



AGENDA

Consolidated Regular Meeting

City Council Chamber - 1243 National City
Boulevard, National City, CA

Ron Morrison, Mayor
Luz Molina, Vice-Mayor
Marcus Bush, Councilmember
Jose Rodriguez, Councilmember
Ditas Yamane, Councilmember

Ben Martinez, Interim City Manager
Barry J. Schultz, City Attorney
Shelley Chapel, MMC, City Clerk
R. Mitchel Beauchamp, City Treasurer

The City Council also sits as the City of National City Community Development Commission, Housing Authority, Joint Powers Financing Authority, and Successor Agency to the Community Development Commission as the National City Redevelopment Agency

Thank you for participating in local government and the City of National City Council Meetings.

Meetings: Regular City Council Meetings are held on the first and third Tuesday of the month at 6:00 p.m. Special Closed Session Meetings and Workshops may be same day, the start time is based on needs. Check Special Agendas for times.

Location: Regular City Council Meetings are held in the Council Chamber located at City Hall, 1243 National City Boulevard, National City, CA 91950, the meetings are open to the public.

Agendas and Material: [Agendas and Agenda Packet](#) for items listed are available on the City website, and distributed to the City Council no less than 72 hours before the City Council Meeting. Sign up for [E-Notifications](#) to receive alerts when items are posted.

Public Participation: Encouraged in a number of ways as described below. Members of the public may attend the City Council Meeting in person, watch the City Council Meeting via [live](#) web stream, or participate remotely via Zoom. [Recording of Meetings](#) are archived and available for viewing on the City's website.

Public Comment: Persons wishing to address the City Council on matters not on the agenda may do so under Public Comments. Those wishing to speak on items on the agenda may do so when the item is being considered. Please submit a Speaker's Slip to the City Clerk before the meeting or immediately following the announcement of the item. All comments will be limited up to three (3) minutes. The Presiding Officer shall have the authority to reduce the time allotted to accommodate for a large number of speakers. *(City Council Policy 104)*

If you wish to submit a written comment [email](#) to the City Clerk's Office at least 2 hours before the City Council Meeting to allow time for distribution to the City Council.

EFFECTIVE JANUARY 1, 2023

All Contributions to Candidates and Current Elected Officials are required to self-report a Declaration of Campaign Contribution to a Councilmember of more than \$250 within the past year (effective Jan 1, 2023). This report may be included on the Public Comment Speaker Slip to be completed before the City Council Meeting.

Spanish Interpretation Services: Spanish Interpretation Services are available; please contact the City Clerk before the start of the meeting for assistance.

American Disabilities Act Title II: In compliance with the American Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Title II. Any person with a disability who requires a modification or accommodation to participate in a meeting should direct such request to the City Clerk's Office (619) 336-4228 at least 24 hours in advance of the meeting.



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Gracias por participar en las reuniones del gobierno local y del Consejo de la Ciudad de National City.

Reuniones: Las reuniones regulares del Consejo Municipal se llevan a cabo el primer y tercer martes del mes a las 6:00 p.m. La reunión especial de sesión privada y los talleres pueden ser el mismo día, la hora de inicio se basa en las necesidades. Consulte las agendas especiales para conocer los horarios.

Ubicación: Las reuniones regulares del Concejo Municipal se llevan a cabo en la Cámara del Consejo ubicada en el Ayuntamiento, 1243 National City Boulevard, National City, CA 91950, las reuniones están abiertas al público.

Agendas y Material: Las Agendas y el Paquete de Agenda para los temas enumerados están disponibles en el sitio web de la Ciudad y se distribuyen al Concejo Municipal no menos de 72 horas antes de la Reunión del Concejo Municipal. Regístrese para recibir notificaciones electrónicas cuando se publiquen artículos.

Participación pública: Se fomenta de varias maneras como se describe a continuación. Los miembros del público pueden asistir a la Reunión del Concejo Municipal en persona, ver la Reunión del Concejo Municipal a través de la transmisión web en vivo o participar de forma remota a través de Zoom. Las grabaciones de las reuniones están archivadas y disponibles para su visualización en el sitio web de la Ciudad.

Comentario Público: Las personas que deseen dirigirse al Concejo Municipal sobre asuntos que no están en la agenda pueden hacerlo bajo Comentarios públicos. Quienes deseen hacer uso de la palabra sobre los temas del programa podrán hacerlo cuando se esté examinando el tema. Por favor, envíe una solicitud del orador al Secretario de la Ciudad antes de la reunión o inmediatamente después del anuncio del artículo. Todos los comentarios estarán limitados a tres (3) minutos. El Presidente tendrá la autoridad para reducir el tiempo asignado para dar cabida a un gran número de oradores. (Política del Concejo Municipal 104)

Si desea enviar comentarios por escrito, envíe un correo electrónico a la Oficina del Secretario de la Ciudad al menos 2 horas antes de la Reunión del Concejo Municipal para dar tiempo a la distribución al Concejo Municipal.

A PARTIR DEL 1 DE ENERO DE 2023

Todas las contribuciones a los candidatos y funcionarios electos actuales deben autoinformar una Declaración de contribución de campaña a un concejal de más de \$ 250 en el último año (a partir del 1 de enero de 2023). Este informe puede incluirse en el Recibo del orador de comentarios públicos que se completará antes de la reunión del Concejo Municipal

Servicios de interpretación en español: Los servicios de interpretación en español están disponibles, comuníquese con el Secretario de la Ciudad antes del inicio de la reunión para obtener ayuda.

Título II de la Ley de Discapacidades Americanas: En cumplimiento con la Ley de Discapacidades Americanas de 1990, las personas con discapacidad pueden solicitar una agenda en formatos alternativos apropiados según lo requerido por el Título II. Cualquier persona con una discapacidad que requiera un modificación o adaptación para participar en una reunión debe dirigir dicha solicitud a la Oficina del Secretario de la Ciudad (619) 336-4228 al menos 24 horas antes de la reunión.



AGENDA

Consolidated Regular Meeting

Tuesday, October 17, 2023, 6:00 p.m.
City Council Chamber - 1243 National City Boulevard
National City, CA

Pages

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. INVOCATION
5. PUBLIC COMMENT

In accordance with State law, an item not scheduled on the agenda may be brought forward by the general public for comment; however, the City Council will not be able to discuss or take action on any issue not included on the agenda. Speakers will have up to three (3) minutes.
6. PROCLAMATIONS AND RECOGNITION
 - 6.1 Filipino American History Month 5
 - 6.2 Employee of the Quarter - David Welch, Associate Planner 6
7. PRESENTATION (Limited to Five (5) Minutes each)
 - 7.1 Port of San Diego Proposed Zero Emission Truck Stop, National City 8
8. REGIONAL BOARDS AND COMMITTEE REPORTS (Limited to Five (5) Minutes each)

9. CONSENT CALENDAR

The Consent Calendar may be enacted in one motion by the City Council with a Roll Call Vote without discussion unless a Councilmember, a member of the Public, or the City Manager requests an item be removed for discussion. Items removed from the Consent Calendar will be considered immediately following the adoption of the Calendar.

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

- 9.2 Amendments to On-Call Consultant Agreements for City’s Capital Improvement Program (CIP) 20

Recommendation:
Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, authorizing the Mayor to execute 1) a First Amendment to the Agreement with Neri Landscape Architecture to increase the not-to-exceed amount by \$1,000,000; 2) Second Amendments to the Agreements with a) Anser Advisory, b) Innovative Construction Consulting Services, LLC, and c) STC Traffic, Inc. to extend Agreements by one year and increase the not-to-exceed amounts by \$1,000,000 each, including an hourly rates update; and 3) Third Amendments to the Agreements with a) Chen Ryan Associates, Inc. and b) Project Professionals Corporation to extend Agreements by one year and increase the not-to-exceed amounts by \$1,000,000 each, including hourly rate updates.

- 9.3 Warrant Register #7 for the period of 8/11/23 through 8/17/23 in the amount of \$2,585,630.15. 45

Recommendation:
Ratify Warrants Totaling \$ 2,585,630.15

- 9.4 Warrant Register #8 for the period of 8/18/23 through 8/24/23 in the amount of \$ 2,818,862.23 49

Recommendation:
Ratify Warrants Totaling \$ 2,818,862.23

- 9.5 Warrant Register #9 for the period of 8/25/23 through 8/31/23 in the amount of \$ 770,025.86 54

Recommendation:
Ratify Warrants Totaling \$ 770,025.86

9.6 Warrant Register #10 for the period of 9/01/23 through 9/07/23 in the amount of \$ 2,927,081.05 59

Recommendation:

Ratify Warrants Totaling \$ 2,927,081.05

10. PUBLIC HEARING

The following item(s) have been advertised as public hearing(s) as required by law.

10.1 Public hearing for an Appeal of a Planning Commission Denial of a Request for a Conditional Use Permit (CUP) for on-sale beer and wine (Type 41) at a new restaurant (Manna Heaven BBQ) located at 3030 Plaza Bonita Road, suite 1096. 65

Recommendation:

Staff recommends approving the appeal, reversing the Planning Commission decision based on the attached findings or findings determined by the City Council.

10.2 Public Hearing- Conditional Use Permit for Alcohol Sales and Karaoke at a New Entertainment Center (Round 1 Bowling & Arcade) to be located at 3030 Plaza Bonita Road Suite 1025, Westfield Plaza Bonita. 97

Recommendation:

Staff recommends Approval of the Sale of On-Site Beer, Wine, and Distilled Spirits with Live Entertainment, Subject to the Recommended Conditions in the Attached Resolution and a Determination that the Project is Exempt from CEQA. The Sale of Alcohol is a Conditionally-Allowed Use in the MXD-2 Zone and would be Accessory to Food Sales at the Proposed Entertainment Center.

10.3 Declaration that the real property owned by the City and located at 720 West 23rd Street in National City (APN 559-118-02) is surplus land, no longer needed for City purposes, and is non-exempt under the Surplus Land Act. 130

Recommendation:

Staff Recommends Adopting the Resolution Entitled, "Resolution of the City Council of the City of National City, California, Declaring that the Real Property Located at 720 West 23rd Street (APN 559-118-02) is Surplus Land, is No Longer Needed for City Purposes, and is Non-Exempt under the Surplus Land Act."

11. STAFF REPORTS

11.1	Annual Review of City Council Policy Manual	135
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Recommendation:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Amending City Council Policy Nos. 104, 108, 111, 112 (eliminate), 115, 117, 204, 205, 301, 401, 402, 603, and 711 (eliminate)"

11.2	Consideration of the Legal Opinion Regarding Primary Voting System	222
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Recommendation:

Provide Direction to Staff Regarding Options Provided in the Legal Opinion Regarding Primary Voting System.

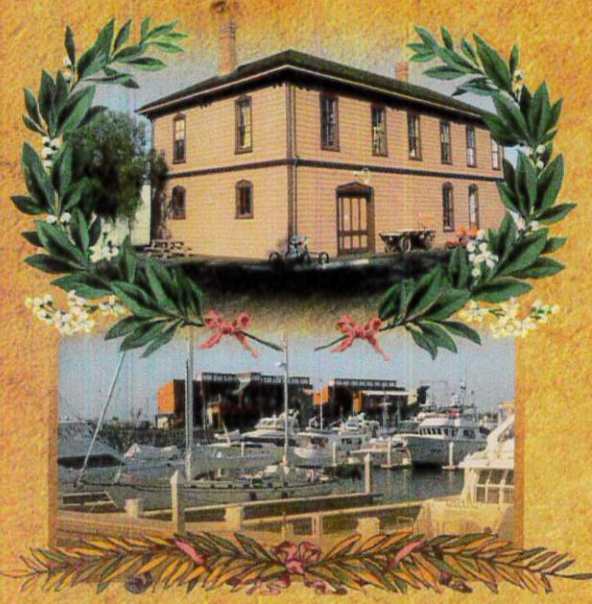
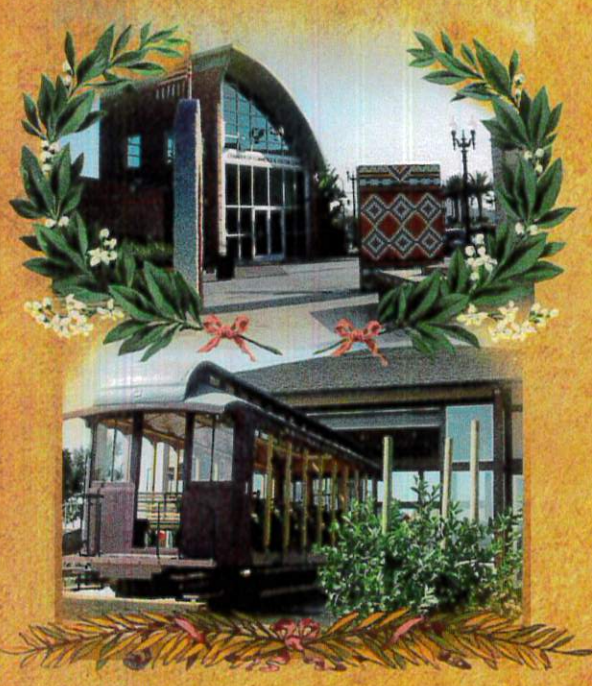
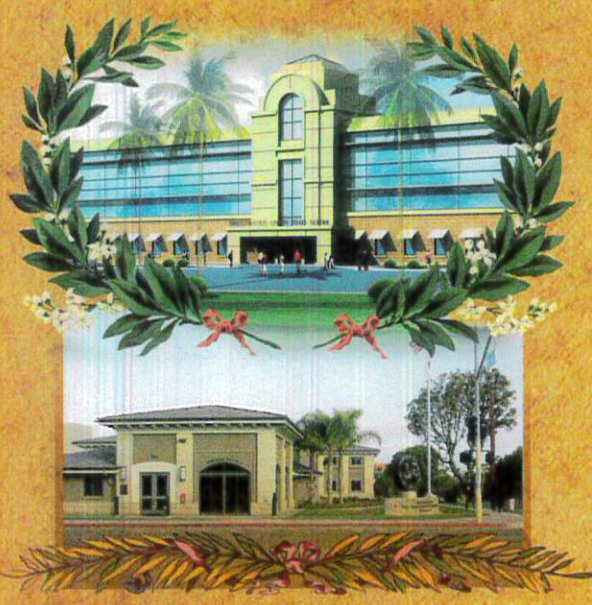
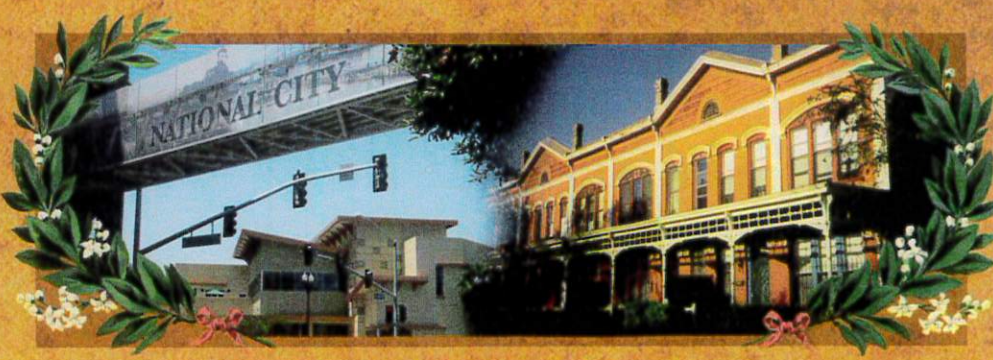
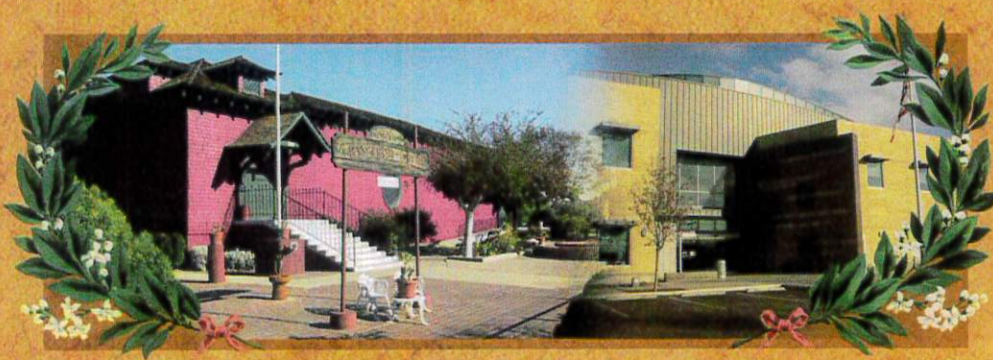
12. CITY MANAGER'S REPORT

13. ELECTED OFFICIALS REPORT

14. CITY ATTORNEY REPORT

15. ADJOURNMENT

Regular Meeting of the City Council of the City of National City - Tuesday, November 7, 2023 - 6:00 p.m. - Council Chambers - National City, California.



Proclamation



WHEREAS, the celebration of Filipino American History Month in October of each year commemorates the first recorded presence of Filipinos in the continental United States, which occurred on October 18, 1587, when “Luzones Indios” came ashore from the Spanish galleon Nuestra Senora de Esperanza and landed at what is now Morro Bay, California; and

WHEREAS, in 2009, U.S. Congress recognized October as Filipino American History Month in the United States; and

WHEREAS, Filipino Americans are the second largest Asian American group in the nation and the third largest ethnic group in California, and

WHEREAS, according to the U.S. Census Bureau Filipinos are the largest Asian Pacific Islander community residing in San Diego County and the 2nd largest ethnic group following Latinos; and

WHEREAS, Filipino History Month is a time of reflection and remembrance, and provides an opportunity for all people to learn and appreciate Filipino Americans’ historic contributions with various activities and events to bring awareness of the significant role Filipinos have played in American history; and

WHEREAS, National City is the business hub for many Filipino small businesses and is home to the first Seafood City Supermarket and the second Jollibee in the United States; and

WHEREAS, National City is home to many Filipinos who immigrated by way of the U.S. Navy; and

WHEREAS, the City of National City celebrates October 2023 as Filipino American History Month with all of its constituencies.

NOW THEREFORE, BE IT PROCLAIMED, I, Ron Morrison as Mayor, by virtue of the authority vested in me by the City of National City, do hereby set my hand and affix the official seal and together with the City Council do hereby proclaim the month of October, 2023 as:

FILIPINO AMERICAN HISTORY MONTH

Ron Morrison
MAYOR

Luz Molina
Vice-Mayor

Marcus Bush
Councilmember

Jose Rodriguez
Councilmember

Ditas Yamane
Councilmember





CITY OF NATIONAL CITY
M E M O R A N D U M

DATE: August 31, 2023
TO: Ben Martinez, Interim City Manager
FROM: Molly Brennan, Administrative Services Director *MB*
SUBJECT: EMPLOYEE OF THE QUARTER PROGRAM

The Employee Recognition Program communicates the City's appreciation for outstanding performance. In doing so, it recognizes employees who maintain high standards of personal conduct and make significant contributions to the workplace and community.

The employee to be recognized for the 3rd Quarter of calendar year 2023 is:

David Welch, Associate Planner

By copy of this memo, the employee is invited to attend the Council meeting on Tuesday, October 17, 2023 to be recognized for his achievement and service.

Attachment

cc: David Welch
Martin Reeder, Planning Manager
Mayor's Executive Assistant
Human Resources – Office File



RECEIVED

AUG 28 2023

CITY OF NATIONAL CITY
HUMAN RESOURCES DEPARTMENT

Performance Recognition Award
Nomination Form

I nominate David Welch for the Performance Recognition Award for the following reasons:

David has been an exemplary employee since he first came on board with the City. His previous work experience in various municipalities throughout the country helped him to transition seamlessly into our employee community almost three years ago, and has helped it to thrive ever since.

David is a positive and hard-working member of the Planning Division. He is friendly and professional, showing respect for others and for the City's core values. He willingly takes on assignments on short notice and oftentimes voluntarily. David has performed very well in a short amount of time with the City and is a competent and valued member of the Division.

The Planning Division was only two members prior to David's arrival and became two again several months later due to other employees moving on. While this would normally be stressful, David relished the opportunity to get to work and help craft Division and City policy, while also covering the majority of public contact, all without complaint.

David was the face of the Department prior to recent hires and, on several occasions, the only planner in the office during staff vacations for over a year. There has never been an issue with service or communication as a result, which is appreciated by all involved. Since the hiring of a new Planning Technician, David has taken to training and supervising like the true professional he is and has ensured through his actions that the Planning Division and Community Development Department continues to function at a high level and serve the community as needed.

