>223</b>      | <b>223</b>     | <b>797</b>               |

SUMMARY OF PUBLIC COMMENT 2019-CURRENT

| 2022 - Zoom Verbal Comments Available |            |           | Zoom Viewers via website |
|---------------------------------------|------------|-----------|--------------------------|
| February 1, 2022                      | 7          | 7         | 22                       |
| February 3, 2022 - Districting        | 3          | 2         | 6                        |
| February 5, 2022 - Districting        | 1          | 4         | 5                        |
| February 15, 2022                     | 3          | 8         | 17                       |
| February 22, 2022 - Districting       | 19         | 10        | 0                        |
| March 1, 2022                         | 6          | 6         | 25                       |
| March 5, 2022 - Districting           | 24         | 13        | 0                        |
| March 15, 2022 - Districting          | 26         | 11        | 3                        |
| March 15, 2022                        | 5          | 9         | 29                       |
| March 21, 2022 -Districting           | 6          | 0         | 5                        |
| <b>TOTALS</b>                         | <b>100</b> | <b>70</b> | <b>112</b>               |

The following page(s) contain the backup material for Agenda Item: [Discussion Item: City Council Policy Nos. 104 and 113 regarding City Council Meeting Decorum. \(City Clerk\)](#)  
Please scroll down to view the backup material.

**CITY OF NATIONAL CITY, CALIFORNIA  
COUNCIL AGENDA STATEMENT**

**MEETING DATE:** April 5, 2022

**AGENDA ITEM NO.**

**ITEM TITLE:**

Discussion Item: City Council Policy Nos. 104 and 113 regarding City Council Meeting Decorum (City Clerk)

**PREPARED BY:** Shelley Chapel, MMC, Deputy City Clerk **DEPARTMENT:** City Clerk

**PHONE:** (619) 336-4225

**APPROVED BY:** Shelley Chapel

**EXPLANATION:**

At the March 15, 2022 City Council Meeting, Councilmember Rios submitted a City Council Policy #105 request to agendize this item to a future agenda for discussion. As per request attached are City Council Policy Nos. 104 and 113 for discussion.

City Council Policy No. 104 – Rules of Procedure and Order for City Council Meetings  
City Council Policy No. 113 – Unauthorized Disclosure of Information Revealed in Closed Session

**FINANCIAL STATEMENT:**

**APPROVED:** \_\_\_\_\_ **Finance**

**ACCOUNT NO.**

**APPROVED:** \_\_\_\_\_ **MIS**

None.

**ENVIRONMENTAL REVIEW:**

This action is not subject to review under the California Environmental Quality Act (CEQA)

**ORDINANCE:** INTRODUCTION:  **FINAL ADOPTION:**

**STAFF RECOMMENDATION:**

Discuss policies and provide direction to staff for any changes.

**BOARD / COMMISSION RECOMMENDATION:**

**ATTACHMENTS:**

- A – City Council Policy No. 105 Request dated March 15, 2022
- B – City Council Policy No. 104
- C – City Council Policy No. 113

CITY COUNCIL POLICY  
CITY OF NATIONAL CITY

|   |                                 |
|---|---------------------------------|
| <b>TITLE:</b> Request by Member of City Council to Place an Item on a City Council Agenda | <b>POLICY # 105</b>             |
| <b>ADOPTED:</b> March 12, 1985  | <b>AMENDED:</b> October 5, 2021 |



**CITY COUNCIL ITEM REQUEST**

The City Council Item Request Form is for members of the City Council to submit written requests to the City Manager's Office for inclusion of an item on a future City Council Meeting Agenda. At the meeting where the initial written request is heard, discussion should be limited to whether the item should be added to an agenda and a date, not the merit of the item. A majority vote of the City Council is required for the item to be added to a future City Council Meeting Agenda for action.

Requesting Member of City Council: Mona Rios  
Today's Date: March 8, 2022  
Is this matter considered Time-Sensitive by another entity deadline? Yes

**WRITTEN REQUEST**

I, Mona Rios, hereby request that the following item be placed on the City of National City – City Council meeting agenda for consideration.

Give direction to staff to come back  
with an updated policy concerning  
Council meetings and how meetings  
are conducted.



|  |                                 |
|--|---------------------------------|
| <b>TITLE:</b> Rules of Procedure and Order for City Council Meetings | <b>POLICY #104</b>              |
| <b>ADOPTED:</b> December 13, 1983                                    | <b>AMENDED:</b> October 5, 2021 |

**Rules of Procedure and Order for  
City Council Meetings**

**Adopted: December 13, 1983  
Last Amended: October 5, 2021**

**TITLE:** Rules of Procedure and Order for City Council Meetings

**POLICY #104**

**ADOPTED:** December 13, 1983

**AMENDED:** October 5, 2021

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|--|---------------------------------|
| <b>TITLE:</b> Rules of Procedure and Order for City Council Meetings | <b>POLICY #104</b>              |
| <b>ADOPTED:</b> December 13, 1983                                    | <b>AMENDED:</b> October 5, 2021 |

**I. PURPOSE**

The purpose of this Policy is to establish Rules of Procedure and Order for City officials, staff and members of the public at all meetings of the City Council to ensure that the business of the City is attended to in an open and orderly manner and in an environment safe for all persons in attendance. The policy establishes and delineates general meeting rules, roles and responsibilities, to allow for an orderly meeting where all individuals can exercise their Constitutional rights.

All meetings of the City Council will be conducted under Rosenberg's Rules of Order. In addition, such meetings will be governed in accordance with the Ralph M. Brown Act (Gov. Code § 54950, hereinafter "the Brown Act") and other applicable State laws. Any question about proper procedure will be immediately referred to the City Clerk as parliamentarian.

This policy applies to all persons attending public meetings in the City Council Chamber or any other location where a meeting subject to this policy takes place. In the event of any inconsistency between this policy and State law or regulation, State law or regulation shall apply.

**II. RESPONSIBILITIES**

It is important to recognize that the City Council acts as a legislative body. No member has extraordinary powers beyond those of other members. While the Mayor and Vice-Mayor may have additional ceremonial and administrative responsibilities, in the establishment of policies, voting and in other significant areas, all members are equal. Policy is established and direction is given to City staff by a majority vote of the Council.

While individual Councilmembers may disagree with decisions of the majority, a decision of the majority binds the Council to a course of action and provides staff with direction to follow. In turn, it is staff's responsibility to ensure the policy of the Council is implemented and upheld consistent with the wishes of the majority. Implementation of Council policy by staff does not reflect a bias against Councilmembers who held a minority opinion on an issue.