FORWARD COMPLETED NOMINATION TO:

National City Performance Recognition Program
Human Resources Department

Nominated by: Martin Reeder, Planning Manager

Signature: 

Date: August 28, 2023



**PORT of
SAN DIEGO**
Maritime

Zero Emission Truck Stop, National City

Maritime Clean Air Strategy, Truck Objective 2a



Maritime Clean Air Strategy – Health Equity for All



Heavy-Duty Truck Zero Emission Goals

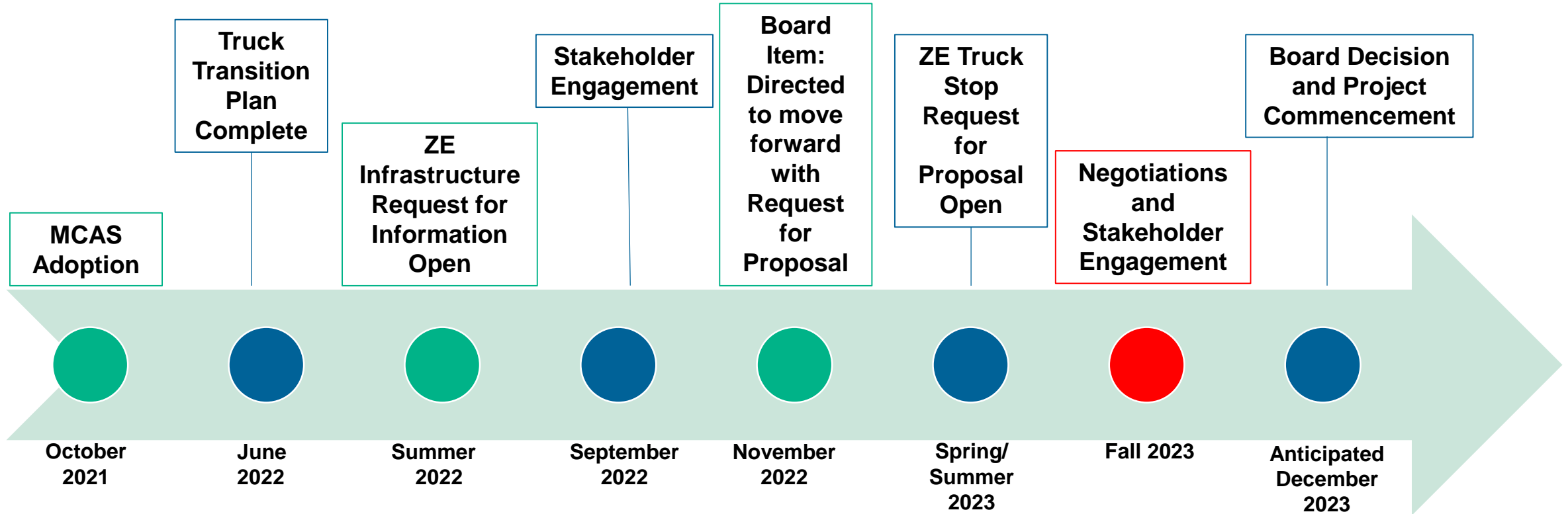
- **40%** zero emission truck trips by **June 30, 2026**
- **100%** zero emission truck trips by **end of 2030**

Truck Objective 2A: Identification of four locations for zero emission truck charging by the end of 2022

*Also, in Alignment with **CERP: GOAL3. Establish ZEV HD/MD truck charging infrastructure in Portside, by specified dates in Action E1, with 4 sites operational by 2026.***

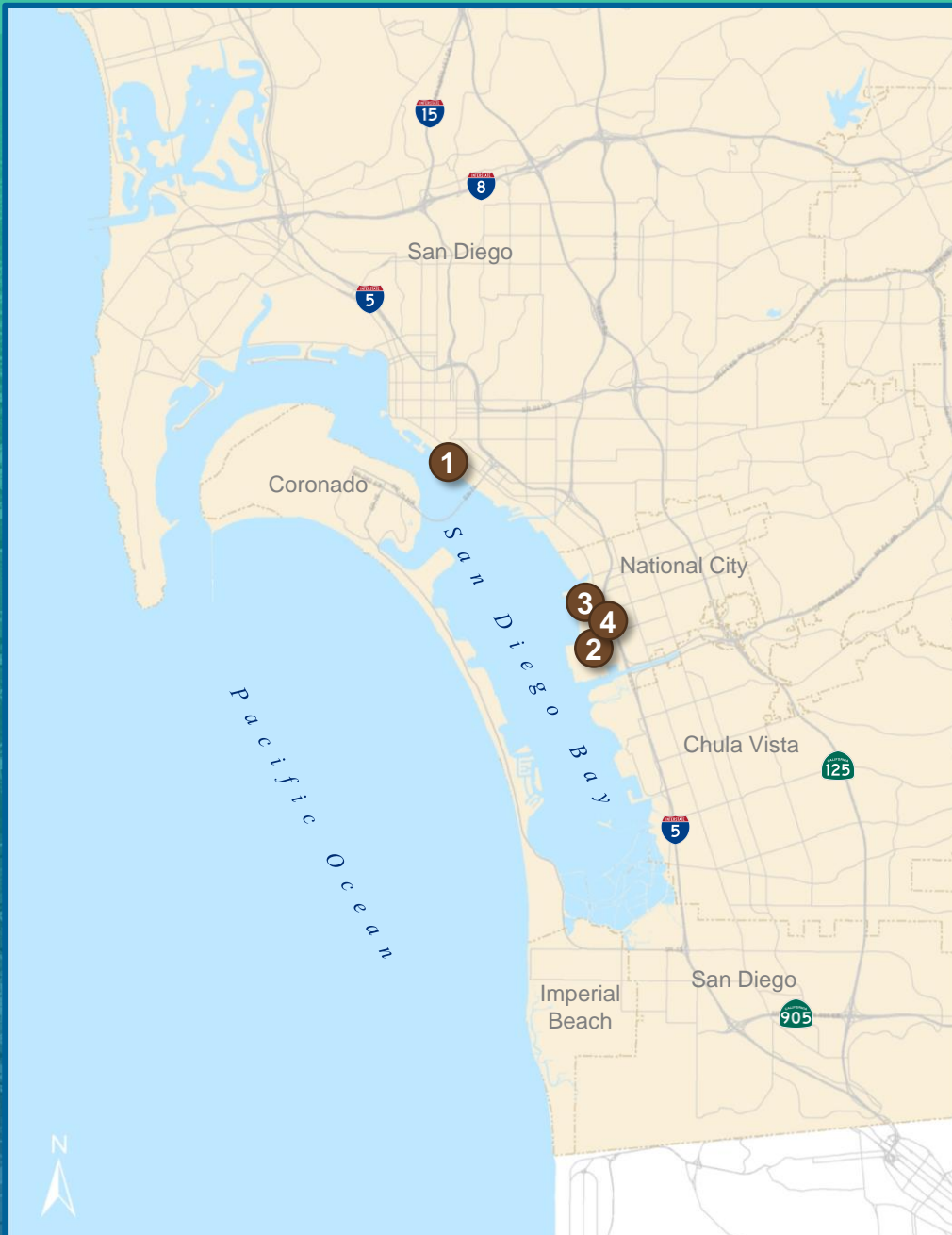


Implementation Timeline MCAS Truck Objective 2A





Map of RFI Proposed ZE Truck Infrastructure Sites



1. Dirt Lot @ TAMT (San Diego)

2. Pepper Oil (National City)

3. 19th Street/ Tidelands Ave.
NORTH (National City)

4. 19th Street/ Tidelands Ave.
SOUTH (National City)



Zero Emission Truck Stop

- Request for Proposals (April 24, 2023 - August 9, 2023)
- Respondents asked to submit a proposal that includes:
 - **Project design** in a phased approach, specifying how many EVSE units and their energy level, location, and triggers
 - **Business model** (e.g., Charging as a Service, Trucking as a service, revenue share)
 - **Distributed Energy Resources** (e.g., Solar panels, microgrid battery)
 - **Community Benefit**





Zero Emission Truck Stop RFP Responses

High-level Summary of Proposals Received (6):

- **Design** Parcel 1, 2, or 3 or combination thereof
- **Phases** as needed
 - Triggered by 10 – 30% utilization rate
 - *Phase 1:* 10 – 27 dual EVSEs (150kW – 360kW)
- **Charging as a service, Trucking as a service**
- **Revenue shares** 1% – 30% total gross revenue
- **Lease Terms** 10 – 50 years
 - Varying rent structures tied to revenue shares
- **Distributed Energy Resources**
 - Solar: 400 kW – 6,000 kW
 - Battery: 2,000 kWh – 40,000 kWh





Zero Emission Truck Stop RFP Responses

Community Benefit:

- Workforce development in EV space
- Free or discounted charging for Community
- STEM programming
- PAIR program funding
- Increase tree canopy
- Develop clean energy curriculum for schools
- Stipend for licensed electricians to get EVITP certified
- Mural space and stipend for local artists
- High paying jobs, local hire preference





Proposed Zero Emission Truck Stop Digital Renderings





Proposed Zero Emission Truck Stop Digital Renderings





Proposed Zero Emission Truck Stop Digital Renderings





Upcoming Stakeholder & Community Engagement

MCAS Community Objective 1:

Rely on established processes for stakeholders and the public to provide input in the selection, deployment, and on-going monitoring of emission reduction projects.

- 9/21 – Maritime Stakeholder Forum
- 10/17 – National City, City Council
- 10/18 – Barrio Logan Community Planning Group
- 11/28 – AB 617 Steering Committee
- Ongoing – Coordination with Caltrans, SDG&E, & SANDAG



Thank you



**PORT of
SAN DIEGO**
Waterfront of Opportunity

Maggie Weber, Principal of Strategic Planning, Energy & Policy

maweber@portofsandiego.org 619-686-6598



AGENDA REPORT

Department: Engineering & Public Works
Prepared by: Tirza Gonzales, Operations Manager
Meeting Date: Tuesday, October 17, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Amendments to On-Call Consultant Agreements for City's Capital Improvement Program (CIP)

RECOMMENDATION:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, authorizing the Mayor to execute 1) a First Amendment to the Agreement with Neri Landscape Architecture to increase the not-to-exceed amount by \$1,000,000; 2) Second Amendments to the Agreements with a) Anser Advisory, b) Innovative Construction Consulting Services, LLC, and c) STC Traffic, Inc. to extend Agreements by one year and increase the not-to-exceed amounts by \$1,000,000 each, including an hourly rates update; and 3) Third Amendments to the Agreements with a) Chen Ryan Associates, Inc. and b) Project Professionals Corporation to extend Agreements by one year and increase the not-to-exceed amounts by \$1,000,000 each, including hourly rate updates.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The Engineering & Public Works Department advertised a Request for Qualifications (RFQ) for various engineering, architectural and construction support services, housing and real estate development services, and environmental compliance services on May 1, 2019.

The RFQ was advertised on the City's website, published in the San Diego Union Tribune, e-mailed to over 100 professional consulting firms and also advertised on PlanetBids where over 400 firms were notified. Additionally, the City hosted an Information Session regarding the RFQ process on May 14, 2019 at the MLK Jr. Community Center to encourage local participation, which was attended by over 100 people. The Department received 71 Statement of Qualifications (SOQs) from various firms by the June 10, 2019 deadline.

Based on the strength of their SOQs, interviews and past performance, the City of National City entered into Agreements with several consultants to provide on-call support services for National City's Capital Improvement Program (CIP). The original Agreements were all for a not-to-exceed amount of \$2,000,000 and a term of three years, with the option to extend for two one-year extensions.

Based on the consultant's performances and quality of work, expiring agreements, increased staffing demands, and to ensure timely completion of CIPs, if approved tonight, action would authorize the City to execute a:

1. First Amendment to increase the not-to-exceed amount of the Agreement by \$1,000,000 for a total not-to-exceed amount of \$3,000,000, for the below listed consultant:
 - a. Neri Landscape Architecture, Inc.: Landscape architecture (including urban planning and design).
2. Second Amendments to extend Agreements by one year and increase the not-to-exceed amounts of the Agreements by \$1,000,000 each, including an hourly rates update, for total not-to-exceed amounts of \$4,000,000 each, for the below listed consultants:
 - a. Anser Advisory: Project management; engineering; construction management, inspections and certified payroll; plan reviews; constructability reviews; community outreach and communications
 - b. Innovative Construction Consulting Services, LLC: Project management; engineering construction management; inspection and certified payroll; plan reviews; constructability reviews; community outreach and communications
 - c. STC Traffic, Inc.: Project management; traffic engineering; transportation planning; traffic signal communications infrastructure and systems integration; plan reviews; constructability reviews; construction support; grants management; community outreach and communications.
3. Third Amendments to extend Agreements by one year and increase the not-to-exceed amounts of the Agreements by \$1,000,000 each, including hourly rate updates, for total not-to-exceed amounts of \$5,000,000 each, for the below listed consultants:
 - a. Chen Ryan Associates, Inc.: Project management; civil engineering; traffic engineering; transportation planning; plan reviews; constructability reviews; long range planning for multiple disciplines; grants management; and, community and communications
 - b. Project Professionals Corporation: Project management; engineering construction management; inspection and certified payroll; plan reviews; constructability reviews; community outreach and communications.

Due to the size and type of projects and the expertise of the consultants, expenditure amounts may vary amongst the firms. Consultant tasks will be performed on an as-needed on-call basis and funded by appropriations approved through CIP and Budget process. The City's 5-Year CIP projects estimated at approximately \$73 million in capital improvements over the next five years. The City's implementation rate averages about fifteen projects a year totaling approximately \$15.3 million. Staff plans to advertise a new Request for Qualifications in 2024.

Staff recommends authorizing the Resolution as stated.

Consultant*	Reso No.	Agreement Start Date/ Amendment End Dates	Original Agreement	First Amendment	Second Amendment	Third Amendment	Total Agreement	Total Expenditures & Encumbrances as of Sept. 2023
1. Neri Landscape	2021-119	09/07/2021	\$2,000,000	\$1,000,000	N/A	N/A	\$3,000,000	\$2,003,239.64
2. Anser Advisory First Amendment	2019-150 2022-172	11/5/2019 11/04/2023	\$2,000,000	\$1,000,000	\$1,000,000	N/A	\$4,000,000	\$948,936.87
3. Innovative Construct (ICCS) First Amendment	2019-151 2022-172	11/5/2019 11/04/2023	\$2,000,000	\$1,000,000	\$1,000,000	N/A	\$4,000,000	\$1,700,844.50
4. STC Traffic, Inc. First Amendment	2019-164 2022-172	11/19/2019 11/18/2023	\$2,000,000	\$1,000,000	\$1,000,000	N/A	\$4,000,000	\$837,981.74
5. Chen Ryan Associates, Inc. First Amendment Second Amendment	2019-163 2021-122 2022-172	11/19/2019 Funds Only 11/18/2023	\$2,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$5,000,000	\$3,106,498.60
6. Project Professionals Corp. First Amendment Second Amendment	2019-152 2021-121 2022-172	11/5/2019 Funds Only 11/04/2023	\$2,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$5,000,000	\$3,490,145.51

*See Exhibit B for Consultant Projects/Tasks

FINANCIAL STATEMENT:

Funds appropriated through CIP Process.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;
PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Amendments

Exhibit B – Consultant Projects and Tasks

Exhibit C – Resolution

**FIRST AMENDMENT TO THE AGREEMENT BY AND
BETWEEN
THE CITY OF NATIONAL CITY AND
NERI LANDSCAPE ARCHITECTURE**

THIS FIRST AMENDMENT TO THE AGREEMENT is entered into by and between the CITY OF NATIONAL CITY, a municipal corporation ("CITY"), and NERI LANDSCAPE ARCHITECTURE, a California corporation (the "CONSULTANT").

RECITALS

WHEREAS, the City Council adopted Resolution No. 2021-119 approving an Agreement ("the Agreement") with the CONSULTANT for the term of September 7, 2021 through September 6, 2024, wherein the CONSULTANT agreed to provide on-call project support services for CITY's Capital Improvement Program (CIP) including, but not limited to, landscape architecture (including urban planning and design), for a not-to-exceed amount of \$2,000,000, and an initial term of three (3) years, with the option to extend this term for up to two (2) one-year extensions; and,

WHEREAS, based on the CONSULTANT's performance and quality of work, and to ensure timely completion of CIPs, the CITY desires to have the CONSULTANT continue providing on-call project support services for the CITY's CIP, and the CONSULTANT is willing to perform such services; and

WHEREAS, the parties desire to increase the not-to-exceed amount by \$1,000,000 for a not-to-exceed amount of \$3,000,000.

AGREEMENT

NOW, THEREFORE, the parties hereto agree that:

1. The September 7, 2021 Agreement is hereby amended to increase the not-to-exceed amount by \$1,000,000 for a total not-to-exceed amount of \$3,000,000.
2. The parties further agree that, with the foregoing exceptions, each and every other term and provision of the September 7, 2021 Agreement shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to the Agreement on the date and year written below.

CITY OF NATIONAL CITY

By: _____
Ron Morrison, Mayor

Date: _____

APPROVED AS TO FORM:

By: _____
Barry J. Schultz
City Attorney

NERI LANDSCAPE ARCHITECTURE, A CALIFORNIA CORPORATION

(Corporation – signatures of two corporate officers required)

By: _____
(Name)
(Title)

Digitally signed by Wendy Neri
DN: cn=Wendy Neri, o, ou,
email=wendy@nerila.com, c=US
Date: 2023.10.04 07:31:31 -07'00'

Date: 10/14/2023

By: _____
(Name)
(Title)

Digitally signed by Jim Neri
DN: cn=Jim Neri, o=Neri Landscape
Architecture, ou, email=jim@nerila.com, c=US
Date: 2023.10.04 07:34:34 -07'00'

Date: 10/14/2023

**SECOND AMENDMENT TO THE AGREEMENT BY
AND BETWEEN
THE CITY OF NATIONAL CITY AND
ANSER ADVISORY**

THIS SECOND AMENDMENT TO THE AGREEMENT is entered into by and between the CITY OF NATIONAL CITY, a municipal corporation ("CITY"), and ANSER ADVISORY, a limited liability company (the "CONSULTANT").

RECITALS

WHEREAS, the City Council adopted Resolution No. 2019-150 approving an Agreement ("the Agreement") with the CONSULTANT (through its predecessor in interest, DHS Consulting, LLC) for the term of November 5, 2019 through November 4, 2022, wherein the CONSULTANT agreed to provide on-call project support services for CITY's Capital Improvement Program (CIP) including, but not limited to, project management; engineering; construction management, inspections and certified payroll; plan reviews; constructability reviews; community outreach and communications, for a not-to-exceed amount of \$2,000,000, and an initial term of three (3) years, with the option to extend this term for up to two (2) one-year extensions; and,

WHEREAS, the City Council adopted Resolution No. 2022-172 approving the First Amendment to the Agreement, increasing the \$2,000,000 not-to-exceed amount by \$1,000,000 for a total not-to-exceed amount of \$3,000,000, and exercising the first of two (2) extensions extending the Agreement by one (1) year to November 4, 2023; and,

WHEREAS, based on the CONSULTANT's performance and quality of work, and to ensure timely completion of CIPs, the CITY desires to have the CONSULTANT continue providing on-call project support services for the CITY's CIP, and the CONSULTANT is willing to perform such services; and

WHEREAS, the parties desire to amend the Agreement by exercising the second of the two (2) one-year extensions to extend the term of the Agreement to November 4, 2024, and to increase the not-to-exceed amount by \$1,000,000 for a not-to-exceed amount of \$4,000,000.

AGREEMENT

NOW, THEREFORE, the parties hereto agree that:

1. The November 5, 2019 Agreement, as previously amended by the First Amendment, in exercise of the extension provision, is hereby amended to further extend the term of the Agreement by one (1) year to November 4, 2024.
2. The November 5, 2019 Agreement, as previously amended by the First Amendment, is hereby amended to further increase the not-to-exceed amount by \$1,000,000 for a total not-to-exceed amount of \$4,000,000.
3. The parties further agree that, with the foregoing exceptions, each and every other term and provision of the November 5, 2019 Agreement, as amended by the First Amendment, shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the Agreement on the date and year written below.

CITY OF NATIONAL CITY

By: _____
Ron Morrison, Mayor


Date: _____

APPROVED AS TO FORM:

By: _____
Barry J. Schultz
City Attorney

ANSER ADVISORY, A LIMITED LIABILITY COMPANY

(Corporation – signatures of two corporate officers required)

By: _____
 Digitally signed by Lucas Rathe
Date: 2023.10.03 08:12:55-07'00'
(Name) Lucas Rathe
(Title) Senior Vice President

Date: October 3, 2023

By: _____
(Name)
(Title)

Date: _____

**SECOND AMENDMENT TO THE AGREEMENT BY
AND BETWEEN
THE CITY OF NATIONAL CITY AND
INNOVATIVE CONSTRUCTION
CONSULTING SERVICES, LLC**

THIS SECOND AMENDMENT TO THE AGREEMENT is entered into by and between the CITY OF NATIONAL CITY, a municipal corporation ("CITY"), and INNOVATIVE CONSTRUCTION CONSULTING SERVICES, LLC, a limited liability company (the "CONSULTANT").

RECITALS

WHEREAS, the City Council adopted Resolution No. 2019-151 approving an Agreement ("the Agreement") with the CONSULTANT for the term of November 5, 2019 through November 4, 2022, wherein the CONSULTANT agreed to provide on-call project support services for CITY's Capital Improvement Program (CIP) including, but not limited to, project management; engineering construction management; inspection and certified payroll; plan reviews; constructability reviews; community outreach and communications, for a not-to-exceed amount of \$2,000,000, and an initial term of three (3) years, with the option to extend this term for up to two (2) one-year extensions; and,

WHEREAS, the City Council adopted Resolution No. 2022-172 approving the First Amendment to the Agreement, increasing the \$2,000,000 not-to-exceed amount by \$1,000,000 for a total not-to-exceed amount of \$3,000,000, and exercising the first of two (2) extensions extending the Agreement by one (1) year to November 4, 2023; and,

WHEREAS, based on the CONSULTANT's performance and quality of work, and to ensure timely completion of CIPs, the CITY desires to have the CONSULTANT continue providing on-call project support services for the CITY's CIP, and the CONSULTANT is willing to perform such services; and

WHEREAS, the parties desire to amend the Agreement by exercising the second of the two (2) one-year extensions to extend the term of the Agreement to November 4, 2024, and to increase the not-to-exceed amount by \$1,000,000, including hourly rates (see Exhibit A), for a not-to-exceed amount of \$4,000,000.

AGREEMENT

NOW, THEREFORE, the parties hereto agree that:

1. The November 5, 2019 Agreement, as previously amended by the First Amendment, in exercise of the extension provision, is hereby amended to further extend the term of the Agreement by one (1) year to November 4, 2024.
2. The November 5, 2019 Agreement, as previously amended by the First Amendment, is hereby amended to further increase the not-to-exceed amount by \$1,000,000, including hourly rates (see Exhibit A), for a total not-to-exceed amount of \$4,000,000.
3. The parties further agree that, with the foregoing exceptions, each and every other term and provision of the November 5, 2019 Agreement, as amended by the First Amendment, shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the Agreement on the date and year written below.

CITY OF NATIONAL CITY

INNOVATIVE CONSTRUCTION
CONSULTING SERVICES, A LIMITED
LIABILITY COMPANY

(Corporation – signatures of two corporate officers required)

By: _____
Ron Morrison, Mayor

By: _____
(Name)
(Title)

Date: _____

Date: 10-3-23

APPROVED AS TO FORM:

By: _____
(Name)
(Title)

By: _____
Barry J. Schultz
City Attorney

Date: _____


Innovative Construction Consulting Services, LLC

P.O. Box 6211
 Norco CA 92860
 Phone (951) 532-6483
sgill@iccsinc.net

NATIONAL CITY SCHEDULE OF RATES & FEES

**Effective September 1, 2022 to September 1, 2024
 (Unless otherwise noted below)**

Professional Services Per Hour

Construction Manager	\$180	PW Inspector (Prevailing Wage)	\$157
Asst. Project Manager	\$130	PW Inspector (PW) – 1 1/2X	\$201
Sr. Scheduler	\$140	PW Inspector (PW) – 2X	\$248
Administration Analyst	\$102	Inspector (Std. Rate)	\$136
Certified Payroll Review	\$98	Inspector (Std. Rate) - 1 1/2X	\$178
Word Processor	\$85	Specialty Inspector	\$165
		Specialty Inspector - Overtime	\$210

Litigation Support Services

Deposition	\$250/Hr., 4 Hour Min.
Court Appearance	\$275/Hr., \$1,000 Min.

Rates listed above include all necessary resources labor, equipment, materials, incidental reports and related calculations, and transportation required to provide project services proposed.

All rates are based on a 4-hour minimum for each work day.

Inspector rates are effective September 1, 2019 and good through June 2020. The DIR has published rate increases for Inspectors for July 2020 and July 2021. See rate increases below.

**Inspector Rate Effective June 2023: Std. - \$164, 11/2x - \$29, 2x - \$256
 Inspector Rate Effective June 2024: Std. - \$170, 11/2x - \$215, 2x - \$262**

If any additional services are required, please request the classification and a rate can be calculated for those services.

**SECOND AMENDMENT TO THE AGREEMENT BY
AND BETWEEN
THE CITY OF NATIONAL CITY AND
STC TRAFFIC, INC.**

THIS SECOND AMENDMENT TO THE AGREEMENT is entered into by and between the CITY OF NATIONAL CITY, a municipal corporation ("CITY"), and STC TRAFFIC, INC., a California corporation (the "CONSULTANT").

RECITALS

WHEREAS, the City Council adopted Resolution No. 2019-164 approving an Agreement ("the Agreement") with the CONSULTANT for the term of November 19, 2019 through November 18, 2022, wherein the CONSULTANT agreed to provide on-call project support services for CITY's Capital Improvement Program (CIP) including, but not limited to, project management; traffic engineering; transportation planning; traffic signal communications infrastructure and systems integration; plan reviews; constructability reviews; construction support; grants management; community outreach and communications, for a not-to-exceed amount of \$2,000,000, and an initial term of three (3) years, with the option to extend this term for up to two (2) one-year extensions; and,

WHEREAS, the City Council adopted Resolution No. 2022-172 approving the First Amendment to the Agreement, increasing the \$2,000,000 not-to-exceed amount by \$1,000,000 for a total not-to-exceed amount of \$ 3,000,000, and exercising the first of two (2) extensions extending the Agreement by one (1) year to November 18, 2023; and,

WHEREAS, based on the CONSULTANT's performance and quality of work, and to ensure timely completion of CIPs, the CITY desires to have the CONSULTANT continue providing on-call project support services for the CITY's CIP, and the CONSULTANT is willing to perform such services; and

WHEREAS, the parties desire to amend the Agreement by exercising the second of the two (2) one-year extensions to extend the term of the Agreement to November 18, 2024, and to increase the not-to-exceed amount by \$1,000,000 for a not-to-exceed amount of \$4,000,000.

AGREEMENT

NOW, THEREFORE, the parties hereto agree that:

1. The November 19, 2019 Agreement, as previously amended by the First Amendment, in exercise of the extension provision, is hereby amended to further extend the term of the Agreement by one (1) year to November 18, 2024.
2. The November 19, 2019 Agreement, as previously amended by the First Amendment, is hereby amended to further increase the not-to-exceed amount by \$1,000,000 for a total not-to-exceed amount of \$4,000,000.
3. The parties further agree that, with the foregoing exceptions, each and every other term and provision of the November 19, 2019 Agreement, as amended by the First Amendment, shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the Agreement on the date and year written below.

CITY OF NATIONAL CITY

STC TRAFFIC, INC., A CALIFORNIA CORPORATION

(Corporation – signatures of two corporate officers required)

By: _____
Ron Morrison, Mayor

By: 

Date: _____

Date: 10/04/2023

APPROVED AS TO FORM:

By: 
Sandra Sass, CFO

By: _____
Barry J. Schultz
City Attorney

Date: 10/04/2023

**THIRD AMENDMENT TO THE AGREEMENT BY
AND BETWEEN
THE CITY OF NATIONAL CITY AND
CHEN RYAN ASSOCIATES, INC.**

THIS THIRD AMENDMENT TO THE AGREEMENT is entered into by and between the CITY OF NATIONAL CITY, a municipal corporation ("CITY"), and CHEN RYAN ASSOCIATES, INC., dba CR ASSOCIATES, a California corporation (the "CONSULTANT").

RECITALS

WHEREAS, the City Council adopted Resolution No. 2019-163 approving an Agreement ("the Agreement") with the CONSULTANT for the term of November 19, 2019 through November 18, 2022, wherein the CONSULTANT agreed to provide on-call project support services for CITY's Capital Improvement Program (CIP) including, but not limited to, project management; civil engineering; traffic engineering; transportation planning; plan reviews; constructability reviews; long range planning for multiple disciplines; grants management; and, community and communications, for a not-to-exceed amount of \$2,000,000, and an initial term of three (3) years, with the option to extend this term for up to two (2) one-year extensions; and,

WHEREAS, the City Council adopted Resolution No. 2021-122 approving the First Amendment to the Agreement, increasing the \$2,000,000 not-to-exceed amount by \$1,000,000 for a total not-to-exceed amount of \$ \$3,000,000; and,

WHEREAS, the City Council adopted Resolution No. 2022-172 approving the Second Amendment to the Agreement, increasing the \$3,000,000 not-to-exceed amount by \$1,000,000, including hourly rates, for a total not-to-exceed amount of \$ \$4,000,000, and exercising the first of two (2) one-year extensions extending the Agreement by one (1) year to November 18, 2023; and,

WHEREAS, based on the CONSULTANT's performance and quality of work, and to ensure timely completion of CIPs, the CITY desires to have the CONSULTANT continue providing on-call project support services for the CITY's CIP, and the CONSULTANT is willing to perform such services; and,

WHEREAS, the parties desire to amend the Agreement by exercising the second of the two (2) one-year extensions to extend the term of the Agreement to November 19, 2024, and to increase the not-to-exceed amount by \$1,000,000, including hourly rates (see Exhibit A), for a not-to-exceed amount of \$5,000,000.

AGREEMENT

NOW, THEREFORE, the parties hereto agree that:

1. The November 19, 2019 Agreement, as previously amended by the First and Second Amendments, in exercise of the extension provision, is hereby amended to further extend the term of the Agreement by one (1) year to November 18, 2024.
2. The November 19, 2019 Agreement, as previously amended by the First and Second Amendments, is hereby amended to further increase the not-to-exceed amount by \$1,000,000, including hourly rates (see Exhibit A), for a total not-to-exceed amount of \$5,000,000.
3. The parties further agree that, with the foregoing exceptions, each and every other term and provision of the November 19, 2019 Agreement, as amended by the First and Second Amendments, shall remain in full force and effect.

///

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to the Agreement on the date and year written below.

CITY OF NATIONAL CITY

By: _____
Ron Morrison, Mayor

Date: _____

APPROVED AS TO FORM:

By: _____
Barry J. Schultz
City Attorney

CHEN RYAN ASSOCIATES, INC., A CALIFORNIA CORPORATION

(Corporation – signatures of two corporate officers required)

By: _____
(Name) *Phuong Nguyen*
(Title) *Vice President*

Date: *10/5/2023*

By: _____
(Name) *Monique Chen*
(Title) *President*

Date: *10/5/2023*



On-Call Project Support Services for National City's Capital Improvement Program (CIP)

Rate Schedule

Effective through December 31, 2024

<u>Classification</u>	<u>Billing Rate per Hour</u>
Principal	\$320.00
Senior Professional II	\$280.00
Senior Professional I	\$245.00
Professional II	\$220.00
Professional I	\$205.00
Analyst	\$170.00
Support Staff	\$115.00

Direct expenses such as but not limited to printing and reproductions, travel expenses, deliveries, materials, shipping, postage, etc. will be invoiced at cost.

**THIRD AMENDMENT TO THE AGREEMENT BY
AND BETWEEN
THE CITY OF NATIONAL CITY AND
PROJECT PROFESSIONALS CORPORATION**

THIS THIRD AMENDMENT TO THE AGREEMENT is entered into by and between the CITY OF NATIONAL CITY, a municipal corporation ("CITY"), and PROJECT PROFESSIONALS CORPORATION, a California corporation (the "CONSULTANT").

RECITALS

WHEREAS, the City Council adopted Resolution No. 2019-152 approving an Agreement ("the Agreement") with the CONSULTANT for the term of November 5, 2019 through November 4, 2022, wherein the CONTRACTOR agreed to provide on-call project support services for CITY's Capital Improvement Program (CIP) including, but not limited to, project management; engineering construction management; inspection and certified payroll; plan reviews; constructability reviews; community outreach and communications, for a not-to-exceed amount of \$2,000,000, and an initial term of three (3) years, with the option to extend this term for up to two (2) one-year extensions; and,

WHEREAS, the City Council adopted Resolution No. 2021-121 approving the First Amendment to the Agreement, increasing the \$2,000,000 not-to-exceed amount by \$1,000,000 for a total not-to-exceed amount of \$3,000,000; and,

WHEREAS, the City Council adopted Resolution No. 2022-172 approving the Second Amendment to the Agreement, increasing the \$3,000,000 not-to-exceed amount by \$1,000,000 for a total not-to-exceed amount of \$4,000,000, and exercising the first of two (2) extensions extending the Agreement by one (1) year to November 4, 2023; and,

WHEREAS, based on the CONSULTANT's performance and quality of work, and to ensure timely completion of CIPs, the CITY desires to have the CONSULTANT continue providing on-call project support services for the CITY's CIP, and the CONSULTANT is willing to perform such services; and

WHEREAS, the parties desire to amend the Agreement by exercising the second of the two (2) one-year extensions to extend the term of the Agreement to November 4, 2024, and to increase the not-to-exceed amount by \$1,000,000, including hourly rates (see Exhibit A), for a not-to-exceed amount of \$5,000,000.

AGREEMENT

NOW, THEREFORE, the parties hereto agree that:

1. The November 5, 2019 Agreement, as previously amended by the First and Second Amendments, in exercise of the extension provision, is hereby amended to further extend the term of the Agreement by one (1) year to November 4, 2024.
2. The November 5, 2019 Agreement, as previously amended by the First and Second Amendments, is hereby amended to further increase the not-to-exceed amount by \$1,000,000, including hourly rates (see Exhibit A), for a total not-to-exceed amount of \$5,000,000.
3. The parties further agree that, with the foregoing exceptions, each and every other term and provision of the November 5, 2019 Agreement, as amended by the First and Second Amendments, shall remain in full force and effect.

///

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to the Agreement on the date and year written below.

CITY OF NATIONAL CITY

PROJECT PROFESSIONALS CORPORATION, A CALIFORNIA CORPORATION

(Corporation – signatures of two corporate officers required)

By: _____
Ron Morrison, Mayor

By: _____

Date: _____

Date: 10-10-23

APPROVED AS TO FORM:

By: _____

(Name)
(Title)

By: _____
Barry J. Schultz
City Attorney

Date: 10-10-23



Rate Schedule

October 1, 2023 - December 31, 2024

Rate increase shall be based on San Diego region Consumer Price Index as published by U.S. Department of Labor Statistics for the latest edition at the time of adjustment and will be rounded to the nearest dollar.

Minimum billing increments shall be 0.25 hours.
Minimum daily billing for inspector is 4 hours.

Normal work hours: 8:00 a.m. – 5:00 p.m.

PPC holidays in accordance with our handbook are New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving Day, Christmas Day and New Year’s Eve.

Overtime shall be billed at the normal hourly rates for all staff except inspectors.

Copies are only charged for outside services for large sets. Mileage charged at the current federal rate. Markups at 10%.

TITLE	HOURLY RATE
President/CEO	\$315
Principal Project/Construction Manager	265
Senior Project/Construction Manager	226
Project/Construction Manager II	181
Project/Construction Manager I	142
Principal Civil Engineer	265
Architect, Principal Project/Construction Manager	265
Building Official Specialist	226
Communications Director	145
Senior Administrator	112
Administrative Assistant	101
Intern	65
Drone Flight Imaging	100

Public works inspectors are paid in accordance with the applicable State or Federal prevailing wage requirements for overtime, special shifts and multi-shifts. Prevailing wage increases shall occur concurrently with DIR directed rate increases. Minimum daily shift is 4 hours.

Please see the applicable prevailing wage rates for the Public Works and Inspector position.:

SHIFT	BASE	1½x OT	2x OT
Normal	\$183	\$274	\$299
Special	185	276	301

1. Neri Landscape Architecture, Inc.

CIP/TASK #	DESCRIPTION
19-33	Paradise Creek Educational Park Extension
21-28	Paradise Creek Wetland Expansion and Park Site
21-29	Las Palmas Park Pool Site Feasibility Study
22-15	Las Palmas Park Pool Building Outreach
22-20	Las Palmas Park Wellness Center & Restrooms
22-43	Kimball Park Improvements and Las Palmas Dog Park
22-26	El Toyon Park Proposition 68 Grant Improvements
22-22	El Toyon Park Community Center & Fire Station 33

2. Anser Advisory

CIP/TASK #	DESCRIPTION
19-18	National City Blvd. Bikeway
19-20	Sweetwater Rd Protected Bike
19-80	Grant Services
19-81	Grant Management
22-35	Construction Management On-Call
22-47	Wastewater Rate Analysis, Support, Master Plan
23-7	Wastewater Tax Roll Update

3. Innovative Construction Consulting Services, Inc.

CIP/TASK #	DESCRIPTION
15-05	Paradise Creek Restoration
18-10	Euclid Bicycle & Ped Enhancements
18-11	Paradise Creek Water Quality
18-14	Sweetwater Bike Path
19-02	El Toyon Las Palmas Bicycle Corridor
19-04	Citywide Safe Routes to School
19-05	Palm Ave Rehab
19-17	Division - Euclid to Harbison
19-19	Roosevelt Smart Growth
19-35	Paradise Creek Mitigation Project at Kimball Way
19-38	16th St. Rehab
19-45	Civic Center ADA Access
22-01	Las Palmas Pool
21-18	Paradise Creek Drainage Channel Improvement
22-06	MLK Community Center Project

4. STC Traffic, Inc.

CIP/TASK #	DESCRIPTION
19-12	Sweetwater Road Median and Lighting Improvement HSIP8
19-22	HSIP 9 Citywide Protected Left-Turn Enhancements
19-89	General Professional Services
19-90	Citywide Traffic Signal and ADA Improve (HSI6)
19-91	Pedestrian ADA Improvements
19-92	Traffic Signal Communications Upgrade
19-93	Paradise Creek Construction Support
21-04	HSIP Cycle 10 Grant Applications
21-12	Caltrans STP Grant Division and Osborn Traffic Signal Plan Review
21-20	Parking Action Plan Implementation Amendment
21-84	Citywide Camera Services
21-85	Palm Ave and 16th St Signal Modification
21-86	Euclid Avenue Bicycle and Pedestrian Enhancements
21-87	Mile of Cars Way Signal Timing Improvements
21-88	Cameras at Paradise Creek Park
21-89	Camera Troubleshooting
22-29	Downtown National City Parking Occupancy Survey
22-51	Plaza Blvd. Traffic Signal System Assess/Corridor Synchronization
22-52	22/23 Engineering and Traffic Surveys of Speed Limits
22-82	Parking Management Support Services
22-83	Traffic Signal and Systems Support Services
23-90	Misc. Engineering Support Services

5. Chen Ryan Associates, Inc.

CIP/TASK #	DESCRIPTION
19-18	National City Blvd. Bike Connection
19-20	Sweetwater Road Protected Bikeway
19-24	Bayshore Bikeway Segment 5
19-94	National City SSARP
19-95	24th Street TODO
21-02	Sustainable Transportation Equity Project GRANT Application (STEP)
21-25	W. 19th Street Greenway
21-92	As-Need Professional Support Services
22-13	Highland Ave Inter-City Bike Connection PA/ED
22-16	Citywide Pedestrian Safety Enhancements
22-23	NC Bayfront EIR
23-91	Local Coast Plan Update

6. Project Professionals Corporation

CIP/TASK #	DESCRIPTION
18-07	Paradise Creek Park III
18-10	Euclid Ave Ped & Bike Enhancements
18-14	Sweetwater River Bikeway
18-16	Paradise Creek Park Expansion
19-05	Palm Ave Road Rehab
19-08	Fiber Optic TS Interconnect (HSIP)
19-09	Pedestrian ADA Improvements (HSIP)
19-11	Paradise Creek Water Quality and Community Enhancement
19-12	Sweetwater Rd Safety Enhancements (HSIP)
19-13	Citywide Ped Safety Imps (HSIP)
19-14	E. 4th St. Protected L-T Enhancements (HSIP)
19-15	Citywide Safety Lighting Enhancements (HSIP)
19-33	Paradise Creek Educational Park Extension
19-43	P1- Sewer Upsizing
19-50	Las Palmas Pool Facility Roof
19-51	Camacho Gym Roof Replace
19-52	Compliance Monitoring for Civic Center Boiler
19-53	Compliance Review for City Hall Replacement
20-01	P1- Sewer Upsizing Phase II
20-03	Civic Center Basement Power Upgrade
20-04	Police Department Generator and Electrical Upgrades
20-05	Police Pistol Range Safety Improvements
20-06	Camacho Gym Windows
20-07	Camacho Rec Center HVAC
20-85	Earle Drive Sinkhole Repair
20-86	Granger Avenue Sinkhole Repair
21-01	City Hall New Hallway Door
21-06	City Hall City Clerk Window Upgrade
21-07	City Hall Neighborhood Services Window
21-19	Conceptual Master Plan Update
21-24	City Hall Seismic Retrofit
22-19	SB1 Street Resurfacing
22-39	Storm Drain Repair on V Ave
22-40	Camacho Rec Center ADA
22-42	Police Dept. Parking Structure Waterproofing Project
22-50	Camacho Gym Doors
22-56	Professional Services for Proposed PLA
23-06	Kimball Dog Park, Tot Lot, and Las Palmas Dog Park
23-10	MLK Community Center Office Improvements
23-92	Paradise Valley Emergency Creek Restoration
23-93	NPDES Administration
23-94	Solid Waste Administration
23-95	Wastewater Administration

RESOLUTION NO. 2023 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE 1) A FIRST AMENDMENT TO THE AGREEMENT WITH NERI LANDSCAPE ARCHITECTURE TO INCREASE THE NOT-TO-EXCEED AMOUNT BY \$1,000,000; 2) SECOND AMENDMENTS TO THE AGREEMENTS WITH A) ANSER ADVISORY, B) INNOVATIVE CONSTRUCTION CONSULTING SERVICES, LLC, AND C) STC TRAFFIC, INC. TO EXTEND AGREEMENTS BY ONE YEAR AND INCREASE THE NOT-TO-EXCEED AMOUNTS BY \$1,000,000 EACH, INCLUDING AN HOURLY RATES UPDATE; AND 3) THIRD AMENDMENTS TO THE AGREEMENTS WITH A) CHEN RYAN ASSOCIATES, INC. AND B) PROJECT PROFESSIONALS CORPORATION TO EXTEND AGREEMENTS BY ONE YEAR AND INCREASE THE NOT-TO-EXCEED AMOUNTS BY \$1,000,000 EACH, INCLUDING HOURLY RATE UPDATES.