- A. Responsibilities of Presiding Officer/Mayor: The Presiding Officer of the City Council, shall be the Mayor, or in the Mayor's absence the Vice-Mayor, or in both of their absence any other member designated by the City Council. It shall be the duty of the Presiding Officer to ensure that the Rules of Procedure and Order contained herein are observed, The Presiding Officer shall maintain control of communication between Councilmembers and between the Council, staff, and members of the public. The Presiding Officer may make and second motions.
- B. Responsibilities of Vice-Mayor: In the absence of the Mayor from the City or a Council

**TITLE:** Rules of Procedure and Order for City Council Meetings

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meeting, the Vice-Mayor shall possess all the powers of the office of the Mayor, and be subject to all prescribed duties for that office.

C. Responsibilities of City Council:

1. Members of the City Council shall review all meeting materials in preparation for City Council meetings and be prepared to discuss the agenda.
2. Members of the City Council shall arrive on time for all City Council meetings.
3. Members of the City Council shall conduct themselves in an orderly, professional and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the City Council is maintained at all times.
4. Members of the City Council shall maintain a polite, respectful, and courteous manner when addressing one another, City staff, and members of the public during City Council meetings.
5. As a courtesy, members of the City Council shall report upcoming absences to the City Manager as soon as possible to ensure that any necessary adjustments to the agenda may be made, and to ensure a quorum.

D. Responsibilities of City Clerk:

1. The City Clerk shall serve as the Parliamentarian for the City Council meetings to advise the Presiding Officer. Within the limitations imposed by Rosenberg's Rules of Order, the Presiding Officer has the authority to determine proper parliamentary procedure.
2. The City Clerk shall call and record roll call votes; and shall read ordinance titles and agenda items as requested by the Presiding Officer.
3. The City Clerk shall keep minutes of the open meeting in accordance with City Council Policy No. 106, and permanent retention of video recordings of those proceedings as the archived record. Any written comment received for the meeting will be made available on the City website within 48 hours of the meeting. All retention per the City Records Retention Schedule.

|  |                    |
|--|--------------------|
| <b>TITLE:</b> Rules of Procedure and Order for City Council Meetings | <b>POLICY #104</b> |
|--|--------------------|

|                                   |                                 |
|-----------------------------------|---------------------------------|
| <b>ADOPTED:</b> December 13, 1983 | <b>AMENDED:</b> October 5, 2021 |
|-----------------------------------|---------------------------------|

E. Responsibilities of City Manager:

1. The City Manager's duties during City Council meetings include keeping a record of concerns raised by the City Council regarding direction for future staff action and facilitating the orderly presentation of staff reports.

F. Responsibilities of City Attorney:

1. The City Attorney's duties during City Council meetings include consulting with City Council on items of concern on the agenda, to proactively inform and protect Councilmembers from potential violations and conflicts of law, and to report on any final action taken in closed session.

### III. MEETINGS

- A. Regular Meeting: The City Council shall hold regular meetings on the first and third Tuesday of each month. The meetings shall be held in the Council Chamber of City Hall, 1243 National City Boulevard in the City of National City. The regular meeting shall begin at 6:00 p.m., or as otherwise scheduled due to the demand of business or for closed session.
- B. Adjourned Meeting: The City Council may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn.
- C. Special Meeting: A special meeting may be called at any time by the Mayor whenever the public business may require it or upon direction by a majority of the City Council. The call and notice shall be posted at least twenty-four (24) hours prior to the special meeting in a location that is accessible to members of the public.
- D. Emergency Meeting: Pursuant to the Government Code, the twenty-four (24) hour notice and posting requirements for a special meeting may be dispensed with under the following emergency conditions: work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body, except in the case of a dire emergency.
- E. Recessed Meeting: Pursuant to the Government Code, a meeting of the City Council may recess to the following regular business day if the action is taken in good faith and not to circumvent the requirements of the Brown Act. The meeting may not be recessed to another day after that unless it is posted in accordance with the Brown

**TITLE:** Rules of Procedure and Order for City Council Meetings

**POLICY #104**

**ADOPTED:** December 13, 1983

**AMENDED:** October 5, 2021

Act.

- F. Closed Session Meeting: The City Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which is authorized to be heard or considered in closed session in accordance with State law. If a closed session is included on the agenda, the description of the item must comply with Government Code Section 54954.5. For each closed session, the City Attorney must orally announce the subject matter of the closed session. If final action is taken in closed session, the City Attorney must report the action at the conclusion of the closed session, unless agendaized for that same Closed Session Meeting or list on the agenda for the Regular Meeting immediately following.

No minutes of the proceedings of the City Council during closed session are required. There shall be no closed session during any special emergency meeting. No person present in a closed session shall disclose, outside of the closed session, any information revealed in such closed session, without the prior authorization of a majority of the City Council. Any violation of this policy may be enforced by one or more of the actions delineated in City Council Policy No. 113.

- G. Quorum: A quorum at any meeting of the City Council will be established by the presence of three (3) members of the City Council. The Mayor shall count as a Councilmember for the establishment of a quorum.
- H. City Council Recess Periods: The City Council has traditionally observed a recess period during the summer to provide elected officials and staff an opportunity to catch up on work, reenergize after a lengthy budget and strategic planning process, and prepare for the start of a new fiscal year. For purposes of this policy, a recess period is defined as a period of time longer than twenty (20) days without a regular or special meeting of the Council.

During any recess period, the City Manager is authorized to take such ministerial action on matters of operational urgency as would normally be taken by the City Council during the recess except for those duties specifically reserved to the City Council by Government Code, and including such emergency actions as are necessary for the immediate preservation of the public peace, health, or safety. The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

- I. Cancellation of Meetings: Any meeting of the City Council may be cancelled in advance

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by a majority vote of the Council. In the event that the Mayor and/or Vice-Mayor are unable to cancel a meeting, in the case of an emergency the City Manager is authorized to cancel such meeting.

- J. Location of Meetings: Regular meetings of the City Council shall be held in the Council Chamber unless appropriate notice is given pursuant to, and the location of the meetings in accordance with, the Brown Act. The City Council may hold a special meeting at another location within the City, or locations outside the jurisdiction of the City, provided appropriate notice is given pursuant to and the location of the meeting is in accordance with the Brown Act.
- K. Holidays or Elections: In the event that the a regular meeting of the City Council is scheduled on the same day as a legal holiday, or an election day on which a National City candidate or National City measure appears on the ballot, no meeting will be held that week.. Any regular meeting may be dispensed with by a majority vote of the City Council.
- L. Adjournment: It is the policy of the City Council that that all evening meetings of the City Council, including special meetings and workshops, be adjourned no later than 10:30 p.m., which time is referred to as the normal time of adjournment. The meeting shall be extended no more than once and subsequently may be adjourned to a later date. No new item of business shall be taken up by the Council after the normal time unless the Council has determined by a super-majority vote to set aside this policy. In the event the entire agenda cannot be completed by the normal time of adjournment, the Council may take up and act upon the more pressing agenda items. All agenda items not considered at the meeting shall be on the agenda of the next regular, special, or adjourned regular meeting unless the Council directs otherwise.
- M. Taping or Broadcasting: Meetings may be broadcast, audio-recorded, video-recorded or live-streamed so long as the activity does not constitute a disruption of the proceeding.
- N. Teleconferencing: Teleconferencing shall be allowed as per Government Code section 54953. Teleconference meetings may be held under carefully-defined conditions. The meeting notice must specifically identify all teleconference locations, and each such location must be fully-accessible to members of the public.
- O. Agenda Exception: Special procedures permit a body to proceed without an agenda in the case of emergency circumstances, or where a need for immediate action came to the attention of the body after posting of the agenda. (Reference Section VIII, A.5 - Non-Agenda Items Requiring Immediate Action)



**TITLE:** Rules of Procedure and Order for City Council Meetings

**POLICY #104**

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- P. Comfort Breaks: It is the policy of the City Council that the Presiding Officer will call comfort breaks of 5-10 minutes when a meeting is expected to last more than two hours. While it is not possible to predict the duration of a meeting, scheduled breaks allow participants to not miss any part of the meeting and help stay alert and maintain a high level of concentration and participation.
- Q. Use of Personal Electronic Devices: The use of personal electronic devices on the dais shall be limited to official agenda-related tasks and emergency notifications. If, in the opinion of the Presiding Officer, a Councilmember's use of an electronic device is disruptive to Council deliberations or disrespectful to the public, the Presiding Officer may request that the Councilmember cease the use of such device.
- R. Translation Services: Simultaneous Spanish interpreting services are provided at City Council meetings, through the use of headsets. A Spanish-language interpreter is also available to interpret and translate for speakers who wish to address the City Council. When the meetings are hosted as a webinar, a Spanish-language interpreter shall provide translation services for a minimum of two (2) hours. If, after providing translation services for two (2) hours, no member of the public is using those services, the translator may be dismissed by the Presiding Officer.
- S. Compliance with Brown Act: All regular, special, and adjourned meetings of the City Council shall be called, noticed and conducted in compliance with the Brown Act.

#### **IV. REMOTE ACCESS TO MEETINGS**

- A. Internet Broadcast: Live-Streaming video of City Council meetings is available at [www.nationalcityca.gov](http://www.nationalcityca.gov). Archived meetings are also available online.
- B. E-Notification: Individuals may sign up via the City's website to receive email notifications of published City Council and Board, Commission, and Committee meeting agendas, City news, special events, and more.

#### **V. PUBLIC ASSISTANCE & ACCOMMODATIONS**

Upon request, the City Council agenda and backup materials will be made available in alternative formats. Any person who requires a disability-related modification or accommodation to participate in the public meeting, including auxiliary aids or services, may request a modification, accommodation, aid, or service by contacting the City Clerk's Office either in person or by telephone no later than 10:00 a.m. on the day preceding the scheduled meeting.

**TITLE:** Rules of Procedure and Order for City Council Meetings

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## VI. PUBLIC MEETING COMMUNICATIONS

### A. Communications between City Councilmembers:

1. Councilmembers wishing to speak should request the floor by being recognized by the Presiding Officer before speaking. The Presiding Officer must recognize any Councilmember who seeks the floor when appropriately entitled to address the City Council.
2. No Councilmember shall speak again until all Councilmembers have had the opportunity to speak.
3. Councilmembers shall remember that the purpose of the City Council meeting is to conduct the business of the City. Councilmembers shall avoid repetition and shall limit their comments to the subject matter at hand. Councilmembers shall endeavor to express their views without engaging in unnecessarily lengthy debates.
4. When one Councilmember is speaking, other Councilmembers shall not interrupt, disrupt or disturb the speaker. During questions and deliberations, the Presiding Officer may vary the speaking sequence of Councilmembers from item to item.

B. Email Communications between City Councilmembers: Because email communications can ultimately lead to the exchange of information intended to, or which may, create collective concurrence among a quorum of Councilmembers, e-mail communications between Councilmembers relative to Council business should be avoided at all times.

C. Communications with Persons Addressing the City Council: Members of the public may address the City Council during the Public Comment period and/or prior to the consideration of any agenda item. Persons shall address the City Council as a whole and shall not engage in a dialogue with individual Councilmembers, staff, or with other members of the audience. Any person wishing to speak, whether during the Public Comment period or on an agenda item, is requested to complete a "Speaker Slip" form and submit the form to the City Clerk prior to the calling to order of the meeting or as soon thereafter as possible. Filling out a speaker slip is not required to participate. All those addressing the Council shall do so from the podium.

The City Council may not prohibit public criticism of the City in general, City staff, or members of the City Council, its policies, procedures, programs, or services of an

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agency or its acts or omissions. A speaker may not be stopped from speaking because either the Presiding Officer or Councilmembers disagree with the viewpoint being expressed.

1. Translation Services: Simultaneous Spanish interpreting services are provided at City Council meetings, through the use of headsets. A Spanish-language interpreter is also available to interpret and translate for speakers who wish to address the City Council. When the meetings are hosted as a webinar, a Spanish-language interpreter shall provide translation services for a minimum of two (2) hours. If, after providing translation services for two (2) hours, no member of the public is using those services, the translator may be dismissed by the Presiding Officer.
2. Public Comment (Non-agenda): At all regular City Council meetings, speakers shall have the right to address the City Council on any matter within the elected body's jurisdiction, subject to a three (3) minute time limit or less, depending on the number of speakers. The Council may listen to the speaker's comments, but cannot discuss or take action on communications not on the agenda. Non-agenda Public Comment may be referred to the City Manager for administrative action or placement on a subsequent agenda, with a majority vote of the Council.
  - a. At each regular Council meeting, up to 30 minutes shall be reserved for Public Comment.
  - b. The City Clerk will review the Speaker Slips and inform the Presiding Officer of the number of slips. If the number of speakers, at three (3) minutes each, exceeds the 30-minute allotted time for Public Comment, the Presiding Officer may reduce the time allotted to each speaker, extend Public Comment time, or continue remaining speakers to the end of the meeting.
  - c. Donations of time from one speaker to another are not permitted.
  - d. The Presiding Officer shall have the authority to reduce equally each speaker's time to accommodate a larger number of speakers.
  - e. Speaker Slips for Public Comment will be accepted by the City Clerk in the Council Chamber no earlier than 15 minutes before the meeting and up until the Public Comment portion of the agenda is finished.
  - f. In order to ensure that non-English speakers receive the same opportunity to directly address the City Council, any member of the public who utilizes a