WHEREAS, the Engineering & Public Works Department advertised a Request for Qualifications (RFQ) for various engineering, architectural and construction support services, housing and real estate development services, and environmental compliance services on May 1, 2019; and

WHEREAS, based on the strength of their Statements of Qualifications, interviews and past performance, the City of National City entered into agreements with several consultants to provide on-call support services for National City's Capital Improvement Program (CIP); and

WHEREAS, the original agreements were each for a not-to-exceed amount of \$2,000,000 and a term of three years, with the option to extend for two one-year extensions; and

WHEREAS, based on the consultants' performances and quality of work, expiring agreements, increased staffing demands, and to ensure timely completion of CIPs, the City and the below listed consultants desire to execute:

1. A First Amendment to increase the not-to-exceed amount of the agreement by \$1,000,000 for a total not-to-exceed amount of \$3,000,000, for the below listed consultant:

- a. **Neri Landscape Architecture:** Landscape architecture (including urban planning and design)

Original Agreement Reso No. 2020-11 on January 21, 2020

2. Second Amendments to extend agreements by one year and increase the not-to-exceed amounts of the agreements by \$1,000,000, including a rates update, each for total not-to-exceed amounts of \$4,000,000 each, for the below listed consultants:

- a. **Anser Advisory:** Project management; engineering; construction management, inspections and certified payroll; plan reviews; constructability reviews; community outreach and communications

Original Agreement Reso No. 2019-150 on November 5, 2019
First Amendment Reso No. 2022-172 on November 1, 2022

- b. **Innovative Construction Consulting Services, LLC:** Project management; engineering construction management; inspection and certified payroll; plan reviews; constructability reviews; community outreach and communications

Original Agreement Reso. No. 2019-151 on November 5, 2019
First Amendment Reso. No. 2022-172 on November 1, 2022

- c. **STC Traffic, Inc.:** Project management; traffic engineering; transportation planning; traffic signal communications infrastructure and systems integration; plan reviews; constructability reviews; construction support; grants management; community outreach and communications

Original Agreement Reso. No. 2019-176 on December 3, 2019
First Amendment Reso. No. 2022-172 on November 1, 2022

- 3. Third Amendments to extend agreements by one year and increase the not-to-exceed amounts of the agreements by \$1,000,000, including rate updates, each for total not-to-exceed amounts of \$5,000,000 each, for the below listed consultants:

- a. **Chen Ryan Associates, Inc.:** Project management; civil engineering; traffic engineering; transportation planning; plan reviews; constructability reviews; long range planning for multiple disciplines; grants management; and, community and communications

Original Agreement Reso. No. 2019-163 on November 19, 2019
First Amendment Reso. No. 2021-122 on September 7, 2021
Second Amendment Reso No. 2022-172 on November 1, 2022

- b. **Project Professionals Corporation:** Project management; engineering construction management; inspection and certified payroll; plan reviews; constructability reviews; community outreach and communications.

Original Agreement Reso. No. 2019-152 on November 5, 2019
First Amendment Reso. No. 2021-121 on September 7, 2021
Second Amendment Reso No. 2022-172 on November 1, 2022

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

Section 1: That the City Council hereby authorizes the Mayor to execute 1) a First Amendment to the agreement with Neri Landscape Architecture to increase the not-to-exceed amount by \$1,000,000; 2) Second Amendments to the agreements with a) Anser Advisory, b) Innovative Construction Consulting Services, LLC, and c) STC Traffic, Inc. to extend agreements by one year and increase the not-to-exceed amounts by \$1,000,000 each, including an hourly rates update; and 3) Third Amendments to the agreements with a) Chen Ryan Associates, Inc. and b) Project Professionals Corporation to extend Agreements by one year and increase the not-to-exceed amounts by \$1,000,000 each, including hourly rate updates.

Section 2: 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 17th day of October, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, October 17, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Warrant Register #7 for the period of 8/11/23 through 8/17/23 in the amount of \$2,585,630.15.

RECOMMENDATION:

Ratify Warrants Totaling \$ 2,585,630.15

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 8/11/23 – 8/17/23. 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>
Devaney, Pate, Morris	364762	\$124,573.58	Legal Services
Bureau Veritas	364758	\$ 75,783.41	Building/Plan Review
Kaiser Foundation	364769	\$239,833.33	Group# 104220 Sept 2023
Public Emp Ret System	230817	\$319,632.90	Service Period 7/25/23-8/7/23
City of San Diego	3676	\$1,711,914.00	Municipal Sewer Transport Fee

FINANCIAL STATEMENT:

Warrant total \$ 2,585,630.15

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Warrant Register 7



**WARRANT REGISTER # 7
8/17/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>CMO</u>				
GARCIA	REIMBURSEMENT FOR CULTURE CLUB COFFEE	364765	8/17/23	323.87
	Total for Department			323.87
<u>City Clerk</u>				
RODRIGUEZ	REFUND OF DEPOSIT - CITIZEN INITIATIVE -	364752	8/14/23	200.00
	Total for Department			200.00
<u>City Attorney</u>				
CEB	BOOK	364760	8/17/23	1,086.30
DEVANEY PATE MORRIS & CAMERON	LEGAL SERVICES	364762	8/17/23	124,573.58
	Total for Department			126,707.62
<u>Housing / Section 8</u>				
LASER SAVER INC	MOP HP M751 658 1 BLACK AND CYAN TONER C	364770	8/17/23	2,625.78
SMART SOURCE OF CALIFORNIA LLC	PO WINDOW ENVELOPES WITH RETURN ADDRESS	364785	8/17/23	937.97
	Total for Department			3,563.75
<u>Police</u>				
ACADEMI TRAINING CENTER LLC	OFFICER RANGE TRAINING	364754	8/17/23	2,061.67
SYMBOLARTS, LLC	10 NEW OFFICER BADGES	364789	8/17/23	4,568.75
SAN DIEGO MIRAMAR COLLEGE	TRAINING AOT TUITION ACEVDO WADSWRTH	364778	8/17/23	46.00
SAN DIEGO MIRAMAR COLLEGE	TRAINING AOT TUITION	364779	8/17/23	46.00
	Total for Department			6,722.42
<u>Engineering / PW's</u>				
AIRGAS USA LLC	MOP 45714 SAFETY SUPPLIES FY24-PW/PARKS	364755	8/17/23	441.72
CALIFORNIA DIESEL COMPLIANCE	AUTO MAINTENANCE FY24-PW/EQM	364759	8/17/23	335.00
GRAINGER	MOP 65179 GENERAL SUPPLIES FY24-PW/FACILITIES	364767	8/17/23	10.20
LEFORT'S SMALL ENGINE REPAIR	MOP 80702 OIL MIX FY24-PW/STREETS	364771	8/17/23	74.87
MASON'S SAW	MOP 45729 LANDSCAPE SUPPLIES FY24-PW/PAR	364773	8/17/23	774.06
POWERSTRIDE BATTERY CO INC	AUTO BATTERIES FY24-PW/EQM	364775	8/17/23	2,625.33
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/STREE	364776	8/17/23	1,139.57
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES FY24-PW/PARKS	364777	8/17/23	150.10
SEDANO FORD OF LM, INC.	R&M CITY VEHICLES FY24-PW/EQM	364781	8/17/23	2,264.84
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES FY24-PW/PAR	364783	8/17/23	342.46
SONSRAY MACHINERY LLC	AUTO GLASS FY24-PW/EQM	364786	8/17/23	474.92
STAPLES BUSINESS ADVANTAGE	MOP 45704 BUILDING/STAPLES OFFICE SUPPLI	364787	8/17/23	139.73
T MAN TRAFFIC SUPPLY	MOP 76666 TRAFFIC SIGN SUPPLIES FY24-PW/	364791	8/17/23	915.80
UNDERGROUND SERVICE ALERT	UNDERGROUND SERVICE ALERT FY24-PW/SEWER	364794	8/17/23	1,025.15
24 HOUR ELEVATOR INC	CITY WIDE ELEVATOR SERVICE AND REPAIRS	364753	8/17/23	12,279.38
FASTSIGNS	COMMUNICATIONS AND SIGNAGE SERVICES FY23	364764	8/17/23	669.67



**WARRANT REGISTER # 7
8/17/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
SWEETWATER AUTHORITY	WATER BILL FOR PARKS DIVISION FY 2023	364788	8/17/23	112.92
THE BUMPER GUY INC	PARTS~	364792	8/17/23	5,989.10
Total for Department				29,764.82
 <u>Planning / Building</u>				
BUREAU VERITAS N AMERICA INC	BUILDING/BUREAU VERITAS INVOICE	364758	8/17/23	75,783.41
ESGIL LLC	BUILDING/ESGIL INVOICE	364763	8/17/23	16,248.95
SILVER & WRIGHT LLP	NSD/SILVER & WRIGHT LLP	364782	8/17/23	10,149.70
SMART SOURCE OF CALIFORNIA LLC	PLANNING BUSINESS CARDS	364785	8/17/23	184.88
STAPLES BUSINESS ADVANTAGE	MOP 45704 BUILDING/STAPLES OFFICE SUPPLI	364787	8/17/23	433.46
THE STAR NEWS	PLANNING/THE STAR-NEWS AD	364793	8/17/23	889.19
U S BANK	AMAZON JUMBO STAPM	399815	8/11/23	11.95
Total for Department				103,701.54
 <u>Finance</u>				
BRINK'S INCORPORATED	TRANSPORTATION - BILLING PERIOD 08/01/23	364757	8/17/23	555.73
HDL COREN & CONE	2022-23 ACFR STATISTICAL PACKAGE	364768	8/17/23	695.00
KAISER FOUNDATION HEALTH PLAN	GROUP # 104220 SEPTEMBER 2023 KAISER INS	364769	8/17/23	239,833.33
Total for Department				241,084.06
 <u>Community Services/Nutrition/Library</u>				
MCGHEE	RFW EMPLOYEE REIMBURSEMENT JOANNE MCGHE	364774	8/17/23	128.44
SMART & FINAL	MOP 45756 SENIOR MORNING SOCIALS SUPPLIE	364784	8/17/23	82.15
COZZINI BROS., INC.	KNIFE CLEANING SERVICE	364761	8/17/23	36.00
SEAPORT MEAT COMPANY	FOOD	364780	8/17/23	843.24
SYSCO SAN DIEGO INC	FOOD	364790	8/17/23	6,858.05
BAKER & TAYLOR	BAKER AND TAYLOR/BOOKS/FY24	364756	8/17/23	2,837.06
SMART SOURCE OF CALIFORNIA LLC	BUSINESS CARDS	364785	8/17/23	164.90
Total for Department				10,949.84
 <u>Fire</u>				
GRAINGER	MOP #65179, BATTERY, LITHIUM, XIZ 123,3V	364767	8/17/23	42.37
PRUDENTIAL OVERALL SUPPLY	MOP 45742 LAUNDRY SERVICES FY24- FIRE	364777	8/17/23	25.00
STAPLES BUSINESS ADVANTAGE	MOP 45704 BUILDING/STAPLES OFFICE SUPPLI	364787	8/17/23	148.87
Total for Department				216.24
 <u>Human Resources</u>				
GOVERNMENT TRAINING AGENCY	SD EMPLOYMENT RELATIONS CONSORTIUM (ERC)	364766	8/17/23	2,588.00
LIEBERT CASSIDY WHITMORE	LCW WEBINAR - ADVANCED STRIKE TRAINING O	364772	8/17/23	100.00
Total for Department				2,688.00
A/P Warrant Total				525,922.16



WARRANT REGISTER # 7
8/17/2023

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
WIRED PAYMENTS				
<u>City Attorney</u>				
U S BANK	US BANK / CAO	399815	8/11/23	1,126.28
<u>Finance</u>				
PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 07/25/23 -08/07/23	230817	8/17/23	319,632.90
<u>Human Resources</u>				
PAYCHEX BENEFIT TECH INC	BENETRAC ESR SERVICES BASE FEE - AUGUST	611086	8/11/23	660.71
<u>Engineering / PW's</u>				
CITY OF SAN DIEGO	MUNICIPAL SEWER TRANSPORT FEES FY24	3676	8/14/23	1,711,914.00
SECTION 8 HAPS	Start Date	End Date		
	8/11/2023	8/17/2023		26,374.10
		GRAND TOTAL		2,585,630.15



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, October 17, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Warrant Register #8 for the period of 8/18/23 through 8/24/23 in the amount of \$ 2,818,862.23

RECOMMENDATION:

Ratify Warrants Totaling \$ 2,818,862.23

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 8/18/23 – 8/24/23. 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>
ARJIS	364802	\$88,294.73	ARJIS Fees FY24
SDG&E	364864	\$133,969.26	Gas & Electric for Facilities
Chen Ryan Assoc	364809	\$187,627.61	Bayshore Bikeway Segment 5 Eng/PW
E&H General Contr	364822	\$59,139.49	CIP 22-06 MLK Comm Center Eng/PW
LC Paving & Sealing	364838	\$507,373.45	CIP 19-20 Sweetwater road Bikeway

FINANCIAL STATEMENT:

Warrant total \$ 2,818,862.23

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Warrant Register No. 8



**WARRANT REGISTER # 8
8/24/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Mayor & Council</u>				
MOLINA	REIMBURSEMENT - NALEO CONFERENCE	364845	8/24/23	1,039.77
TSUNAMI CREATIVE SERVICES	4TH OF JULY - CM YAMANE'S BOOTH	364886	8/24/23	720.00
Total for Department				1,759.77
<u>City Attorney</u>				
DEVANEY PATE MORRIS & CAMERON	LEGAL SERVICES	364820	8/24/23	37,567.41
SCHULTZ	TRAVEL & TRAINING	364863	8/24/23	1,180.73
THOMSON REUTERS WEST	SUBSCRIPTIONS~	364884	8/24/23	1,214.94
Total for Department				39,963.08
<u>Housing/Section 8</u>				
MRI SOFTWARE LLC	ANNUAL HAPPY SUBSCRIPTION RENEWAL	364846	8/24/23	31,980.17
STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	364874	8/24/23	407.96
Total for Department				32,388.13
<u>CMO</u>				
DEVANEY PATE MORRIS & CAMERON	LEGAL SERVICES - PORT OF SAN DIEGO	364820	8/24/23	1,100.00
SPARKLETTS	WATER - FINANCE DEPARTMENT	364873	8/24/23	90.93
STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	364874	8/24/23	488.16
Total for Department				1,679.09
<u>Police</u>				
ACE UNIFORMS & ACCESSORIES INC	CSO LORENA PATRON	364796	8/24/23	1,329.30
ARJIS	ARJIS FEES FY 24	364802	8/24/23	88,294.73
CYRACOM INTERNATIONAL, INC	JULY LANGUAGE LINE FOR DISPATCH	364813	8/24/23	61.10
DEPT OF JUSTICE	DOJ FINGERPRINTING JULY	364819	8/24/23	98.00
EXPERIAN	JULY CREDIT CHECKS	364824	8/24/23	50.24
FIT TO WORK INC	LT. WALTERS ERGONOMIC EVALUATION	364826	8/24/23	440.00
MAN K9 INC	JULY TRAINING	364842	8/24/23	1,870.00
POLICE AND FIRE PSYCHOLOGY	JULY PSYCH EXAMS	364854	8/24/23	700.00
SMART SOURCE OF CALIFORNIA LLC	MOP 24302 PRINTING PD	364869	8/24/23	437.37
SOUTHERN CALIFORNIA	CERTIFICATION OF 6 LIDAR GUNS	364871	8/24/23	872.00
THOMSON REUTERS	JULY INVESTIGATIONS SUBSCRIPTION	364883	8/24/23	691.95
VCA EMERGENCY ANIMAL HOSPITAL	EMERGENCY VET CARE	364887	8/24/23	2,002.87
GUILLEN	TRAINING POST REIM SDCRLI TRK 1	364830	8/24/23	127.00
Total for Department				96,974.56
<u>Engineering / PW's</u>				
A & A AUTO GLASS INC	FRONT GLASS INSTALLATION FY24-PW/EQM	364795	8/24/23	450.00
AIRGAS USA LLC	MOP 45714 BUILDING SUPPLIES FY24-PW/FACI	364798	8/24/23	10.90



**WARRANT REGISTER # 8
8/24/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
APS LIGHTING & SAFETY PRODUCTS	MOP 87645 SAFETY SUPPLIES FY24-PW/EQM	364801	8/24/23	242.38
DANIELS TIRE SERVICE	TIRES FOR CITY FLEET FY24-PW/EQM	364814	8/24/23	3,747.01
FERGUSON ENTERPRISES 1350	MOP 45723 BUILDING SUPPLIES FY24-PW/FACI	364825	8/24/23	166.92
GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACI	364828	8/24/23	709.29
HAAKER EQUIPMENT COMPANY	PARTS AND SMALL EQUIPMENT FY24-PW/EQM	364831	8/24/23	6,320.13
HOME DEPOT CREDIT SERVICES	BUILDING SUPPLIES FY24-PW/FACILITIES	364834	8/24/23	216.27
JJJ ENTERPRISES	FIRE AND SECURITY ALARM MONITORING FY23-	364836	8/24/23	20,557.50
NATIONAL CITY TROPHY	MOP 66556 OFFICE SUPPLIES FY24-PW/FACILI	364847	8/24/23	118.80
O'REILLY AUTO PARTS	MOP 75877 AUTO SUPPLIES FY24-PW/EQM	364849	8/24/23	214.77
PACIFIC PRODUCTS & SERVICES	TRAFFIC CONTROL SUPPLIES FY24-PW/STREETS	364850	8/24/23	957.02
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/EQM	364851	8/24/23	394.03
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/EQM	364852	8/24/23	45.95
PERRY FORD-NATIONAL CITY LLC	AUTO PARTS FY24-PW/EQM	364853	8/24/23	1,823.39
POWERSTRIDE BATTERY CO INC	MOP 67839 AUTO BATTERY FY24-PW/EQM	364855	8/24/23	125.01
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/FACIL	364856	8/24/23	721.59
PRUDENTIAL OVERALL SUPPLY	LAUNDRY	364859	8/24/23	308.39
RED WING BUSINESS	WORK BOOTS FOR RUBEN HUERTA FY24-PW/EQM	364860	8/24/23	200.00
SAN DIEGO MECHANICAL ENERGY	REPAIRS TO HVAC SYSTEMS FY23-PW/FACILITI	364861	8/24/23	2,254.00
SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR FY24	364864	8/24/23	133,969.26
SDG&E	GAS AND ELECTRIC UTILITIES FOR STREETS J	364865	8/24/23	11,203.35
SEDANO FORD OF LM, INC.	R&M CITY VEHICLES FY24-PW/EQM	364867	8/24/23	522.01
SITEONE LANDSCAPE SUPPLY LLC	MOP 69277 LANDSCAPE SUPPLIES FY24-PW/PAR	364868	8/24/23	1,388.29
SOUTHWEST SIGNAL SERVICE	MARKOUT REPORTS FY23-PW/STREETS	364872	8/24/23	18,101.87
STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	364874	8/24/23	227.19
SWEETWATER AUTHORITY	WATER BILL / WASTEWATER JUN-JUL FY23-PW	364876	8/24/23	233.94
T MAN TRAFFIC SUPPLY	MOP 76666 STREET SIGN SUPPLIES FY24-PW/S	364878	8/24/23	973.54
VULCAN MATERIALS COMPANY	FINANCE CHARGES FY23-PW/STREETS	364888	8/24/23	40.63
WAXIE SANITARY SUPPLY	MISC JANITORIAL SUPPLIES FY24-PW/FACILIT	364889	8/24/23	6,566.22
CHEN RYAN ASSOCIATES INC	BAYSHORE BIKEWAY SEGMENT 5- ENG/PW	364809	8/24/23	187,627.61
KIMLEY HORN	8TH AND ROOSEVELT- ENG/PW	364837	8/24/23	7,534.47
LEIGHTON CONSULTING INC	CIP 22-19 NC ST RESURFACING- ENG/PW	364840	8/24/23	3,156.53
PROJECT PROFESSIONALS CORP	CIP 20-05 PD PISTOL RNG SAFETY ENHMNT- E	364858	8/24/23	5,121.82
STC TRAFFIC INC	CITYWIDE SPEED SURVEYS- ENG/PW	364875	8/24/23	11,903.77
ATLAS TECHNICAL CONSULTANTS,	CIP 22-57 LAS PALMAS POOL IMPROVEMENT -	364803	8/24/23	871.00
CLEAN HARBORS ENVIRONMENTAL	HOUSEHOLD HAZARDOUS WASTE - JULY 2023- E	364811	8/24/23	2,157.64
D-MAX ENGINEERING INC	CIP 22-46 NC STORM WATER SERVICES FY22-2	364821	8/24/23	31,377.78
E & H GENERAL CONTRACTING INC	CIP 22-06 MLK COMMUNITY CENTER- ENG/PW	364822	8/24/23	59,139.49
ENTERPRISE FLEET MANAGEMENT	ENTERPRISE FLEET LEASE MANAGEMENT - JULY	364823	8/24/23	45,225.01
FONTAINE	REFUND OF OVERCHARGE OF SEWER CAPACITY F	364827	8/24/23	290.00
L C PAVING & SEALING INC	CIP 19-20 SWEETWATER ROAD BIKEWAY - ENG/	364838	8/24/23	507,373.45
MCCOLL	T&A 90654 - REFUND OF BOND - 1431 E 5TH	364843	8/24/23	16,154.61
MISSION COMMUNICATIONS, LLC	SUBSCRIPTION RENEWAL FOR SCADA FY24 - EN	364844	8/24/23	1,126.80
NV5 INC	UTILITY PERMIT PLAN CHECK SERVICES - VER	364848	8/24/23	26,914.01
PROJECT PROFESSIONALS CORP	CIP 22-19 SB 1 STREET RESURFACING PROJEC	364857	8/24/23	28,111.13
TRI-GROUP CONSTRUCTION AND DEV	CIP 19-33 PARADISE CREEK EDUCATIONAL PAR	364885	8/24/23	18,936.81

Total for Department 1,165,831.58



**WARRANT REGISTER # 8
8/24/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>NSD</u>				
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES / NSD	364856	8/24/23	366.13
PRUDENTIAL OVERALL SUPPLY	LAUNDRY	364859	8/24/23	144.32
STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	364874	8/24/23	264.17
THE SHERWIN WILLIAMS CO	MOP 77816 PAINT SUPPLIES / NSD	364880	8/24/23	814.48
		Total for Department		1,589.10
<u>Risk</u>				
BOREEN	LIABILITY CLAIM COST	364805	8/24/23	1,389.44
DEAN GAZZO ROISTACHER LLP	LIABILITY CLAIM COST	364815	8/24/23	7,812.25
DEAN GAZZO ROISTACHER LLP	LIABILITY CLAIM COST	364816	8/24/23	2,326.00
DEAN GAZZO ROISTACHER LLP	LIABILITY CLAIM COST	364817	8/24/23	324.50
		Total for Department		11,852.19
<u>Planning-Building</u>				
BUREAU VERITAS N AMERICA INC	BUILDING/BUREAU VERITAS JULY INVOICE	364806	8/24/23	41,541.76
LASER SAVER INC	BD MOP#45725 LASER SAVER INVOICE	364839	8/24/23	328.22
THE STAR NEWS	PLANNING THE STAR-NEWS INVOICE	364882	8/24/23	263.94
		Total for Department		42,133.92
<u>Finance</u>				
CITY OF NATIONAL CITY	PETTY CASH REPLENISHMENT	364810	8/24/23	102.77
SASI	MONTHLY TRUST ACCOUNTING	364862	8/24/23	783.60
SOLANA CENTER	RSWA SB 1383 COMPLIANCE SUPPORT SVCS 7/0	364870	8/24/23	11,425.00
THE LINCOLN NATIONAL LIFE INS	GRP # 415491 SEPTEMBER 2023 LIFE & AD&D	364879	8/24/23	9,769.20
THE SIMPLE WEB SOLUTION	RSWA - WEB HOSTING AND DOMAIN	364881	8/24/23	1,309.98
		Total for Department		23,390.55
<u>Community Services/Nutrition/Library</u>				
CASTILLO	RFW DJ/MC FOR AGE FRIENDLY DANCE EVENT 7	364808	8/24/23	2,450.00
GUERRERO	CONTRACT INSTRUCTOR PAYMENT FOR FEDERICO	364829	8/24/23	5,950.00
HERNANDEZ	CONTRACT INSTRUCTOR PAYMENT FOR ZUMBA SU	364833	8/24/23	113.40
JERRYS PHOTO BOOTH	RFW PHOTO BOOTH FOR AGE FRIENDLY DANCE E	364835	8/24/23	549.00
BOOT WORLD	WORK BOOTS FOR MIGUEL PLASCENCIA	364804	8/24/23	448.54
PRUDENTIAL OVERALL SUPPLY	LAUNDRY	364859	8/24/23	138.95
SDG&E	GAS AND ELECTRIC UTILITIES / NUTRITION	364865	8/24/23	4,054.47
SEAPORT MEAT COMPANY	FOOD	364866	8/24/23	941.32
STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	364874	8/24/23	403.17
SYSCO SAN DIEGO INC	FOOD	364877	8/24/23	3,924.26
AMAZON CAPITAL SERVICES, INC.	AMAZON/SUPPLIES/FY23	364800	8/24/23	53.78
		Total for Department		19,026.89



**WARRANT REGISTER # 8
8/24/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Fire</u>				
ACE UNIFORMS & ACCESSORIES INC	HEROES PRIDE PATCHES / FIRE	364796	8/24/23	1,709.49
AMAZON	COOSLEEP LARGE POWER LIFT RECLINER	364799	8/24/23	1,435.47
CAL FIRE	CA STATE FIRE MARSHAL CERTIFICATION	364807	8/24/23	600.00
HAMEL	REIMBURSEMENT- TRAINING, MASTERING FIRE	364832	8/24/23	459.00
		Total for Department		4,203.96
<u>Human Resources</u>				
ADMINSURE INC	WORKERS' COMPENSATION CLAIMS - SEPTEMBER	364797	8/24/23	8,604.00
CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICALS & DOT EXAM	364812	8/24/23	1,797.00
DEPARTMENT OF JUSTICE	NEW EMPLOYEE FINGERPRINT TEST RESULTS -	364818	8/24/23	256.00
LIEBERT CASSIDY WHITMORE	PERSONNEL MATTER	364841	8/24/23	7,533.38
STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	364874	8/24/23	227.93
		Total for Department		18,418.31
		A/P Total		1,459,211.13
PAYROLL				
Pay period	Start Date	End Date	Check Date	
18	8/8/2023	8/21/2023	8/30/2023	1,359,651.10
		GRAND TOTAL		<u>2,818,862.23</u>



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, October 17, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Warrant Register #9 for the period of 8/25/23 through 8/31/23 in the amount of \$ 770,025.86

RECOMMENDATION:

Ratify Warrants Totaling \$ 770,025.86

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 8/25/23 – 8/31/23. 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>
SDG&E	364941	\$73,960.02	Outstanding balance street lights
Project Professionals	364968	\$76,684.70	CIP 20-01 P-1 Sewer Upsizing Phase II
Health Net Inc	364920	\$66,313.11	Grp# R1192A – September 2023
Public Emp Ret Syst	230831	\$320,600.03	Service Period 8/8/23 – 8/21/23

FINANCIAL STATEMENT:

Warrant total \$ 770,025.86

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Warrant Register No. 9



**WARRANT REGISTER # 9
8/31/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>City Attorney</u>				
MEYERS, NAVE, RIBACK, SILVER	LEGAL SERVICES	364927	8/31/23	494.00
COLANTUONO HIGHSMITH	LEGAL SERVICE / CAO	364905	8/31/23	8.77
		Total for Department		502.77
<u>Housing/Section 8</u>				
COUNTY OF SAN DIEGO	MAIL POSTAGE BILLING - JAN 2023	364907	8/31/23	859.42
OFFICE SOLUTIONS BUSINESS	MOP OFFICE SUPPLIES FOR SECTION 8	364929	8/31/23	816.20
COUNTY OF SAN DIEGO	MAIL POSTAGE BILLING FOR OCT AN NOV 2022	364958	8/31/23	2,327.08
OFFICE SOLUTIONS BUSINESS	MOP OFFICE SUPPLIES FOR SECTION 8 DEPART	364966	8/31/23	266.30
REGIONAL TASK FORCE	HMIS ACCESS FEES FOR APRIL AND JUNE 2023	364970	8/31/23	523.50
KIMLEY HORN	TOWER 999 TRANSACTION ASSISTANCE	364963	8/31/23	3,378.00
		Total for Department		8,170.50
<u>Fire</u>				
FEDEX	FEDEX EXPRESS SERVICES/ FIRE	364913	8/31/23	944.80
MES CALIFORNIA	GENESIS RESCUE TOOLS / FIRE	364926	8/31/23	1,637.19
PRUDENTIAL OVERALL SUPPLY	LAUNDRY SERVICES	364935	8/31/23	25.00
SMART & FINAL	MOP #45756, FIRE STATION SUPPLIES / FIRE	364943	8/31/23	281.11
WAXIE SANITARY SUPPLY	JANITORIAL SUPPLIES FOR FIRE STATIONS	364953	8/31/23	873.56
		Total for Department		3,761.66
<u>Police</u>				
TSI INCORPORATED	GAS MASK CALIBRATION	364951	8/31/23	1,206.15
AHUMADA	TRAINING ADV SUB TC INV	364891	8/31/23	607.12
ANDERSON	TRAINING ADV LDG IAHTI CNFRNC	364896	8/31/23	1,136.01
CABATU	TRAINING ADV SUB SNAPCHT	364902	8/31/23	190.51
FERNANDO	TRAINING SLI 1 ADV SUB	364914	8/31/23	422.70
SAN BERNARDINO CNTY SHERIFF'S	TRAINING TUITION TC INV BSC	364939	8/31/23	215.00
CARLOMAGNO	TRAINING AOT POST REIM	364957	8/31/23	32.00
DAVIS	TRAINING AOT POST REIM	364959	8/31/23	32.00
DOUGHERTY	TRAINING REIM IA OIS	364960	8/31/23	114.39
MORRISON	TRAINING AOT REIM POST	364964	8/31/23	89.25
PALMA	TRAINING POST PLN4 AOT	364967	8/31/23	32.00
RUDE	TRAINING POST PLN4 AOT	364971	8/31/23	91.02
SAN DIEGO MIRAMAR COLLEGE	TRAINING AOT TUITION	364972	8/31/23	46.00
SAN DIEGO MIRAMAR COLLEGE	TRAINING TUITION AOT	364973	8/31/23	46.00
SAN DIEGO MIRAMAR COLLEGE	TRAINING TUITION AOT	364974	8/31/23	46.00
SAN DIEGO MIRAMAR COLLEGE	TRAINING TUITION AOT	364975	8/31/23	23.00
SCANLON	TRAINING POST TRN REIM SDCLI	364976	8/31/23	355.93
VASQUEZ	TRAINING AOT PLN4 REIM VASQUEZ	364981	8/31/23	101.30
PUBLIC SAFETY PEER	PSPSA 7TH ANNUAL CONFERENCE REGISTRATION	364936	8/31/23	2,125.00



**WARRANT REGISTER # 9
8/31/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
Total for Department				6,911.38
<u>Engineering / PW's</u>				
ALL AROUND FENCE INC	FENCING MATERIALS FY23-PW/STREETS	364893	8/31/23	630.00
ASBURY ENVIRONMENTAL SVS	USED OIL SERVICE CHARGE FY24-PW/EQM	364897	8/31/23	100.00
AZTEC APPLIANCE INC	REFRIGERATOR PURCHASE FY23-PW/FACILITIES	364898	8/31/23	959.73
BOOT WORLD	MOP 80326 SFETY WEARING APPAREL-PW/PARKS	364899	8/31/23	385.94
COSCO FIRE PROTECTION	FIRE SPRINKLER INSPECTIONS FY23-PW/FACIL	364906	8/31/23	2,385.00
DANIELS TIRE SERVICE	TIRES FOR CITY FLEET FOR FY23-PW/EQM	364908	8/31/23	7,730.88
HOME DEPOT CREDIT SERVICES	BUILDING SUPPLIES FY24-PW/FACILITIES	364923	8/31/23	2,768.59
MAINTEX INC	MISC JANITORIAL SUPPLIES FY24-PW/FACILIT	364924	8/31/23	772.28
MASON'S SAW	MOP 45729 LANDSCAPE SUPPLIES FY24-PW/PAR	364925	8/31/23	636.54
PACIFIC SAFETY CENTER	ANNUAL MEMBERSHIP RENEWAL DATES 11/1/22-	364931	8/31/23	145.00
PACIFIC STATES PETROLEUM INC	HYDRAULIC OIL, ENGINE OIL FY24-PW/EQM	364932	8/31/23	1,414.19
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY23-PW/EQM	364933	8/31/23	78.81
PRO BUILD COMPANY	MOP 45707 PAINT SUPPLIES / PW'S	364934	8/31/23	317.43
PRUDENTIAL OVERALL SUPPLY	LAUNDRY SERVICES	364935	8/31/23	105.89
SDG&E	OUTSTANDING BALANCE STREET LIGHTS FY23-P	364941	8/31/23	73,960.02
SEDANO FORD OF LM, INC.	AUTO PARTS FY23-PW/EQM	364942	8/31/23	246.58
SWEETWATER AUTHORITY	WATER BILL FOR PARKS DIVISION JUN-AUG FY	364946	8/31/23	30.86
TRUE CUSTOMS	FORD F150 WINDOW TINT FY24-PW/EQM	364949	8/31/23	826.50
SDG&E	GAS AND ELECTRIC UTILITIES FOR STREETS F	364977	8/31/23	88.96
IPS GROUP INC	PARKING PORTAL MERCHANT FEES- ENG/PW	364961	8/31/23	9,695.05
NV5 INC	UTILITY NC PLAN CHECK SERVICES SDGE- ENG	364965	8/31/23	3,341.02
PROJECT PROFESSIONALS CORP	CIP 20-01 P-1 SEWER UPSIZING PHASE II- E	364968	8/31/23	76,684.70
STC TRAFFIC INC	DIXON PARKING SERVICES- ENG/PW	364979	8/31/23	5,269.30
ENTERPRISE FLEET MANAGEMENT	ENTERPRISE FLEET LEASE -JUNE 2023 - ENG/	364912	8/31/23	20,946.90
ROBINSON	REFUND T&A 90614 - PERF CASH BOND- SEWER	364938	8/31/23	10,000.00
Total for Department				219,520.17
<u>NSD</u>				
ACE UNIFORMS & ACCESSORIES INC	ACE UNIFORMS / NSD	364890	8/31/23	544.10
BOOT WORLD	MOP 80326 SFETY WEARING APPAREL- NSD	364899	8/31/23	106.65
PRO BUILD COMPANY	MOP 45707 PAINT SUPPLIES / NSD	364934	8/31/23	2,026.96
PRUDENTIAL OVERALL SUPPLY	LAUNDRY SERVICES	364935	8/31/23	144.32
THE SHERWIN WILLIAMS CO	MOP 77816 PAINT SUPPLIES / NSD	364948	8/31/23	386.92
VISTA PAINT	MOP 68834 PAINT SUPPLIES / NSD	364952	8/31/23	1,052.76
Total for Department				4,261.71
<u>Risk</u>				
STAPLES BUSINESS ADVANTAGE	MOP 45704 OFFICE SUPPLIES	364944	8/31/23	99.76
Total for Department				99.76
<u>CMO</u>				



**WARRANT REGISTER # 9
8/31/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
COUNTY OF SAN DIEGO	MAIL POSTAGE BILLING - FEBRUARY 2023	364907	8/31/23	1,225.58
STAPLES BUSINESS ADVANTAGE	MOP#45704 - OFFICE SUPPLIES -	364978	8/31/23	132.69
Total for Department				1,358.27
 <u>Finance</u>				
C A P F	SEPTEMBER 2023 - FIRE LTD	364901	8/31/23	1,239.00
CALIFORNIA LAW ENFORCEMENT	SEPTEMBER 2023 - PD LTD	364903	8/31/23	2,376.00
CITY OF NATIONAL CITY	PETTY CASH REPLENISHMENT / FINANCE	364904	8/31/23	236.31
DELTA DENTAL INSURANCE CO	SEPTEMBER 2023 GRP #05-7029600000 PMI DELTA	364909	8/31/23	1,795.64
DELTA DENTAL INSURANCE CO	SEPTEMBER 2023 - GRP #05-7029600002 COBRA	364910	8/31/23	97.22
DELTA DENTAL OF CALIFORNIA	SEPTEMBER 2023 GRP #05-0908600000 DENTAL	364911	8/31/23	16,380.72
HEALTH NET	GRP # N8239A SEPTEMBER 2023 HEALTH NET I	364916	8/31/23	2,894.14
HEALTH NET	GRP #N8239C - SEPTEMBER 2023 HEALTH NET	364917	8/31/23	1,734.92
HEALTH NET	GRP #N8240A - SEPTEMBER 2023 HEALTH NET	364918	8/31/23	1,346.10
HEALTH NET	GRP #R1192R - SEPTEMBER 2023 HEALTH NET	364919	8/31/23	923.49
HEALTH NET INC	GRP #R1192A - SEPTEMBER 2023 HEALTH NET	364920	8/31/23	66,313.11
HEALTH NET INC	GRP #GX011A - SEPTEMBER 2023 HEALTH NET	364921	8/31/23	28,523.11
HEALTH NET INC	GRP #LB439A - SEPTEMBER 2023 HEALTH NET	364922	8/31/23	16,017.80
OPTUM	HSA BANKING FEES GROUP HB1966	364930	8/31/23	97.50
RELIANCE STANDARD	SEPTEMBER 2023 - GRP VAI826233 VC1801146	364937	8/31/23	4,007.18
WOODRUFF & SMART	RSWA - REIMBURSEMENTS TO WSS FOR RSWA JU	364954	8/31/23	934.46
Total for Department				144,916.70
 <u>Community Services/Nutrition/Library</u>				
AMAZON	SUPPLIES FOR CASA REC AND FOR THE E-SPORT	364895	8/31/23	145.17
BSN SPORTS LLC	CAMACHO RECREATION SUPPLIES	364900	8/31/23	94.42
SANCHEZ MAYO	CONTRACT INSTRUCTOR PAYMENT FOR BASKETBA	364940	8/31/23	2,660.00
STAPLES BUSINESS ADVANTAGE	MOP 45704 SENIOR CENTER OFFICE SUPPLIES	364944	8/31/23	260.79
SWANK MOTION PICTURES INC	MOVIES IN THE PARK MOVIE LICENSING	364945	8/31/23	650.00
T'S & SIGNS INC	MARKETING BANNERS FOR MOVIES IN THE PARK	364950	8/31/23	313.20
ALDEMCO	FOOD	364892	8/31/23	9,684.33
ALL FRESH PRODUCTS	FOOD	364894	8/31/23	1,273.79
PRUDENTIAL OVERALL SUPPLY	LAUNDRY AND CONSUMABLES	364935	8/31/23	2,031.91
STAPLES BUSINESS ADVANTAGE	MOP 45704 OFFICE SUPPLIES	364944	8/31/23	78.09
SYSCO SAN DIEGO INC	FOOD	364947	8/31/23	5,449.59
SYSCO SAN DIEGO INC	FLOOR MATS	364980	8/31/23	861.71
PRUDENTIAL OVERALL SUPPLY	LAUNDRY & CONSUMABLES	364969	8/31/23	405.53
MIDWEST TAPE, LLC	MIDWEST TAPE/BLU-RAYS/FY24	364928	8/31/23	107.26
EXOS WORKS, INC	MANAGEMENT FEE & SUPPLIES/LAS PALMAS POOL	364955	8/31/23	32,294.29
Total for Department				56,310.08
 <u>Human Resources</u>				
GONZALEZ	LICENSE REIMBURSEMENT	364915	8/31/23	80.00



WARRANT REGISTER # 9
8/31/2023

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
		Total for Department		80.00
MIS				
AUDIO ASSOCIATES	AUDIO ASSOCIATES INVOICE FY23	364956	8/31/23	1,870.69
KASEYA US LLC	KASEYA INVOICE FY23	364962	8/31/23	1,662.14
		Total for Department		3,532.83
		A/P Warrant Total		449,425.83
WIRED PAYMENTS				
Finance				
PUBLIC EMP RETIREMENT SYSTEM	SERVICE PERIOD 08/08/23 - 08/21/23	230831	8/31/23	320,600.03
		GRAND TOTAL		770,025.86



AGENDA REPORT

Department: Finance
Prepared by: Karla Apalategui, Sr. Accounting Assistant
Meeting Date: Tuesday, October 17, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Warrant Register #10 for the period of 9/01/23 through 9/07/23 in the amount of \$ 2,927,081.05

RECOMMENDATION:

Ratify Warrants Totaling \$ 2,927,081.05

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Per Government Section Code 37208, below are the payments issued for period 9/1/23 – 9/7/23. 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>
ARCO Business Solution	892700	\$55,051.17	Fuel for City Fleet/Aug/PW-Eng

FINANCIAL STATEMENT:

Warrant total \$ 2,927,081.05

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Warrant Register 10



**WARRANT REGISTER # 10
9/7/2023**

<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>CHK NO</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>City Clerk</u>				
CIVICPLUS, LLC	CIVIC PLUS - MUNICODE ADMIN SUPPORT FEE	365084	9/7/23	4,274.65
		Total for Department		4,274.65
<u>Housing/Section 8</u>				
COUNTY OF SAN DIEGO	MAIL POSTAGE BILLING JUNE-23 FOR SECTION	365087	9/7/23	696.50
		Total for Department		696.50
<u>Police</u>				
EXPERIAN	AUGUST CREDIT CHECKS	365092	9/7/23	27.00
FON JON PET CARE CENTER	DAVIS & CARLOMANGO BOARDING	365093	9/7/23	870.35
LASER SAVER INC	MOP 04840 TONER PD	365098	9/7/23	1,046.72
MAN K9 INC	AUGUST MANDATORY K9 TRAINING	365099	9/7/23	1,520.00
NCPOA	REIMB: 1/2 THE COST OF TABLE FOR HEROS A	365108	9/7/23	249.50
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES / PD	365112	9/7/23	32.20
RADY CHILDREN'S HOSPITAL SAN D	SART EXAM	365114	9/7/23	250.00
S D COUNTY SHERIFF'S DEPT	SWAT OBSTICLE COURSE	365115	9/7/23	200.00
SAN DIEGO POLICE EQUIPMENT	BALLISITIC VESTS / EID & DAGUIA	365117	9/7/23	2,556.92
SMART SOURCE OF CALIFORNIA LLC	MOP 24302 PRINTING PD	365123	9/7/23	53.48
STAPLES BUSINESS ADVANTAGE	MOP 20468 SUPPLIES PD	365127	9/7/23	2,032.77
THE COUNSELING TEAM	AUGUST EMPLOYEE SUPPORT SVCS	365130	9/7/23	1,600.00
TYLER TECHNOLOGIES INC	CAD PROJECT MGMT	365132	9/7/23	250.00
WILLY'S ELECTRONIC SUPPLY	WILLY'S ELECTRONICS MOP FY24	365135	9/7/23	22.25
AYDELOTTE	TRAINING REIM THRT ASMT	365073	9/7/23	676.27
BERNAL	TRAINING LDG POST SUB DUI	365077	9/7/23	661.20
BROWDER	TRAINING CCUG ADV LDG	365080	9/7/23	831.37
CAVENAUGH & ASSOCIATES	TRAINING TUITION DUI BERNAL	365082	9/7/23	620.00
STANICH	TRAINING ADV LDG FOR TECHNO CONF	365126	9/7/23	791.39
STINNETT	TRAINING AOT REIM	365128	9/7/23	32.00
		Total for Department		14,323.42
<u>Engineering / PW's</u>				
ACME SAFETY & SUPPLY CORP	STREET SIGN SUPPLIES FY24-PW/STREETS	365066	9/7/23	447.70
AZTEC APPLIANCE INC	FREESTANDING SIDE BY SIDE FY24-PW/FACILI	365074	9/7/23	1,264.99
BENNETT BOWEN & LIGHTHOUSE INC	MOP 83599 AUTO SUPPLIES FY24-PW/EQM	365076	9/7/23	356.61
GRAINGER	MOP 65179 BUILDING SUPPLIES FY24-PW/FACI	365095	9/7/23	125.32
HOME DEPOT CREDIT SERVICES	MULTIPURPOSE VALVE RESPIRATOR FY24-PW/ST	365096	9/7/23	144.13
MASTER PERFORMANCE	MOP 86883 AUTO SUPPLIES FY24-PW/EQM	365100	9/7/23	355.44
MOSSY NISSAN	MOP 80703 AUTO REPAIRS FY24-PW/EQM	365103	9/7/23	160.00
NATIONAL CITY CAR WASH	CAR WASH SERVICES FOR FLEET MAR FY24-PW/	365104	9/7/23	389.00
NATIONAL CITY MOTORCYCLES	SERVICE AND REPAIR FOR EMERGENCY FY24-PW	365105	9/7/23	1,001.80
NATIONAL CITY TROPHY	MOP #66556/OFFICE SUPPLIES / PW	365106	9/7/23	78.08
PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/EQM	365109	9/7/23	273.10



PARTS AUTHORITY METRO	MOP 75943 AUTO SUPPLIES FY24-PW/EQM	365110	9/7/23	363.04
PARTS AUTHORITY METRO	MOP 75943 AUTO PARTS FY24-PW/EQM	365111	9/7/23	12.01
PRO BUILD COMPANY	MOP 45707 GENERAL SUPPLIES FY24-PW/FACIL	365112	9/7/23	516.44
PRUDENTIAL OVERALL SUPPLY	MOP 45724 LAUNDRY SERVICES FY24-PW/EQM	365113	9/7/23	89.14
SAM'S ALIGNMENT	WHEEL ALIGNMENT SERVICE FOR CITY FLEET F	365116	9/7/23	240.00
SDG&E	GAS AND ELECTRIC FOR FACILITIES FOR AUG	365118	9/7/23	5,947.95
SDG&E	GAS AND ELECTRIC UTILITIES FOR STREETS J	365119	9/7/23	104.29
SEDANO FORD OF LM, INC.	R&M CITY VEHICLES FY24-PW/EQM	365120	9/7/23	229.13
SOUTH COAST EMERGENCY	AUTO SUPPLIES FY24-PW/EQM	365124	9/7/23	1,882.23
SPEEDPRO IMAGING	STREET SIGN SUPPLIES FY24-PW/STREETS	365125	9/7/23	173.60
SWEETWATER AUTHORITY	WATER BILL FOR FACILITIES JUN-AUG FY24-P	365129	9/7/23	43,298.30
TRUE CUSTOMS	CITY VEHICLE WINDOW TINT FY24-PW/EQM	365131	9/7/23	261.00
WAXIE SANITARY SUPPLY	MISC JANITORIAL SUPPLIES FY24-PW/FACILIT	365133	9/7/23	1,630.95
WETMORES	MOP 80333 AUTO SUPPLIES FY24-PW/EQM	365134	9/7/23	360.87

Total for Department 59,705.12

NSD

CALIFORNIA ASSOCIATION OF CODE	CACEO WEBINAR / NSD	365081	9/7/23	36.00
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Total for Department 36.00

Risk

LADCO	LIABILITY CLAIM COST	365097	9/7/23	235.00
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LIABILITY CLAIM COST

Total for Department 235.00

Planning / Building

DEPARTMENT OF CONSERVATION	RFW BUILDING/DEPARTMENT OF CONSERVATION	365090	9/7/23	7,898.04
NBS	PLAN DIV/NBS INVOICE	365107	9/7/23	1,500.00

Total for Department 9,398.04

Finance

ANDERSON	RETIREE HEALTH BENEFITS - SEPT 2023	364982	9/6/23	110.00
BAVENCOFF JR	RETIREE HEALTH BENEFITS - SEPT 2023	364983	9/6/23	500.00
BEARD	RETIREE HEALTH BENEFITS - SEPT 2023	364984	9/6/23	70.00
BECK	RETIREE HEALTH BENEFITS - SEPT 2023	364985	9/6/23	140.00
BEVERIDGE	RETIREE HEALTH BENEFITS - SEPT 2023	364986	9/6/23	640.00
BISHOP	RETIREE HEALTH BENEFITS - SEPT 2023	364987	9/6/23	110.00
BOEGLER	RETIREE HEALTH BENEFITS - SEPT 2023	364988	9/6/23	260.00
BULL	RETIREE HEALTH BENEFITS - SEPT 2023	364989	9/6/23	580.00
CAMEON	RETIREE HEALTH BENEFITS - SEPT 2023	364990	9/6/23	400.00
CANEDO	RETIREE HEALTH BENEFITS - SEPT 2023	364991	9/6/23	620.00
CASTELLANOS	RETIREE HEALTH BENEFITS - SEPT 2023	364992	9/6/23	500.00
COLE	RETIREE HEALTH BENEFITS - SEPT 2023	364993	9/6/23	165.00
COLLINSON	RETIREE HEALTH BENEFITS - SEPT 2023	364994	9/6/23	420.00
CONDON	RETIREE HEALTH BENEFITS - SEPT 2023	364995	9/6/23	280.00
CORDERO	RETIREE HEALTH BENEFITS - SEPT 2023	364996	9/6/23	520.00
DALLA	RETIREE HEALTH BENEFITS - SEPT 2023	364997	9/6/23	900.00
DANESHFAR	RETIREE HEALTH BENEFITS - SEPT 2023	364998	9/6/23	250.00



DEESE	RETIREE HEALTH BENEFITS - SEPT 2023	364999	9/6/23	660.00
DESROCHERS	RETIREE HEALTH BENEFITS - SEPT 2023	365000	9/6/23	110.00
DIAZ	RETIREE HEALTH BENEFITS - SEPT 2023	365001	9/6/23	680.00
DREDGE	RETIREE HEALTH BENEFITS - SEPT 2023	365002	9/6/23	250.00
DUONG	RETIREE HEALTH BENEFITS - SEPT 2023	365003	9/6/23	280.00
EISER III	RETIREE HEALTH BENEFITS - SEPT 2023	365004	9/6/23	250.00
ESPIRITU	RETIREE HEALTH BENEFITS - SEPT 2023	365005	9/6/23	620.00
ETZLER	RETIREE HEALTH BENEFITS - SEPT 2023	365006	9/6/23	460.00
FABINSKI	RETIREE HEALTH BENEFITS - SEPT 2023	365007	9/6/23	220.00
FERNANDEZ	RETIREE HEALTH BENEFITS - SEPT 2023	365008	9/6/23	270.00
FIFIELD	RETIREE HEALTH BENEFITS - SEPT 2023	365009	9/6/23	540.00
GAUT	RETIREE HEALTH BENEFITS - SEPT 2023	365010	9/6/23	700.00
GELSKEY	RETIREE HEALTH BENEFITS - SEPT 2023	365011	9/6/23	115.00
GIBBS JR	RETIREE HEALTH BENEFITS - SEPT 2023	365012	9/6/23	120.00
GONZALES	RETIREE HEALTH BENEFITS - SEPT 2023	365013	9/6/23	480.00
HARLAN	RETIREE HEALTH BENEFITS - SEPT 2023	365014	9/6/23	500.00
HERNANDEZ	RETIREE HEALTH BENEFITS - SEPT 2023	365015	9/6/23	500.00
HERNANDEZ	RETIREE HEALTH BENEFITS - SEPT 2023	365016	9/6/23	680.00
HERNANDEZ	RETIREE HEALTH BENEFITS - SEPT 2023	365017	9/6/23	400.00
HODGES	RETIREE HEALTH BENEFITS - SEPT 2023	365018	9/6/23	200.00
IBARRA	RETIREE HEALTH BENEFITS - SEPT 2023	365019	9/6/23	780.00
JASMUND	RETIREE HEALTH BENEFITS - SEPT 2023	365020	9/6/23	680.00
JONES	RETIREE HEALTH BENEFITS - SEPT 2023	365021	9/6/23	60.00
JONES	RETIREE HEALTH BENEFITS - SEPT 2023	365022	9/6/23	480.00
JUNIEL	RETIREE HEALTH BENEFITS - SEPT 2023	365023	9/6/23	50.00
KIMBLE	RETIREE HEALTH BENEFITS - SEPT 2023	365024	9/6/23	300.00
KLOS	RETIREE HEALTH BENEFITS - SEPT 2023	365025	9/6/23	480.00
LAFRENIERE	RETIREE HEALTH BENEFITS - SEPT 2023	365026	9/6/23	660.00
LIMFUECO	RETIREE HEALTH BENEFITS - SEPT 2023	365027	9/6/23	160.00
MATIENZO	RETIREE HEALTH BENEFITS - SEPT 2023	365028	9/6/23	100.00
MCCABE	RETIREE HEALTH BENEFITS - SEPT 2023	365029	9/6/23	280.00
MCDANIEL	RETIREE HEALTH BENEFITS - SEPT 2023	365030	9/6/23	290.00
MEEKS	RETIREE HEALTH BENEFITS - SEPT 2023	365031	9/6/23	460.00
MENDOZA	RETIREE HEALTH BENEFITS - SEPT 2023	365032	9/6/23	290.00
MINER	RETIREE HEALTH BENEFITS - SEPT 2023	365033	9/6/23	580.00
MUNOZ	RETIREE HEALTH BENEFITS - SEPT 2023	365034	9/6/23	640.00
NAGLE	RETIREE HEALTH BENEFITS - SEPT 2023	365035	9/6/23	460.00
NOTEWARE	RETIREE HEALTH BENEFITS - SEPT 2023	365036	9/6/23	120.00
OLIVERIA	RETIREE HEALTH BENEFITS - SEPT 2023	365037	9/6/23	360.00
PAUU JR	RETIREE HEALTH BENEFITS - SEPT 2023	365038	9/6/23	340.00
PE	RETIREE HEALTH BENEFITS - SEPT 2023	365039	9/6/23	300.00
PEASE JR	RETIREE HEALTH BENEFITS - SEPT 2023	365040	9/6/23	140.00
POST	RETIREE HEALTH BENEFITS - SEPT 2023	365041	9/6/23	280.00
RAY	RETIREE HEALTH BENEFITS - SEPT 2023	365042	9/6/23	190.00
REDIKOP	RETIREE HEALTH BENEFITS - SEPT 2023	365043	9/6/23	400.00
RIOS	RETIREE HEALTH BENEFITS - SEPT 2023	365044	9/6/23	240.00
ROARK	RETIREE HEALTH BENEFITS - SEPT 2023	365045	9/6/23	135.00
RODRIGUEZ	RETIREE HEALTH BENEFITS - SEPT 2023	365046	9/6/23	260.00
ROUSTON	RETIREE HEALTH BENEFITS - SEPT 2023	365047	9/6/23	660.00
RUIZ	RETIREE HEALTH BENEFITS - SEPT 2023	365048	9/6/23	310.00
SAINZ	RETIREE HEALTH BENEFITS - SEPT 2023	365049	9/6/23	300.00



SANCHEZ	RETIREE HEALTH BENEFITS - SEPT 2023	365050	9/6/23	330.00
SERVATIUS	RETIREE HEALTH BENEFITS - SEPT 2023	365051	9/6/23	340.00
SHEPHARD	RETIREE HEALTH BENEFITS - SEPT 2023	365052	9/6/23	440.00
SHOEMAKER	RETIREE HEALTH BENEFITS - SEPT 2023	365053	9/6/23	480.00
SILVA	RETIREE HEALTH BENEFITS - SEPT 2023	365054	9/6/23	580.00
SMITH	RETIREE HEALTH BENEFITS - SEPT 2023	365055	9/6/23	320.00
SMITH	RETIREE HEALTH BENEFITS - SEPT 2023	365056	9/6/23	560.00
TIPTON	RETIREE HEALTH BENEFITS - SEPT 2023	365057	9/6/23	250.00
UNGAB	RETIREE HEALTH BENEFITS - SEPT 2023	365058	9/6/23	600.00
VILLAGOMEZ	RETIREE HEALTH BENEFITS - SEPT 2023	365059	9/6/23	480.00
VILLARIASA	RETIREE HEALTH BENEFITS - SEPT 2023	365060	9/6/23	480.00
WHITE	RETIREE HEALTH BENEFITS - SEPT 2023	365061	9/6/23	230.00
WILKINS	RETIREE HEALTH BENEFITS - SEPT 2023	365062	9/6/23	520.00
YBARRA	RETIREE HEALTH BENEFITS - SEPT 2023	365063	9/6/23	220.00
YOUNG	RETIREE HEALTH BENEFITS - SEPT 2023	365064	9/6/23	560.00
BOEGLER	RETIREE HEALTH BENEFITS - SEPT 2023	365078	9/7/23	260.00
BRINK'S INCORPORATED	TRANSPORTATION - BILLING PERIOD 10/01/21	365079	9/7/23	1,633.04

Total for Department 33,568.04

Community Services/Nutrition/Library

AMAZON	AGE FRIENDLY DANCE SUPPLIES	365070	9/7/23	763.56
SMART & FINAL	MOP 45756 SMART & FINAL AGE FRIENDLY DAN	365122	9/7/23	376.30
STAPLES BUSINESS ADVANTAGE	MOP 20468 SUPPLIES / CSD	365127	9/7/23	185.68
ALDEMCO	FOOD	365069	9/7/23	3,545.63
COZZINI BROS., INC.	KNIFE CLEANING SERVICE	365089	9/7/23	52.50
AMAZON CAPITAL SERVICES, INC.	AMAZON/SUPPLIES/LINKED+/FY24	365071	9/7/23	72.69
BAKER & TAYLOR	BAKER AND TAYLOR/BOOKS/FY24	365075	9/7/23	1,484.84
MIDWEST TAPE, LLC	MIDWEST TAPE/DVDS/FY24	365101	9/7/23	89.07

Total for Department 6,570.27

Human Resources

4 IMPRINT INC	ITEM #9764, MARDI GRAS PEN~	365065	9/7/23	404.56
ACOSTA	LICENSE REIMBURSEMENT	365067	9/7/23	54.12
AETNA BEHAVIORAL HEALTH	EMPLOYEE ASSISTANCE PROGRAM - SEPTEMBER	365068	9/7/23	792.06
CONCENTRA MEDICAL CENTERS	PRE-EMPLOYMENT PHYSICALS & HEP B VACCINE	365085	9/7/23	405.00
NATIONAL CITY TROPHY	MOP #66556/EMPLOYEE OF THE PLAQUES/HR	365106	9/7/23	500.25
STAPLES BUSINESS ADVANTAGE	MOP 20468 SUPPLIES / HR	365127	9/7/23	55.43

Total for Department 2,211.42

MIS

AT&T	SBC - AT&T FOR FY24	365072	9/7/23	2,219.49
CDWG	PALO ALTO SUBSCRIPTIONS LICENSE RENEWAL	365083	9/7/23	49,295.39
CORELOGIC SOLUTIONS LLC	REALQUEST PROPERTY RESEARCH APP +	365086	9/7/23	125.86
COX COMMUNICATIONS	COX DATA, VIDEO SERVICES FY24	365088	9/7/23	2,596.70
ESCRIBE SOFTWARE LTD.	ESCRIBE ANNUAL RENEWAL 9/1/23-8/31/24	365091	9/7/23	29,959.35
GOVCONNECTION INC	FORTINET RENEWAL	365094	9/7/23	18,215.36
LASER SAVER INC	MOP 04840 PRINTER CARTRIDGE	365098	9/7/23	403.52
MOBILE WIRELESS LLC	NETMOTION RENEWAL 9/22/23-9/21/24	365102	9/7/23	9,800.00



SHARP ELECTRONICS CORPORATION	SHARP INVOICE FY24	365121	9/7/23	2,681.48
STAPLES BUSINESS ADVANTAGE	MOP 20468 SUPPLIES / MIS	365127	9/7/23	154.71
TYLER TECHNOLOGIES INC	TYLER MUNIS / CAD	365132	9/7/23	740.00
WILLY'S ELECTRONIC SUPPLY	WILLY'S ELECTRONICS MOP FY24	365135	9/7/23	547.73
			Total for Department	116,739.59

A/P Total 247,758.05

PAYROLL

Pay period	Start Date	End Date	Check Date	
19	8/22/2023	9/4/2023	9/13/2023	1,359,430.72

WIRED PAYMENTS

City Attorney

U S BANK	CREDIT CARD EXPENSES / CAO	171041	9/6/23	84.81
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Police

U S BANK	CREDIT CARD EXPENSES / TRAINING	171041	9/6/23	4,987.92
U S BANK	CREDIT CARD EXPENSES / PD	171041	9/6/23	2,306.41

Engineering / PW's

U S BANK	CREDIT CARD EXPENSES /	171041	9/6/23	948.00
ARCO BUSINESS SOLUTIONS	FUEL FOR CITY FLEET FY24 AUG-PW/EQM	892700	9/6/23	55,051.17

Fire

U S BANK	CREDIT CARD EXPENSES / FIRE	171041	9/6/23	65.70
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CMO

U S BANK	CREDIT CARD EXPENSES / CMO	171041	9/6/23	40.00
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Finance

PUBLIC EMP RETIREMENT SYSTEM	RETIRED ANNUITANT LATE FEES / SCOTT & RH	241885	9/1/23	6,200.00
U S BANK	CREDIT CARD EXPENSES / FINANCE	171041	9/6/23	309.00

Community Services/Nutrition/Library

U S BANK	CREDIT CARD EXPENSES / CSD	171041	9/6/23	328.07
U S BANK	CREDIT CARD EXPENSES / LIBRARY	171041	9/6/23	191.82

Human Resources

U S BANK	CREDIT CARD EXPENSES / HR	171041	9/6/23	400.00
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SECTION 8 HAPS

	Start Date	End Date	
	9/1/2023	9/7/2023	1,248,979.38

GRAND TOTAL 2,927,081.05



AGENDA REPORT

Department: Community Development
Prepared by: Martin Reeder, AICP – Planning Manager
Meeting Date: Tuesday, October 17, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Public hearing for an Appeal of a Planning Commission Denial of a Request for a Conditional Use Permit (CUP) for on-sale beer and wine (Type 41) at a new restaurant (Manna Heaven BBQ) located at 3030 Plaza Bonita Road, suite 1096.