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translator shall be provided at least twice the allotted time to address the City Council, unless simultaneous translation equipment is used to allow the City Council to hear the translated public testimony simultaneously. (Government Code 54954.3)

- g. Remarks shall be addressed to the City Council as a body.
  - h. If there is a group representing a common position, designation of a spokesperson is encouraged. The Presiding Officer may allot a mixed amount of time for presentations of this nature.
3. Public Comment (Agenda Items): Speakers shall have the right to address the City Council on items which appear on the agenda, subject to the 3-minute time limit.
- i. Donations of time from one speaker to another will not be permitted.
  - j. The Presiding Officer shall have the authority to reduce equally each speaker's time to accommodate a larger number of speakers, or to limit the total speakers' time on an agenda item.
  - k. Speaker Slips for agenda items will be accepted by the City Clerk in the Council Chamber no earlier than 15 minutes before the meeting and up until the public testimony on the item is finished. Included on the Speaker Slip shall be the option for individuals who do not wish to speak to register in support of, in opposition to, or neutral on the item. An individual must be present to register a position or opinion. The City Clerk will provide a tally of those who do not wish to speak on an item, but who do provide a position or opinion.
  - l. Remarks shall be addressed to the City Council as a body and not to any member of the City Council, staff or the public. No questions shall be asked of an individual member of the City Council, staff, or the public. The Presiding Officer may limit interaction between Councilmembers and public speakers to questions of clarification.
  - m. If there is a group representing a common position, designation of a spokesperson is encouraged. The Presiding Officer may allot a mixed amount of time for presentations of this nature.
  - n. In order to ensure that non-English speakers receive the same opportunity to directly address the City Council, any member of the public who utilizes a

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translator shall be provided at least twice the allotted time to address the Council, unless simultaneous translation equipment is used to allow the Council to hear the translated public testimony simultaneously. (Government Code Section 54954.3)

4. Presentations to City Council: Any information presented to the City Council for its consideration in formats such as PowerPoint, Video, or other audio/visual media must be submitted to the City Clerk's Office no later than the Wednesday immediately prior to the City Council meeting in order to have the presentation facilitated for City Council viewing and broadcast. If presentations are submitted after that deadline, it will not be possible for them to be played or displayed during the meeting, although ten (10) hard copies may be submitted to the City Clerk for distribution to the City Council. Documents and presentations displayed during the City Council meeting shall become part of the public record and must be submitted to the City Clerk for retention. The City Clerk's Office will post any materials received at a City Council Meeting to the City website within 48 hours of the meeting.

## VII. AGENDA SEQUENCE AND ORDER OF BUSINESS

Generally, the agenda sequence and order of business of a regularly scheduled City Council meeting shall determined by the City Manager's.

During the City Council Meeting the Order of Business shall be followed, unless otherwise reordered by the Presiding Officer with the consensus of the City Council during the City Council Meeting.

- A. Call to Order: The Presiding Officer officially calls the meeting to order.
- B. Roll Call: Before the City Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.
- C. Pledge of Allegiance: Each agenda of a regularly scheduled Council meeting shall provide an item for the recital of the "Pledge of Allegiance" to both the United States flag and the California flag.
- D. Public Comments: Speakers shall have the right to address the City Council on any matter within the elected body's jurisdiction, subject to a 3-minute time limit or less, depending on the number of speakers. The City Council may listen to the speaker's

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comments, but cannot discuss or take action on communications not on the agenda. Non-agenda public comment may be referred to the City Manager for administrative action or placement on a subsequent agenda.

- E. Proclamations and Certificates: The agenda shall provide a time when proclamations directing attention to a person, organization or event may be presented. Proclamations will be issued subject to Section XIV, E - Proclamations.
- F. Awards and Recognitions: The agenda shall provide a time when recognitions may be presented.
- G. Presentations: The Presentations section of the agenda is for the purpose of allowing a brief (5 to 10 minutes each) opportunity at the beginning of a Council meeting for City Council to receive information from outside agencies or City staff. It is not meant for a topic that would require lengthy deliberation, debate, or action. Items may be placed on the Presentation section of the agenda at the request of the City Council or City staff with the City Manager's concurrence. Approval to place a presentation on the agenda that has been requested by a community member must be obtained through the City Manager's Office.
- H. Interviews and Appointments: The agenda shall provide a time for the City Council to interview and/or appoint members of the City Council or the public to City and/or external boards, commissions and committees.
- I. Regional Boards and Committee Reports: City Councilmembers report on meetings attended on behalf of the City. Councilmembers are limited to five-minutes.
- J. Consent Calendar: Items of a routine or generally uncontested nature may be approved by the City Council in a single motion by adoption of the Consent Calendar. The approval of the Consent Calendar shall signify the approval of each matter or recommendation included therein: Upon request of any Councilmember, staff, or public made through the Presiding Officer, an item may be removed from the Consent Calendar for separate discussion and/or action. Each item proposed for consideration as part of the Consent Calendar shall be described on the agenda posted for the meeting.
- K. Public Hearings: Ordinances & Resolutions: This portion of the meeting allows for a noticed public session to receive original evidence or testimony on applications regulated by this title. Scheduled public hearings shall be commenced at 6:00 p.m. or as soon thereafter as possible. (Reference Section XI, Public Hearings)

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- L. Non-Consent Resolutions: Items generally of a non-routine nature for City Council discussion and/or action.
- M. New Business: This portion of the meeting is devoted to discussion or consideration of items of business that have or have not previously been before the City Council.
- N. Staff Reports: This portion of the meeting provides the City Manager and staff the opportunity to give general comments, updates, and announcements.
- O. Mayor and City Council Reports: This portion of the meeting provides the City Council the opportunity to give general comments, announcements, or informational reports on any item not on the agenda. These matters may not be discussed or deliberated.
- P. Closed Session Report: At an Open Session following a Closed Session, the body must report on final action taken in Closed Session under specified circumstances.
- Q. Adjournment: It is the policy of the City Council that that all evening meetings of the City Council, including special meetings and workshops, be adjourned no later than 10:30 p.m., which time is referred to as the normal time of adjournment.

**VIII. AGENDA PROCESS**

In order for both the City Council and City staff to be adequately prepared to discuss City business during City Council meetings, items for discussion shall be placed on the agenda in accordance with established City Council agenda deadlines and in compliance with the Brown Act. Generally, items not on the agenda cannot be discussed or considered during a City Council meeting. This section of the policy discusses how to place items onto the agenda, agenda setting, preparation and distribution.