RECOMMENDATION:

Staff recommends approving the appeal, reversing the Planning Commission decision based on the attached findings or findings determined by the City Council.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

The Planning Commission denied the Conditional Use Permit by majority vote of those present.
Ayes: Castle, Armenta, Quinonez Nays: Valenzuela, Miller Absent: Sanchez, Sendt

EXPLANATION:

Executive Summary

Manna Heaven BBQ has applied for a California Department of Alcoholic Beverage Control (ABC) Type 41 license to offer beer and wine sales for on-site consumption at a new restaurant in a 7,565 square-foot suite at Westfield Plaza Bonita Mall. No live entertainment is proposed. The hours of operation as proposed by the applicant are from 10:00 a.m. to 9:00 p.m. daily.

Planning Commission held a public hearing on August 21, 2023 and denied the CUP based on the attached recommended findings for denial (Exhibit G). The applicant has appealed the decision of the Planning Commission is thereby afforded the opportunity to present their appeal to the City Council. The requested action by City Council is to either uphold or reverse the decision of the Planning Commission (grant or deny the appeal request).

Site Characteristics

The new restaurant is to be located in a 7,565 square-foot suite in the interior of Westfield Plaza Bonita Mall. A commercial tenant improvement for the restaurant is currently in progress. The mall is located in the southeast corner of National City, south of Sweetwater Road on a 71-acre site in the MXD-2 zone, and it includes approximately 24 acres of building area and 4,400 parking spaces. There are currently seven restaurants with CUPs for on-site alcohol sales at the mall and Manna Heaven BBQ proposes to be the eighth.

Proposed Use

The business is proposing to sell beer and wine on site (ABC Type 41) in conjunction with food sales. The proposed hours of operation are from 10:00 a.m. to 9:00 p.m. daily. 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. City Council Policy 707 also regulates alcohol sales in the city.

Hours of Operation

Conditions of approval for alcohol sales reflect what the applicant has requested (10:00 a.m. to 9:00 p.m. daily). Recent CUPs for alcohol sales have been approved for later than 9:00 p.m.

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 215 occupants and owners.

Community Meeting – Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held on Monday, May 22, 2023 from 9:00 a.m. to 10:00 a.m. at the restaurant location. The meeting advertisement is attached (Attachment 8). The applicant states there were two attendees present with questions on when the restaurant would open and whether or not they would be having hard liquor.

Alcohol Sales Concentration/Location

Per the California Department of Alcoholic Beverage Control (ABC), there are currently 10 on-site sale licenses in this census tract (32.04) 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, there are seven on-site alcohol outlets in the census tract within National City (the other three are in Chula Vista). The outlets are:

Name	Address	License Type*	CUP
Applebee’s	3030 Plaza Bonita Road #1298	47	Y
Red Robin	3030 Plaza Bonita Road #2520	47	Y
Broken Yolk	3030 Plaza Bonita Road #1106	41	Y
Outback Steakhouse	2980 Plaza Bonita Road	47	Y
Gerry’s Grill	3030 Plaza Bonita Road #2510	47	Y
Funky Burgers & Fries	3030 Plaza Bonita Road #1108	41	Y
Crab Pub	3030 Plaza Bonita Road #1430	41	Y

* Type 41 - On-Sale of Beer and Wine

* Type 47 - On-Sale of Beer, Wine, and Liquor

Census tract 32.04 includes the area south of the Interstate 54, north of Bonita Road, west of Sweetwater Road, and east of the Interstate 805. The attached census tract map shows the location of the subject tract (Attachment 5).

Concerns related to overconcentration usually revolve around areas close to residential or other sensitive uses. In this case, the multiple alcohol-licensed businesses are located in a self-contained area (shopping mall) that serves as a draw for multiple commercial uses. The concentration of commercial shopping, service, and restaurant outlets results in customers making several stops at the shopping center, rather than specialty visits to one type of business only (e.g. restaurant). As a result, concerns related to nuisance issues from alcohol-licensed businesses are lessened due to less time being spent in any one business.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 14 points, which places it in the Medium Risk category. Medium risk is considered 13 to 18 points.

Institute for Public Strategies (IPS)

Comments were received from IPS with the following considerations:

1. Recommend in-person Responsible Beverage Sales and Service (RBSS) training for all staff.
2. To prevent the establishment from transforming into a night club, which could increase crime and nuisance problems, require that the restaurant always provide lunch and dinner and have hours of operation end by 12:00 am daily.
3. Consider establishing clear guidelines for when additional alcohol licenses will or will not be permitted within an already over concentrated census tract.

These comments are largely addressed with standard conditions of approval and are included in the report in compliance with City Council Policy 707. Concerns related to nuisances are generally associated with live entertainment, which is not proposed in this case. Additional guidelines on the permitting of alcohol licenses would require a new or updated City Council policy on alcohol establishments.

Findings for Approval

The following are the required findings in the attached draft resolution:

1. Allowable Use: Alcohol sales are allowable within the MXD-2 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. It is incidental to the proposed restaurant use in a commercial area.
2. General Plan Consistency: Alcohol sales is permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In addition, a restaurant with alcohol sales is consistent with the MXD-2 land use designation contained in the Land Use Code and Community Character element of the General Plan.
3. Compatibility, LUC, and Traffic: 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. 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 use would be incidental to the primary use of food sales.
4. No Nuisance: 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.
5. California Environmental Quality Act (CEQA): The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing commercial building with only minor alterations to the exterior

and interior of the building permitted by an approved building permit, and the use is similar to other commercial uses in the area, which are permitted in the MXD-2 zone.

6. Public Convenience and Necessity: Alcohol sales will contribute to the viability of the new restaurant, a permitted use in the MXD-2 zone.

Findings for Denial

Due to the concentration of establishments with on-sale alcohol licenses, there are also three findings for denial as follows:

1. 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 census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – 10 off-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control.
2. The proposed use is not deemed essential to the public necessity, as there are already seven restaurants in the same location that serve alcohol.
3. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for the retail 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.).

Planning Commission

The Commission recommended denial of the CUP to the Council for reasons of license overconcentration, as outlined above. However, it should be noted that a subsequent CUP application for a proposed outlet at Westfield Plaza Bonita (Round 1 Bowling & Arcade) was recommended for approval to the City Council. Furthermore, of the 16 census tracts in the City, 6 are considered over concentrated.

“Overconcentration” is defined by ABC as when the ratio of on-sale retail licenses to population in the census tract in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located. A census tract contains approximately 4,500 residents (+/-). Because National City is significantly denser than the County of San Diego at large (and denser than any other city in the County), overconcentration is more likely due to smaller and denser census tracts.

Ultimately, the City may still approve (and has approved) CUPs for alcohol where overconcentration exists. In the case of on-sale outlets (such as restaurants), issues related to overconcentration are lessened due to over-serving laws and self-policing by business operators. This is opposite to off-sale outlets (such as liquor stores), where alcohol use (and abuse) is harder to control.

Appeal

Subsequent to the Planning Commission recommendation of denial, the applicant filed an appeal of that decision (see attached Exhibit C), including payment of a \$1,000 appeal fee. The appellant states that they maintain a clean track record with ABC and that they have operated for 13 years across 11 different locations. They further request a reconsideration of the Planning Commission recommendation, as offering beer and wine would be consistent with other outlets at Westfield

Plaza Bonita and would enhance the dining experience for their patrons. Of the seven outlets at Plaza Bonita, four are Type 47 licenses (beer, wine, and distilled spirits) and three are Type 41 licenses (beer and wine only).

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-2 zone. The alcohol sales use would be accessory to the restaurant use in an established commercial area. The inclusion of conditions consistent with policy 707 is intended to alleviate concerns related to area impacts.

Options

1. Approve the appeal, reversing the Planning Commission decision, thereby approving 2022-35 CUP, subject to the conditions listed within, based on the attached findings, or findings to be determined by the City Council; or
2. Deny the appeal and uphold the Planning Commission decision to deny 2022-35 CUP based on the attached Planning Commission findings, or findings to be determined by the City Council; or
3. Continue the item to a specific date in order to obtain additional information

FINANCIAL STATEMENT:

An application fee of \$3,700 was paid with the submittal of the subject CUP and an appeal fee of \$1,000 was paid with appeal request. Fees are anticipated to cover the cost of staff review time and processing of the permit.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Balanced Budget and Economic Development

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.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

- Exhibit A – Overhead Map
- Exhibit B – PC Resolution No. 2023-14
- Exhibit C – Appeal Request Letter
- Exhibit D – Exhibit A to the PC Report – Plans
- Exhibit E – PowerPoint Slides from PC meeting
- Exhibit F – Resolution – AFFIRM APPEAL
- Exhibit G – Resolution – DENY APPEAL

2022-35 CUP – 3030 Plaza Bonita Road, Suite 1096 – Overhead



RESOLUTION NO. 2023-14

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
DENYING A CONDITIONAL USE PERMIT FOR ON-SALE BEER AND WINE
(TYPE-41) AT A NEW RESTAURANT (MANNA HEAVEN BBQ)
LOCATED AT 3030 PLAZA BONITA ROAD, SUITE 1096
CASE FILE NO. 2022-35 CUP
APN: 564-471-07

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for on-site beer and wine sales at a new restaurant (Manna Heaven BBQ) located at 3030 Plaza Bonita Road, Suite 1096 at a duly advertised public hearing held on August 21, 2023, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2022-35 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 August 21, 2023, support the following finding:

1. 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 census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – 10 off-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control.
2. The proposed use is not deemed essential to the public necessity, as there are already seven restaurants in the same location that serve alcohol.

3. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

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 August 21, 2023, by the following vote:

AYES: Valenzuela, Miller.

NAYS: Quinones, Castle, Armenta.

ABSENT: Sendt, Sanchez.

ABSTAIN:



CHAIRPERSON

Dear Planning Division,

I hope this email finds you well. I am writing to formally file an appeal regarding the recent decision regarding the beer and wine license application for Manna Heaven BBQ, located at Plaza Bonita Westfield. As a longstanding establishment operating successfully for 13 years with a flawless track record with ABC, we believe that the denial of our application does not align with our history or our intentions.

Manna BBQ currently operates across 11 different locations, all of which have consistently adhered to the highest standards of professionalism and compliance. Our commitment to providing a family-friendly environment and our unwavering dedication to maintaining the integrity of our operations have been key factors in our sustained success.

We have observed that several other establishments within Plaza Bonita Westfield possess hard liquor licenses. This observation underlines the inconsistency in the decision-making process, as Manna BBQ is seeking only a beer and wine license to accommodate parents who may wish to enjoy a modest selection of beverages with their meals. This decision is in no way a deviation from our core values and family-oriented approach.

We kindly request a reconsideration of our application and a fair assessment of our established reputation. We firmly believe that granting us the beer and wine license would be consistent with the environment of Plaza Bonita Westfield and would further enhance the dining experience for our patrons.

We are more than willing to cooperate with any additional requirements or steps necessary to address any concerns and ensure the responsible service of alcohol. Our goal is to continue providing a safe and enjoyable dining experience for families, and we believe that offering a limited selection of beer and wine aligns with this objective.

We appreciate your time and attention to this matter. We are confident that upon a closer review of our history and intentions, the decision will be reconsidered. If there are any further details or

FIRE NOTES A-2

- Two exit or exit access doors required for A,B,E,F,M,U when occupant load > 49. (CBC 2019, Sec. 1015.1)
- Doors must swing in direction of travel when serving an occupant load of 50 or more or a Group H [CFC 1008.1.2].
- Group A occupancies with rooms or spaces having an occupant load of 50 or more, assembly area not classified as an assembly occupancy, or Group H, E, 1-2 or 1-2.1 occupancies SHALL NOT be provided with a latch or lock unless it is panic hardware or fire exit hardware. (CFC 1008.1.10)
- Any room or space that is an assembly occupancy shall have the maximum capacity of the room posted on an approved sign in a conspicuous place near the main exit from the room. Signs shall be of an approved legible permanent design [CFC 1004.3]
- Provide illuminated exit signs such that no point in an exit access corridor is more than 100 ft. or the listed viewing distance for the sign, whichever is less, from the nearest visible exit sign [CFC 1011.1].
- Any time a building is occupied, the means of egress shall be illuminated at an intensity of not less than 1 footcandle at the walking surface [CFC 1006.1,1006.2]
- Egress illumination requires a source of emergency power. [CFC 1006.3]
- Main Exit can have a deadbolt if sign attached: "THIS DOOR MUST REMAIN UNLOCKED DURING BUSINESS HOURS" CBC Sec. 1008.1.9
A main Exit of a Group A occupancy in compliance with CBC Sec. 1008.1.3 Item 2: In Buildings in Occ. Grp. A, occupant load of 300 or less, Groups B,F,M and S, and places of religious worship, the main exterior door/doors permitted to be equipped with key-operated locking devices from egress side: 2.1. Locking device is distinguishable as locked. 2.2. The sign is posted w/letters 1" high on contrasting background.

FIRE NOTES

- Locations and classifications of extinguishers shall be in accordance with CFC 906 and California Code of Regulations (CCR), Title 19.
- During construction, at least one extinguisher shall be provided on each floor level at each stairway, in all storage and construction sheds, in locations where flammable or combustible liquids are stored or used, and where other special hazards are present per CFC Section 3315.1.
- Buildings undergoing construction, alteration, or demolition shall conform to CFC Chapter 33, Welding, cutting, and other hot work shall be in conformance with CFC Chapter 35.
- Address identification shall be provided for all new and existing buildings in a location that is plainly visible and legible from the street or road fronting the property. Where access is by way of a private road and the building address cannot be viewed from the public way, an approved sign or means shall be used to identify the structure. Premises identification shall conform to CBC Section 501.2.
- Wall, floor and ceiling finishes and materials shall not exceed the interior finish classifications in CBC Table 803.9 and shall meet the flame propagation performance criteria of the California Code of Regulations, Title 19, Division 1. Decorative materials shall be properly treated by a product or process approved by the State Fire Marshal with appropriate documentation provided to the City of National City.
- Dumpsters and trash containers exceeding 1.5 cubic yards shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines unless protected by an approved sprinkler system or located in a Type I or IIA structure separated by 10 feet from other structures. Containers larger than 1 cubic yard shall be of non- or limited-combustible materials or similarly protected or separated. CFC 304.3
- Exits, exit signs, fire alarm panels, hose cabinets, fire extinguisher locations, and standpipe connections shall not be concealed by curtains, mirrors, or other decorative material.
- Open flames, fire, and burning on all premises is prohibited except as specifically permitted by the City of National City and CFC 308.
- The egress path shall remain free and clear of all obstructions at

GENERAL NOTES:

- THIS PROJECT WILL COMPLY W/ 2019 CALIFORNIA BUILDING CODE (CBC) 2019 CALIFORNIA MECHANICAL CODE (CMC) 2019 CALIFORNIA PLUMBING CODE (CPC) 2019 CALIFORNIA ELECTRICAL CODE (CEC) 2019 CALIFORNIA FIRE CODE (CFC) AND CITY OF SAN DIEGO MUNICIPAL CODE 2019 CALIFORNIA ENERGY CODE WITH CALIFORNIA ENERGY EFFICIENCY STANDARD. LMMC 14.10.010, 11.04.020 - "2019 Title 24 energy standards are the current codes/standards that are applicable to this project."
- PROJECT SHALL COMPLY W/ CALIFORNIA FIRE CODE
- ALL EXITS ARE TO BE OPENABLE FROM INSIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE
- HAZARDOUS MATERIAL STORED IN BUILDING SHALL COMPLY WITH 2019 CFC AND CBC
- PROVIDE LEVER-TYPE HARDWARE FOR ALL DOORS
- ALL FINISH MATERIAL, INCLUDING WALL COVERING SHALL BE COMPLIANCE WITH 2019 CBC CHAPTER 8
- ALL DECORATIVE MATERIALS SHALL BE MAINTAINED IN A FLAME-RETARDANT CONDITION
- BUILDING OCCUPANT SHALL SECURE PERMITS REQUIRED BY THE FIRE DEPARTMENT FROM THE FIRE PREVENTION BUREAU PRIOR TO OCCUPANCY THIS BUILDING
- ALL DEMOLITION SHALL COMPLY WITH 2019 CFC CHAPTER 33
- THERE WILL BE NO CHANGE TO THE BUILDING SHELL, HVAC OR LIGHTING.
- FLOOR AND WALL FINISH IN TOILET ROOMS ARE SURFACED W/ A SMOOTH HARD NON ABSORBENT MATERIAL EXTENDING FIVE INCHES UP THE WALL SIMILAR SURFACING SHALL BE PROVIDED ON THE WALLS FROM THE FLOOR TO THE HEIGHT OF 4 FEET AROUND URINALS AND WITHIN WATER CLOSET COMPARTMENTS. 2019 CBC
- SUSPENDED CEILINGS SHALL COMPLY W/CBC 2019 AN ADDITIONAL SIGN OR ADDITIONAL LANGUAGE BELOW THE SYMBOL OF ACCESSIBILITY SHALL STATE "MINIMUM FINE \$250" IS REQUIRED ON PARKING SIGNAGE AT ACCESSIBLE PARKING

"An automatic extinguishing system shall be provided to protect commercial-type food heating equipment that produces grease-laden vapors and shall comply with 2019 CFC, CMC and 2019 NFPA 17A. Review and approval of a hood and duct extinguishing system plan is required prior to installation or use of cooking equipment.
"It is understood that plans for the project have, at this time, been reviewed for compliance with all applicable State and City regulations, and that the project as a whole has been approved by the City, with the exception of the deferred items listed."
"I/We understand that I/we will not be authorized any inspection of the deferred items proposed prior to the submittal and approval of plans and/or calculations for those deferred items."
"Complete plans and specifications for all fire extinguishing systems, including automatic sprinkler and standpipe systems and other special fire extinguishing systems and related apparatuses shall be submitted to the City of National City for review and approval prior to installation. CFC 901.2"
"Complete plans and specifications for fire alarm systems shall be submitted to the City of National City Development Services for review and approval prior to installation. CFC 907.1.1"

FIRE SPRINKLER/ALARMS SYSTEM MODIFICATIONS PLANS SHALL BE DEFERRED
HOOD FIRE SUPPRESSION SYSTEM PLANS SHALL BE DEFERRED

- Per Sec. 107.3.4.1: "Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge, who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall NOT be installed until their design and documents have been approved by the building official."
- "New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast in color to background. Numbers shall be a minimum of 4" high with a minimum stroke width of 1/2 inch." CFC Section 505.1.
- "Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in approved location. The key box shall be of an approved type and shall contain key(s) to gain necessary access as required by the fire code official." CFC Section 503.6.
- When two or more exists are required, show on the plans the automatic illumination for the following applicable areas. CBC 1008.3.1 and 1008.3.2:
 - Aisles, corridors, exit access stairways and ramps.
 - Interior exit access stairways and ramps.
 - Interior and exterior exit stairways and ramps.
 - Exit passageways.
- "Portable fire extinguisher(s) shall be installed and maintained in accordance with CFC 906, Table 906.3(1) and Chapter 3, Title 19 CCR."
- "This project will be in compliance with the current editions of NFPA, CFC, Title 19 and local City of National City Municipal Codes."
- Requests for inspections shall be made 48 hours in advance. Inspections shall be made once work is complete, utilizing approved and stamped plans. Contractor shall be required to have the approved plans on site per code".
- The automatic illumination in all of the following areas. CBC 1008.3.3:
 - Electrical equipment rooms.
 - Fire command centers.
 - Fire pump rooms.
 - Generator rooms.