- A. Preparation, Distribution and Posting
  - 1. Agenda Items: In conjunction with City staff, the City Manager shall have the primary responsibility for preparing the City Council agenda and placing matters on the agenda in accordance with identified City needs and scheduling.
    - a. In the event an item is brought to the attention of the City Manager that requires immediate City Council attention after the agenda setting meeting and before the agenda is distributed, the City Manager will determine the need for the item to be added to the agenda.

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2. **Agenda Review Meeting:** Prior to release and posting of a final City Council agenda, an agenda review meeting shall be held by the City Manager with the City Attorney and the Mayor, or another member of the City Council designated by the Mayor, to serve in their absence. The proposed agenda shall be reviewed at this meeting.
3. **Agenda Preparation:** Not later than the Thursday prior to the City Council meeting, the City Manager is responsible for preparing the agenda packet, which shall include the agenda plus all its corresponding duplicated agenda items. No item shall be considered if not included in the packet, except that a correction or supplement to an item already included in the packet may be considered in accordance with the Ralph M. Brown Act.
4. **Agenda Distribution and Posting:** Not later than the Thursday prior to the City Council meeting, the City Manager is responsible for distributing the agenda packet to each member of the City Council. Staff shall post each agenda at least 72-hours in advance of the meeting and shall post each agenda of a special meeting at least 24-hours in advance of the meeting on the official bulletin boards at City Hall and on the City's website.
5. **Non-Agenda Items Requiring Immediate Action:** Matters requiring City Council action must be placed onto a Council Agenda in a timely manner in order for Council to consider the matter. In accordance with the Ralph M. Brown Act, off-agenda items requiring City Council approval will not be considered by the City Council except under the following two circumstances:
  - a. An emergency situation exists, as defined in the Government Code; or,
  - b. The City Council determines by a two-thirds (2/3) vote, or by a unanimous vote if less than two-thirds of the Council is present, that:
    - There is a need for immediate action, and
    - The need to take action on the item arose after the posting of the agenda.

If the City Council finds that the need to take action arose subsequent to the agenda posting, pursuant to the criteria above, it shall make those findings by separate motion, including the factual reasons supporting the findings. The findings shall be reflected in the City Council minutes.



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## IX. VOTING

A. Obtaining the Floor: Any Councilmember wishing to speak must first obtain the floor by being recognized by the Presiding Officer. The Presiding Officer must recognize any Councilmember who seeks the floor when appropriately entitled to do so.

B. Voting Procedure: Any vote of the City Council, including a roll call vote, may be registered by the members by answering "Yes" or "Aye" for an affirmative vote, "Abstain" for an abstention, or "No" or "Nay" for a negative vote upon the member's name being called by the City Clerk; or an electronic vote may be registered by pressing the Councilmember button for an affirmative vote, an abstention, or a negative vote, upon a vote being called for by the Presiding Officer.

Following the vote, the City Clerk shall audibly announce the results of the vote by name indicating whether the item carried or was defeated. The same shall be recorded in the minutes as the vote. The Presiding Officer in his or her discretion may publicly explain the effect of a vote for the audience, or may direct a member of the staff to do so before proceeding to the next item of business.

C. Disqualification for Conflict of Interest: Any Councilmember who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Presiding Officer state, the nature of such disqualification in open meeting. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the Councilmember affected, be decided by the other Councilmembers. A Councilmember who is disqualified by reason of a conflict of interest in any matter shall not remain in his or her seat during the debate and vote on such matter, but shall request and be given the permission by the Presiding Officer to step down from the Council dais. A Councilmember stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

D. Failure to Vote: Every Councilmember should vote unless disqualified by reason of a conflict. 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.

E. Tie Vote: Any proposed measure that receives a tie vote from the members of the City Council shall be considered lost and may be reconsidered.

F. Changing Vote: A Councilmember may change his or her vote only if the Councilmember makes a timely request to do so immediately following the announcement of the

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vote by the City Clerk and prior to the time that the next item in the order of business is taken up.

- G. Reconsideration: A motion to reconsider the vote on any action taken by the City Council at either this meeting or a previous meeting may be made only by one of the Councilmembers who voted with the prevailing side.
- H. Point of Order: An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration.
- I. Continuance of Discussion or Hearings: Any item being discussed or any public hearing at a City Council meeting may, by order, notice, or motion, be continued or tabled to any subsequent meeting.
- J. Rosenberg's Rules of Order: Rosenberg's Rules of Order have been adopted by the City Council and shall apply in all cases.
- K. Disclosure of Ex Parte Contacts: An "ex parte" contact or communication occurs when, prior to considering a matter on a public meeting agenda, a member or members of the City Council receives information, oral, written, or otherwise, pertaining to that matter outside the public meeting. (Reference City Council Policy No. 116-Procedure for Disclosure of Ex Parte Contacts)

## X. MOTIONS

Motions are the vehicles for decision making by a body. It is normally best to have a motion before the body prior to commencing discussion of an agenda item. There are three motions that are the most common and recur often at meetings:

1. The basic motion. The basic motion is the one that puts forward a decision for the body's consideration.
2. The motion to amend. If a Councilmember wants to change a basic motion that is before the body, they would move to amend it.
3. The substitute motion. If a Councilmember wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion.

Motions may be made by any member of the City Council, including the Chair. Any member of

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the City Council may second a motion. (Reference *Rosenberg's Rules of Order* for a more detailed discussion on motions in general and sample motions.)

A. Procedure for Motions: The following is the general procedure for making motions:

1. The item is presented by staff or others followed by questions and discussion by Councilmembers.
2. A Councilmember who wishes to make a motion shall first obtain the floor.
3. A Councilmember who wishes to second a motion shall do so through a request to the Chair.
4. Before a motion can be discussed, it shall be seconded.
5. Once a motion has been properly made and seconded, the Chair shall open the matter for further discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Presiding Officer.
6. Once the matter has been fully debated and the Presiding Officer calls for a vote, no further debate will be allowed, provided, however, any Councilmember may be allowed to explain his or her vote prior to the vote being cast.

B. Amendments to Motions: As previously discussed, when a motion is on the floor and an amendment is offered, the amendment shall be acted upon prior to acting on the main motion. No motion of a subject other than the agenda item under consideration shall be admitted as an amendment. A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order. Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

## **XI. PUBLIC HEARINGS/ORDINANCES & RESOLUTIONS**

A. Except as provided otherwise by law, public hearings shall generally be conducted as follows:

1. Scheduled public hearings shall commence at 6:00 p.m. or as soon thereafter as possible.
2. Speakers are encouraged to complete a Speaker Request Slip; however, a

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Speaker Slip is not required in order to speak.

3. At the beginning of each public hearing item, the Presiding Officer shall announce the item for the public hearing, request that staff present the staff report and any other relevant evidence, and open the public hearing. The presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing.
4. Following the staff report and opening of the public hearing, the Presiding Officer shall thereupon call upon the proponent (if other than staff) to present his or her presentation. Thereafter, the Presiding Officer shall inquire as to whether there are any persons present who desire to address the City Council on the matter. Any person desiring to speak or present evidence shall then make their presence known to the Presiding Officer and, upon being recognized by the Presiding Officer, may speak or present evidence relevant to the subject matter being heard.
5. The applicant/appellant, and/or their representative shall speak first and shall have a sufficient amount of time to do so, any portion of which may be reserved and used for rebuttal.
6. Each member of the public wishing to address the City Council, other than the applicant/appellant, shall then be allowed to address the City Council and shall have three (3) minutes to speak. Prior to declaring the public hearing open, however, when necessary because of the number of possible speakers, the Presiding Officer may establish a time limit for the entire public hearing, or establish time limits for the presentation of each individual speaker. All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk as part of the record.
7. Councilmembers who wish to ask questions of the speakers, staff or each other, during the public hearing portion, may do so only after being recognized by the Presiding Officer in the manner set out in this policy.
8. 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 after the close of the public hearing.
9. Following the conclusion of such questions, the Presiding Officer shall allow the

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applicant/appellant the opportunity for rebuttal.

10. Following the rebuttal, the Presiding Officer shall close the public hearing and then allow each Councilmember to state his or her opinion on the item before asking for a motion to decide the matter.
11. Upon closing the public hearing by the Presiding Officer, no additional public testimony shall be solicited or received by the City Council without reopening the public hearing through the Presiding Officer with consensus of the City Council.
12. The Presiding Officer at all times shall conduct the public hearing in such a manner as to afford due process to all affected persons.

## **XII. MEETING DECORUM & CONDUCT**

Meetings of the City Council shall be conducted in an open and orderly manner and in an environment safe for all persons in attendance to ensure that the public has a full opportunity to be heard and that the deliberative process of the Council is retained at all times. The Presiding Officer shall be responsible for maintaining the order and decorum of meetings. This policy is not intended to deprive any person of his or her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe and conducive place to conduct public business.

### **A. Conduct:**

1. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of obscene, lewd, loud, threatening, repeatedly irrelevant or repetitious, or abusive language, including clapping, whistling, yelling, stamping of the feet, or other acts which disturb, disrupt, impede, or otherwise render the orderly conduct of the City Council meeting infeasible. A member of the audience engaging in any such conduct may, after warning by the Presiding Officer, at the discretion of the Presiding Officer or a majority of the City Council, be subject to removal from the meeting.
2. Persons in the audience will refrain from creating, provoking, or participating in any type of disturbance involving unwelcome physical contact.
3. Noise emanating from the lobby outside the Council Chambers which is audible within the Chambers shall not be permitted. The Sergeant-at-Arms is authorized to enforce this rule by requesting those in the lobby to remain silent or to leave the area.

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**B. Authorized & Designated Areas:**

1. No person shall stand or sit in the aisles. No person shall block any doorways or exits.
2. No person except City officials shall be permitted within the platform area in front of the City Council dais without the prior consent of the Presiding Officer or City Manager.

**C. Signs, Objects, or Symbolic Material:**

1. Placards, signs, and posters may be brought into the Council Chambers unless such objects disturb, disrupt, impede or otherwise render the orderly conduct of the Council meeting infeasible, or block the view of any other person in attendance, in which case such placard, sign, or poster shall, at the discretion of the Presiding Officer or a majority of the Council, be moved to a different location or removed from the Chamber.
2. Packages, bundles, suitcases, or other large or potentially dangerous objects shall not, without the prior authorization of the Presiding Officer or City Manager, be brought into the City Council Chamber and are subject to search to determine that they do not pose a threat or as otherwise requested by the Sergeant-at-Arms.

**D. Service Animals:** Except as otherwise allowed by the City Council, no animals except for service animals shall be brought into the Council Chambers.

**E. Photography/Videography:** Photographs, audiotapes, and videotapes may be taken from the rear of the Council Chambers or from any seat within the Chambers, as long as such activity does not disrupt or disturb the audience, public speakers, Councilmembers or others on the dais, and interfere with the orderly conduct of the meeting. When a filming area has been designated by the Fire Marshal or Sergeant-at-Arms, filming shall occur in that area only. The Fire Marshal or Sergeant-at-Arms may designate an area for credentialed media only.

**F. Cellular & Electronic Devices:** Persons in the audience will refrain from using cellular phones and/or pagers while the City Council meeting is in session.

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### XIII. ENFORCEMENT

- A. Sergeant-at-Arms: The Chief of Police or designee shall be the ex-officio Sergeant-at-Arms of the City Council. The Sergeant-of-Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum in the Council Chambers. Any Councilmember may move to require the Presiding Officer to enforce the rules upon affirmative vote of a majority of the Council.
- B. Violations: Upon a violation of the Rules of Procedure and Order established herein, the procedure to enforce the rules are as follows:
1. **Warning**: The Presiding Officer shall first request that a person who is violating the rules cease such conduct. If, after receiving a request from the Presiding Officer, the person persists in violating the rules, the Presiding Officer shall order a recess. The Sergeant-at-Arms is authorized to warn the person that their conduct is violating the rules and that they are requested to cease such conduct. If upon resumption of the meeting the violation persists, the Presiding Officer may order another recess whereupon the Sergeant-at-Arms shall have the authority to order the person removed from the meeting and/or cited in violation of Penal Code Section 403.
  2. **Motion to Enforce**: Any Councilmember may call a Point of Order should the City Council fail to abide by the provisions of this policy, whereupon the City Council shall immediately act upon the Point of Order by roll call vote. If the Presiding Officer fails to enforce the Rules of Procedure and Order set forth herein, any member of the City Council may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the City Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the City Council, the majority may designate another member of the City Council to act as Presiding Officer for the remainder of the meeting, for the limited purpose of enforcing the rules established herein.
  3. **Clearing the Room**: Pursuant to Government Code section 54957.9, in the event that any meeting is willfully interrupted by a group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, the Presiding Officer may order the room cleared and the meeting shall continue in session. Only matters appearing on the agenda may be considered in such a session. Credentialed representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held

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pursuant to Section 54957.9.

4. **Violation of California State Law:** A person or persons who willfully and intentionally impair or impede the conduct of a City Council meeting by violating these Rules of Procedure and Order may be prosecuted under California Penal Code section 403, California Elections Code section 18340, or any other applicable State law for disturbing a public meeting.

#### **XIV. PROCEDURAL MATTERS**

- A. City Council Seating Arrangement: The seating arrangement of Councilmembers on the dais is at the prerogative of the Mayor.
- B. Signing of Meeting Documents: The Presiding Officer shall sign all ordinances, resolutions, contracts, and other documents necessitating official signature which were adopted in their presence, unless unavailable, in which case the signature of the Vice-Mayor may be used.
- C. Copy of Recordings: The public may obtain from the City Clerk a copy, at cost, of an existing recording made by the legislative body of its public sessions.
- D. Ceremonial Matters: There are several different types of action the City Council may take to provide recognition or express appreciation:
  1. Certifications of Appreciation or Recognition: Commendations are typically issued to acknowledge the activities of a person or organization.
  2. Proclamations: Public announcements directing attention to a person, organization, event, or cause. Proclamations will be issued subject to the policy described below.
- E. Proclamations: It is the policy of the City Council to issue proclamations for certain individuals, organizations, events, or causes, when such a proclamation positively impacts the community and conveys an affirmative message to residents.
  1. Discretion should be used in determining whether or not to issue a proclamation. Proclamations that are political in nature, are controversial, or that likely would not enjoy a high level of community interest and support, are discouraged.
  2. It is the policy of the City Council to process requests for proclamations in the following manner:



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- a. Requests for proclamations will be made through the Mayor's Office;
- b. If the Mayor determines that the proclamation request is consistent with the policy stated above, the Mayor will direct his or her staff member to prepare the proclamation and the proclamation will be issued.
- c. Upon receipt of the draft proclamation language, the Mayor will direct the City Manager to place the item on a meeting agenda depending on the nature and time-sensitive nature of the request.

**XV. SOCIAL MEDIA**

With the ever-growing use of social media, the City Council and City staff should be aware that comments, statements, opinions, etc. are still subject to the same restrictions identified in the California Government Code, including but not limited to (the Brown Act and the Public Records Act). While the City of National City strives to maintain community involvement and transparency in its government functions, certain State and local laws must be considered and kept in mind while using social media platforms. Social media platforms such as Facebook, Twitter, and others can be viewed by other people including other Councilmembers. Councilmembers are encouraged to check the information they provide for accuracy.

Multiple Councilmembers cannot comment on the same conversation, as that can create a "serial meeting" of the City Council and is a direct violation of the Brown Act. If Councilmembers communicate on social media about "City business", as defined in City Administrative Policy No. 02.06, any such communication may be released to the public upon request.

Councilmembers should refrain from stating personal opinions on matters being brought before the City Council including, but not limited to: personal opinions on topics, declarations on how an official intends to vote for an item, debating with citizens on items, or presentation of the Councilmember's argument in support or opposition of an item, as those could be considered violations of the Brown Act, which can result in criminal and civil liabilities for the official.

Councilmembers should always maintain professionalism and common courtesy in posts and comments when commenting in their official capacity and should remain neutral in postings to prevent the interpretation that a decision has already been made outside of an open meeting, in violation of the Brown Act. Councilmembers should also be aware that there is inherent personal civil liability risk on all comments they make outside of official meetings. For example, if a Councilmember "blocks" a social media user, or deletes a comment from a



**TITLE:** Rules of Procedure and Order for City Council Meetings **POLICY #104**

**ADOPTED:** December 13, 1983

**AMENDED:** October 5, 2021

|                          |  |
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| <b>Decorum</b>           | To conduct oneself in a proper manner.   |
| <b>Dire Emergency</b>    | When a majority of the legislative body determines that a dire emergency exists, it may call an emergency meeting (Government Code Section 54956.5(a)(2)). A dire emergency, is defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body. |
| <b>Emergency Meeting</b> | When a majority of the legislative body determines that an emergency situation exists, it may call an emergency meeting (Government Code Section 54956.5). An emergency is defined as work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.   |
| <b>Legislative Body</b>  | City Councilmembers are legislators. Together, the members of the City Council constitute a legislative body that is given authority by the State constitution and State law to make local law.  |
| <b>Meeting</b>           | Includes any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body. (Government Code § 54952.2(a).)  |
| <b>Minutes</b>           | The official record of what is done at a meeting.  |
| <b>Motion</b>            | The vehicles for decision-making by a body used with a vote to indicate approval, denial, adoption, or direction.  |
| <b>Ordinance</b>         | A City law that generally requires two separate meetings and typically becomes effective thirty days after adoption.   |
| <b>Parliamentarian</b>   | One who advises the Officers, Committees, and Council Members on matters regarding parliamentary procedure.  |

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| <b>TITLE:</b> Rules of Procedure and Order for City Council Meetings | <b>POLICY #104</b>              |
| <b>ADOPTED:</b> December 13, 1983                                    | <b>AMENDED:</b> October 5, 2021 |

|                                   |   |
|-----------------------------------|---|
| <b>Policy</b>                     | The opinions, philosophy, or practices that are adopted by an organization.   |
| <b>Public Hearing</b>             | Items that are publicly noticed for a specific City Council meeting date, as generally required by law, and are designed to receive separate public input on a specific matter.   |
| <b>Point of Order</b>             | An interruption of a meeting to question whether rules or bylaws are being broken.  |
| <b>Presiding Officer</b>          | The officer conducting the meeting; Chair or Chairman.  |
| <b>Public Hearing</b>             | A noticed public session to receive original evidence or testimony on applications regulated by this title. Scheduled public hearings shall be commenced at 6:00 p.m. or as soon thereafter as possible.  |
| <b>Quorum</b>                     | The minimum number of members who must be present at a meeting to transact business legally.  |
| <b>Ralph M. Brown Act</b>         | The Ralph M. Brown Act, commonly known as the "Brown Act," governs meetings conducted by local legislative bodies, such as Boards of Supervisors, City Councils and School Boards. The Act represents the Legislature's determination of how the balance should be struck between public access to meetings of multi-member public bodies on the one hand and the need for confidential candor, debate, and information-gathering on the other. The purpose of the Brown Act is to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation by public bodies. |
| <b>Recess</b>                     | A period of time longer than twenty (20) days without a regular or special meeting of the Council.  |
| <b>Resolution</b>                 | A legislative or other type of action providing for the disposition of a particular item of business. Resolutions take effect upon passage by a majority vote of the City Council unless other law imposes a later effective date.  |
| <b>Rosenberg's Rules of Order</b> | Written rules of parliamentary procedure which govern a meeting.  |

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| <b>TITLE:</b> Rules of Procedure and Order for City Council Meetings | <b>POLICY #104</b>              |
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- Sergeant-at-Arms**                      The Chief of Police or his or her designee shall be the ex-officio Sergeant-at-Arms of the City Council.
- Special Meeting**                      In contrast with a regular meeting, a meeting called for a particular purpose that is stated when the meeting is called.

**SECTION XVIII. RELATED POLICY REFERENCES**

**Related Policy References**

- National City Municipal Code, Chapter 2.04
- National City Municipal Code, Title 16
- Ralph M. Brown Act
- Rosenberg's Rules of Order
- City Council Policy No. 102 - City Council Meeting Times
- City Council Policy No. 103 - Special Council Meetings
- City Council Policy No. 105 - Off Agenda Items and Placing Non-Agenda Items on the Agenda
- City Council Policy No. 106 - Preparation of City Council Meeting Minutes
- City Council Policy No. 113 - Unauthorized Disclosure of Information Revealed in Closed Sessions
- City Council Policy No. 116 - Procedure for Disclosure of Ex Parte Contacts
- Administrative Policy No. 02.06- Public Records Act Affecting Personal Electronic Devices & Accounts of City Users

**Prior Policy Amendments**

- June 11, 2013 (Revised – removed Robert’s Rules of Order and replaced with Rosenberg’s Rules of Order) Per meeting minutes
- October 8, 2013 (Resolution No. 2013-147)
- April 2, 2019 (Resolution No. 2019-37)
- August 18, 2020 (Resolution No. 2020-152)

|   |                                 |
|---|---------------------------------|
| <b>TITLE:</b> Unauthorized Disclosure of Information Revealed in Closed Session | <b>POLICY # 113</b>             |
| <b>ADOPTED:</b> March 12, 1996  | <b>AMENDED:</b> October 8, 2013 |

**Purpose**

To establish a policy to prevent the unauthorized disclosure of information revealed in closed sessions of the City Council, and to provide remedies in the event of any such unauthorized disclosure.

**Policy**

No person present in a closed session shall disclose, outside of the closed session, any information revealed in such closed session, without the prior authorization of a majority of the City Council. Any violation of this policy may be enforced by one or more of the following actions, as directed by a majority of the City Council:

1. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 1098.
2. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 1222.
3. Referral to the Office of the District Attorney for prosecution for violation of Government Code Section 3060.
4. Referral of a Councilmember who has willfully disclosed confidential information in violation Government Code section 54963 to the grand jury.
5. Obtaining an injunction to prevent further unauthorized disclosure of information revealed in a closed session.
6. In the event an unauthorized disclosure is committed by a member of the City Council, that Councilmember may be censured by a majority vote of the City Council. Prior to imposing censure, the Councilmember subject to censure shall be provided 10 calendar days' notice of the City Council's intention to impose the censure, and be given an opportunity to respond to the proposed censure.
7. In the event an unauthorized disclosure is committed by a member of the City staff, that staff member may be subject to disciplinary action.

This policy shall not prohibit the making of a public report of actions taken in a closed session as required by Government Code Section 54957.1.

**Related Policy References**

City Council Policy #104

|   |                                 |
|---|---------------------------------|
| <b>TITLE:</b> Unauthorized Disclosure of Information Revealed in Closed Session | <b>POLICY # 113</b>             |
| <b>ADOPTED:</b> March 12, 1996  | <b>AMENDED:</b> October 8, 2013 |

Government Codes 1098, 1222, 306, 54957.1, 54963  
City Attorney Memorandum: Original Feb. 29, 1996. Revised Jan. 7, 2013 (attached)

Prior Policy Amendments:  
March 12, 1996 (Resolution No. 96-29) Establishing Policy  
October 8, 2013 (Resolution No. 2013-147)

**MEMORANDUM**

|   |                                 |
|---|---------------------------------|
| <b>TITLE:</b> Unauthorized Disclosure of Information Revealed in Closed Session | <b>POLICY # 113</b>             |
| <b>ADOPTED:</b> March 12, 1996  | <b>AMENDED:</b> October 8, 2013 |

George H. Eiser, III  
City Attorney  
City of National City  
February 29, 1996

Revised January 7, 2013  
Claudia G. Silva  
City Attorney  
City of National City

**PUBLIC DISCLOSURE OF INFORMATION DISCUSSED IN  
CLOSED SESSION: POSSIBLE REMEDIES**

**Prohibited by the Brown Act - Improper to Disclose**

- A person cannot disclose information discussed in closed session without authorization of the City Council. Government Code section 54963.

**Remedies under Government Code Section 54963**

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

- (1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.
- (2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.
- (3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury."

**City May Not Enact Criminal Ordinance**

- California Attorney General has held that a city may not adopt an ordinance making it a misdemeanor for any person present during a closed session of the city council meeting to publicly disclose the substance of any discussion properly held during the session unless authorized by the city council. (76 Ops. Cal. Atty. Gen 289 (1993).)

**Additional Possible State Law Violations**

- Any current public officer or employee who willfully and knowingly discloses for pecuniary gain, to any other person, confidential information acquired by him or her in the course of his or her official duties, or uses any such information for the purpose of pecuniary gain, is guilty of a misdemeanor. (Government Code §1098.)



**TITLE:** Unauthorized Disclosure of Information Revealed in Closed Session

**POLICY # 113**

**ADOPTED:** March 12, 1996

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- Every willful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for the punishment of such delinquency, is punishable as a misdemeanor. (Government Code §1222; Adler v. City Council of the City of Culver City (1960) 184 Cal. App. 2d 763, 7 Cal. Rptr. 805.)
- An accusation in writing against any officer of a district, county, or city, including any member of the governing board of personnel commission of a school district or any humane officer, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for or in which the officer accused is elected or appointed. An accusation may not be presented without the concurrence of at least 12 grand jurors. (Government Code §3060.)

#### **Injunction**

- An injunction may be obtained to prevent future public disclosure of information discussed in closed session. (Government Code §54960; Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal. App. 2d 41, 69 Cal. Rptr. 480.)

#### **Censure**

- Although there is no specific statutory or case authority for censure of a city councilmember, one reported decision (Braun v City of Taft (1984) 154 Cal. App. 3d 332, 201 Cal. Rptr. 654) involved the censure of a councilmember by a city council for release of city documents claimed to be confidential. The court set aside the censure action, finding that the documents released were in fact not confidential. If censure for public release of information discussed in closed session is to be imposed, the city council should have previously adopted clear, unambiguous rules of conduct which specifically authorize censure for such conduct. The individual subject to censure must also have notice and the opportunity to be heard before the censure is imposed. Under the First Amendment, censure is not appropriate for expansion of unpopular views, unless their expression substantially disrupts the council meeting. (Richard v. City of Pasadena (1995) U.S. Dist. Ct. C.D. Cal.)

The following page(s) contain the backup material for Agenda Item: [City Manager Report.  
\(City Manager\)](#)

Please scroll down to view the backup material.

Item # \_\_\_\_  
04/05/22

## City Manager Report

(City Manager)