SHEET SCHEDULE

SHT	E-1 ELECTRICAL
1- SITE PLAN, DATA,	E-2 ELECTRICAL
2- FLOOR PLAN	E-3 ELECTRICAL
2a- EGRESS PLAN	E-4 ELECTRICAL
3- CEILING	E-5 ELECTRICAL
4- EQUIP. & FINISH SCHEDULE	E-6 ELECTRICAL
5- EQUIP. DETAILS	E-7 ELECTRICAL
D1 DETAILS	E-8 ELECTRICAL
D2 DETAILS	
EQ TABLE EQUIPMENT DETAIL	
P1.1 PLUMBING	K1 HOOD DETAILS
P1.2 PLUMBING	K2 HOODP DETAIL
P2.1 PLUMBING	K3 HOOD DETAILS
P2.2 PLUMBING	K4 HOODP DETAIL
P2.3 PLUMBING	K5 HOOD DETAILS
P3.1 PLUMBING	K6 HOODP DETAIL
P3.2 PLUMBING	K7 HOOD DETAILS
P4.1 PLUMBING	K8 HOODP DETAIL
M1.1 MECHANICAL	SP1-SPECIFICATION
M1.2 MECHANICAL	SP2-SPECIFICATION
M1.3 MECHANICAL	
M2.1 MECHANICAL	
M2.2 MECHANICAL	
M2.3 MECHANICAL	
M3.1 MECHANICAL	
M3.2 MECHANICAL	
M3.3 MECHANICAL	
MD2.1 MECHANICAL	

PROJECT DATA

A.P.N.: 564-471-07-00
LEGAL DESCRIPTION:
LOT 7, MAP 10337

ADDRESS:
MANNA BBO
3030 PLAZA BONITA RD., #1096
NATIONAL CITY, CA 91950

OWNER
SEAN YEO
4428 CONVOY ST
SAN DIEGO, CA 92111
PHONE: (858) 740-9396

ZONING: SHOPPING MALL
OCCUPANCY GROUP: A2

DESCRIPTION OF USE: RESTAURANT
EXISTING USE: RETAIL
SPRINKLERED: NFPA 13 AUTOMATIC SPRINKLER SYSTEM THROUGHOUT BUILDING

TYPE OF CONSTRUCTION: IIIB (TWO STORY)

FLOOR AREA	7565 SF	OCC. LOAD
SITTING & WAITING AREA	3668 SF/15	245
KITCHEN AREA :	2276 SF/200	12
REST/CIR/OFFICE :	2421 SF/100	25
		TOTAL 282

SCOPE OF WORKS

- TENANT IMPROVEMENT (INTERIOR ONLY) OF RESTAURANT
A- INSTALL INTERIOR NON-BEARING PARTITIONS, ELECTRICAL, MECHANICAL, PLUMBING
B- INSTALL KITCHEN EQUIPMENTS TO MEET HEALTH DEPARTMENT REQUIREMENTS IN CLUDING NEW TYPE I KITCHEN HOOD

- ADD THE FOLLOWING NOTES ON THE SITE PLANS, IF APPLICABLE:
"I AM THE DESIGNER/OWNER IN RESPONSIBLE CHARGE OF THIS TENANT IMPROVEMENT PROJECT. I HAVE INSPECTED THE SITE/PREMISES AND DETERMINED THAT EXISTING CONDITIONS ARE IN FULL COMPLIANCE WITH CURRENT SITE ACCESSIBILITY REQUIREMENTS TO THE EXTENT REQUIRED BY LAW."
NAME: [REDACTED]
SIGNATURE: [REDACTED]
- ADD THE FOLLOWING NOTE ON PLANS, IF APPLICABLE:
"IF THE BUILDING INSPECTOR DETERMINES NONCOMPLIANCE WITH ANY CURRENT ACCESSIBILITY PROVISIONS OF THE LAW, HE/SHE SHALL REQUIRE SUBMITTAL OF COMPLETE AND DETAILED PLANS TO THE PLAN REVIEW DIVISION OF THE DEVELOPMENT SERVICES DEPARTMENT FOR FURTHER REVIEW. PLANS MUST CLEARLY SHOW ALL EXISTING NON-COMPLYING CONDITIONS AFFECTED BY THE REMODEL (INCLUDING SITE PLAN, FLOOR PLANS, DETAILS, ETC.) AND PROPOSED MODIFICATIONS OF DEFICIENCIES TO MEET CURRENT ACCESSIBILITY PROVISIONS. THE PLANS MUST BE STAMPED BY THE FIELD INSPECTOR PRIOR TO SUBMITTAL FOR PLAN REVIEW."

VICINITY MAP

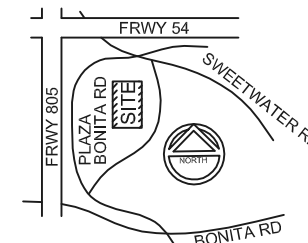
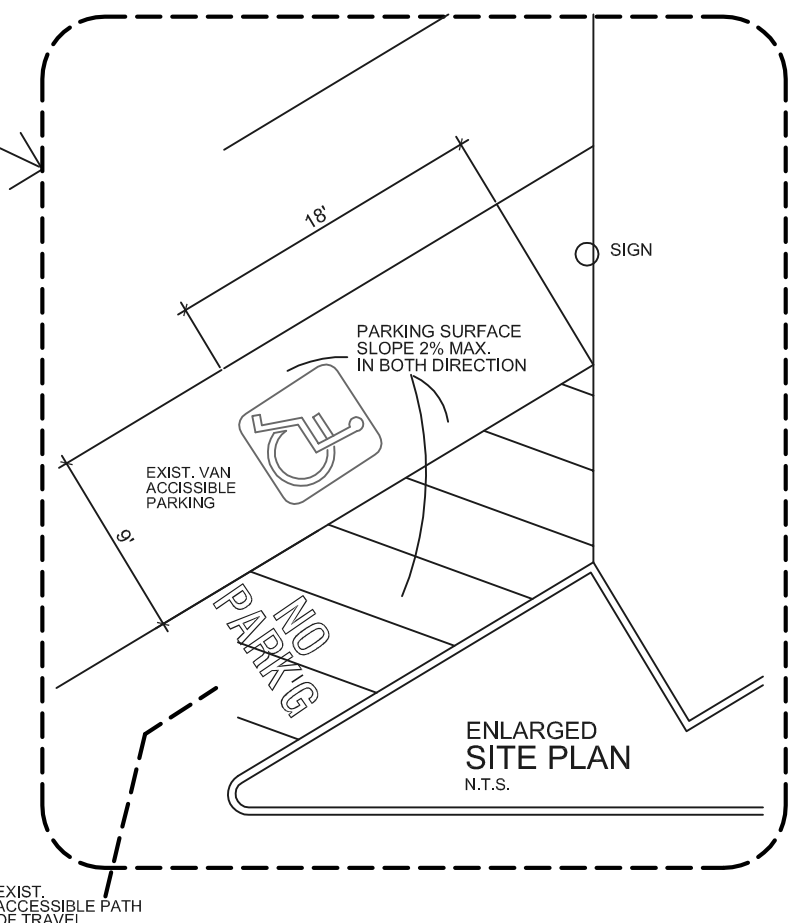
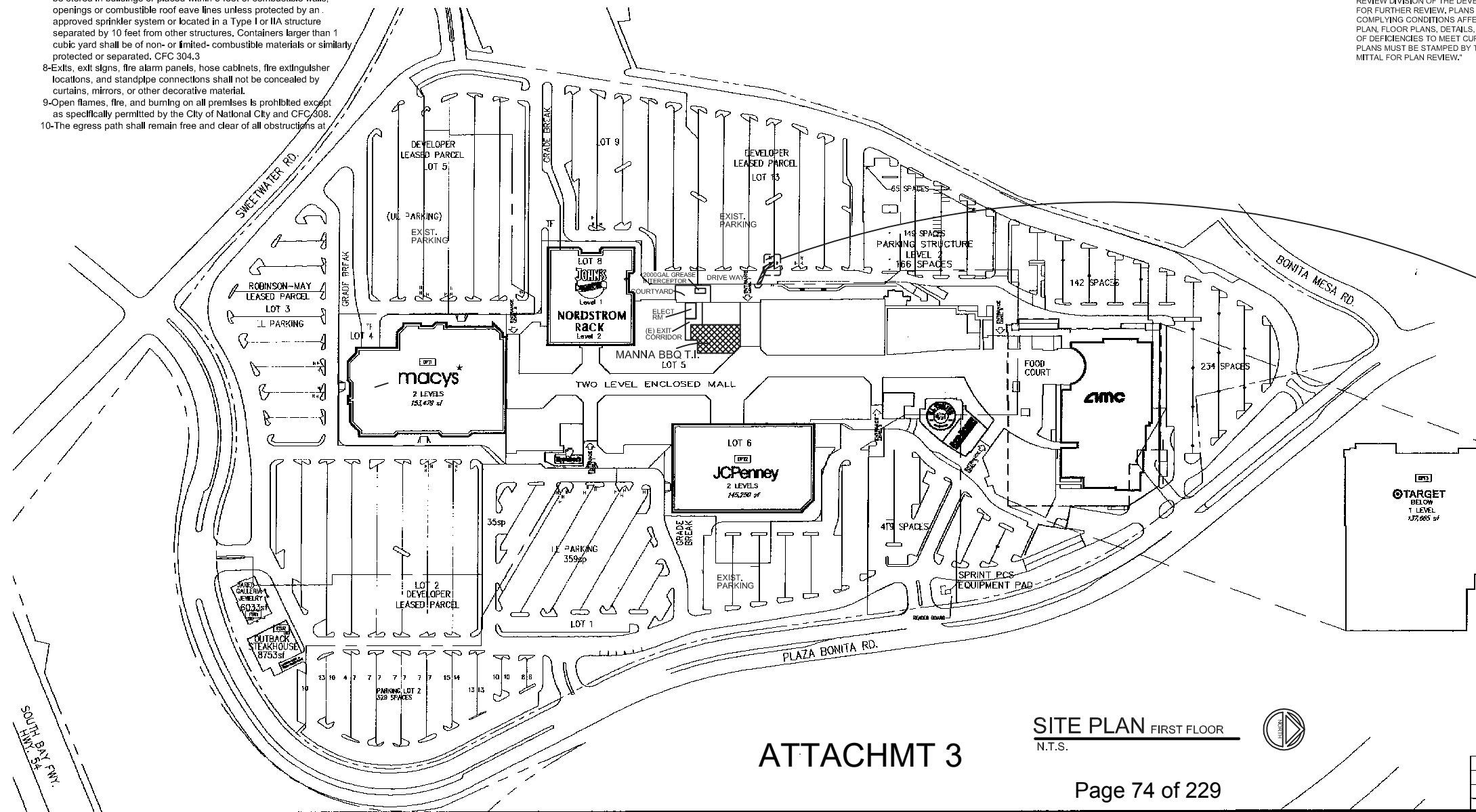


Exhibit A, Case File No. 2022-35 CUP, 11/29/2022



SITE PLAN FIRST FLOOR
N.T.S.

ATTACHMT 3

DONG DAO ARCHITECT
4433 CONVOY STREET, SUITE #F SAN DIEGO CALIFORNIA 92111
PHONE: (650) 279-4046

REGISTERED ARCHITECT
No. C 21336
Exp. 02-29-2021

PLAZA BONITA
MANNA BBO
3030 PLAZA BONITA RD., #1096
NATIONAL CITY, CA 91950

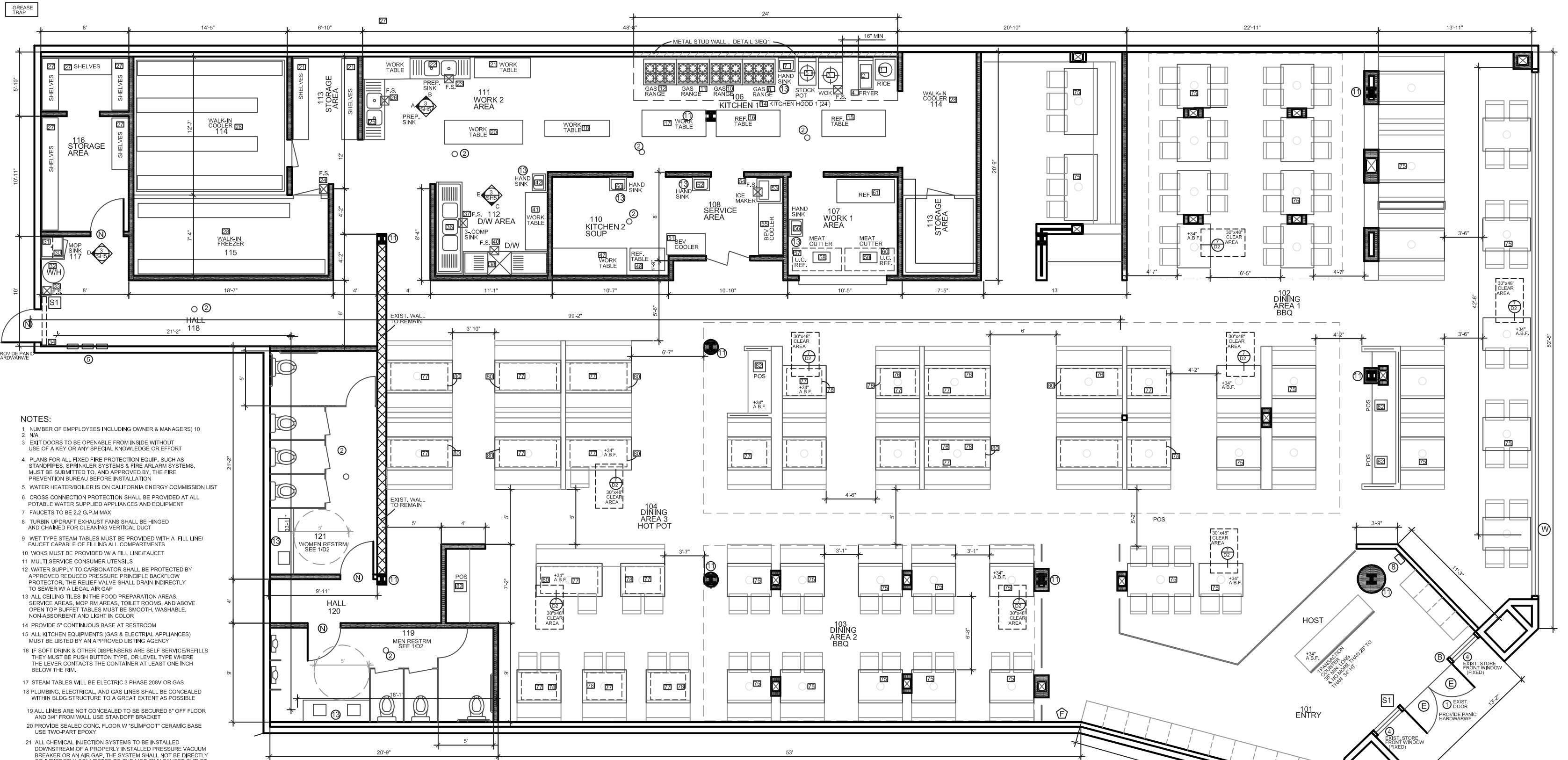
REVISIONS

Date	
Scale	
Job	

SITE PLAN

Sheet 1

Of Sheets



- NOTES:**
- NUMBER OF EMPLOYEES INCLUDING OWNER & MANAGERS 10
 - NA
 - EXIT DOORS TO BE OPENABLE FROM INSIDE WITHOUT USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT
 - PLANS FOR ALL FIXED FIRE PROTECTION EQUIP. SUCH AS STANDPIPES, SPRINKLER SYSTEMS & FIRE ALARM SYSTEMS, MUST BE SUBMITTED TO, AND APPROVED BY, THE FIRE PREVENTION BUREAU BEFORE INSTALLATION
 - WATER HEATER/BOILER IS ON CALIFORNIA ENERGY COMMISSION LIST
 - CROSS CONNECTION PROTECTION SHALL BE PROVIDED AT ALL POTABLE WATER SUPPLIED APPLIANCES AND EQUIPMENT
 - FAUCETS TO BE 2.2 G.P.M. MAX
 - TURBINE UPDRAFT EXHAUST FANS SHALL BE HINGED AND CHAINED FOR CLEANING VERTICAL DUCT
 - NET TYPE STEAM TABLES MUST BE PROVIDED WITH A RILL LINE/ FAUCET CAPABLE OF FILLING ALL COMPARTMENTS
 - WOKS MUST BE PROVIDED W/ A RILL LINE/FAUCET
 - MULTI SERVICE CONSUMER UTENSILS
 - WATER SUPPLY TO CARBONATOR SHALL BE PROTECTED BY APPROVED REDUCED PRESSURE PRINCIPLE BACKFLOW PROTECTOR. THE RELIEF VALVE SHALL DRAIN INDIRECTLY TO SEWER W/ A LEGAL AIR GAP
 - ALL CEILING TILES IN THE FOOD PREPARATION AREAS, SERVICE AREAS, MOP RM AREAS, TOILET ROOMS, AND ABOVE OPEN TOP BUFFET TABLES MUST BE SMOOTH, WASHABLE, NON-ABSORBENT AND LIGHT IN COLOR
 - PROVIDE 5" CONTINUOUS BASE AT RESTROOM
 - ALL KITCHEN EQUIPMENTS (GAS & ELECTRICAL APPLIANCES) MUST BE LISTED BY AN APPROVED LISTING AGENCY
 - IF SOFT DRINK & OTHER DISPENSERS ARE SELF SERVICE/REFILLS THEY MUST BE PUSH BUTTON TYPE, OR LEVEL TYPE WHERE THE LEVER CONTACTS THE CONTAINER AT LEAST ONE INCH BELOW THE RIM.
 - STEAM TABLES WILL BE ELECTRIC 3 PHASE 208V OR GAS
 - PLUMBING, ELECTRICAL, AND GAS LINES SHALL BE CONCEALED WITHIN BLDG STRUCTURE TO A GREAT EXTENT AS POSSIBLE
 - ALL LINES ARE NOT CONCEALED TO BE SECURED 6" OFF FLOOR AND 3/4" FROM WALL USE STANDOFF BRACKET
 - PROVIDE SEALED CONC. FLOOR W/ "SLIMFOOT" CERAMIC BASE USE TWO-PART EPOXY
 - ALL CHEMICAL INJECTION SYSTEMS TO BE INSTALLED DOWNSTREAM OF A PROPERLY INSTALLED PRESSURE VACUUM BREAKER OR AN AIR GAP. THE SYSTEM SHALL NOT BE DIRECTLY OR INDIRECTLY CONNECTED TO THE MOP SINK FAUCET OUTLET
 - THE PROPOSED PLASTIC FOAM INSULATED COOLER AND FREEZER BOXES WILL COMPLY W/ UBC SECTION 2602 FOR FOAM PLASTIC INSULATION
 - SUSPENDED CEILING SHALL COMPLY W/ ASTM C 635 & ASTM C 636
 - THE LANDING SHALL NOT MORE THAN 1/2" LOWER THAN THE THRESHOLD OF DOORWAY, CHANGE IN LEVEL BETWEEN 1/4" & 1/2" SHALL BE BELIEVED WITH A SLOPE NO GREATER THAN ONE UNIT VERT. TO 2 UNIT HORIZ. (50% SLOPE)
- NOTES B:**
- WALL & CEILING MATERIALS SHALL BE CLASSIFIED IN ACCORDANCE WITH ASTM E 84 OR UL 723 (SECT 803.1) AND TABLE 803.3
 - DECORATIVE MATERIAL AND TRIM INSTALLED IN BUILDINGS MUST COMPLY WITH SECTION 806.1
 - FLAME SPREAD AND SMOKE DENSITY RATING OF INTERIOR WALL AND CEILING FINISH TO BE CLASS "B" OR BETTER (SPRINKLER-GROUP B)
 - LOCKERS MUST HAVE ATLEAST 1% MIN. COMPLIANCE TO DISABLED PERSONS.
 - ALL COUNTER HEIGHTS NOT TO EXCEED 34" MAX.
 - ALL SIGNS REQUIRE A SEPARATE PERMIT APPLICATION
 - "HOOD" WILL COMPLY WITH SECTION 508 OF MECHANICAL CODE
 - ALL GREASE DUCT TO BE LISTED PRODUCT
 - ALL DUCTS WILL BE SLOPED AT 1/4" PER FOOT TO AN APPROVED GREASE RESERVOIR. CONSTRUCTOR TO PROVIDE THE TO FIELD INSPECTOR FOR THE APPROVED RESERVOIR.
 - EXIT DOORS TO BE OPENABLE FROM THE INSIDE WITHOUT USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT
 - A readily visible durable sign is posted on the egress side or adjacent to the door stating: THIS DOOR TO REMAIN LOCKED WHEN THIS SPACE IS OCCUPIED. The sign shall be in 1" high letters on contrasting background. This will allow Group A occupancy less than 300 or B, F, M and S occupancies to have locks on the main exterior door.
 - NA
 - NOTE: KOREAN BBQ TABLE PER EQ 1&2 SHEETER HOOD WILL COMPLY WITH SECTION 508 OF THE MECHANICAL CODE

- There is a level floor or landing on each side of all doors. The floor or landing is to be $\leq 1/2"$ lower than the doorway threshold, per Section 11B-404.2.5.
- Show or note that all hand-activated door opening hardware meets the following requirements, per Section 11B-404.2.7:
 - Latching, or locking, doors in a path of travel are operated with a single effort by lever type hardware, by panic bars, push-pull activating bars, or other hardware designed to provide passage without requiring the ability to grasp the opening hardware.
 - Is to be centered $\geq 34"$ but $\leq 44"$ above floor.
- The maximum effort to operate doors shall not exceed 5 pounds, with such pull or push effort being applied at right angles to hinged doors and at the center plane of sliding or folding doors. Section 11B-404.2.9.
- The lower 10" of all doors comply with Section 11B-404.2.10, as follows:
 - To be smooth and uninterrupted, to allow the door to be opened by a wheelchair footrest, without creating a trap or hazardous condition.
 - Narrow frame doors may use a 10" high smooth panel on the push side of the door.
- Show, or note, on the plans that the accessible water closets meet the following requirements, per Sections 11B-604.4 and 11B-604.6:
 - The seat is to be $\geq 17"$ but $\leq 19"$ in height.
 - The controls for flush valves shall be:
 - Mounted on the side of the toilet area.
 - Be $\leq 44"$ above the floor.
- Show, or note, on the plans that accessible urinals meet the following requirements, per Section 11B-605:
 - The rim of at least one urinal shall:
 - Project at least 131/2" from the wall.
 - Be $\leq 17"$ above the floor.
 - The control mechanism is to be located $\leq 44"$ above the floor.
 - $\geq 30" \times 48"$ clear floor space is provided in front of the accessible urinal.
 - $36" \times 48"$ clear floor space when the urinal is located in an alcove that exceeds 24" in depth per section 11B-305.7.1.

FLOOR PLAN

SCALE 1/4" = 1'-0"
LEGEND:
 [Line] EXISTING WALL TO REMAIN
 [Line] NEW WALL (3-5/8" - 25 GA. METAL STUDS @ 24" OC) SEE DETAIL 1/D1 (TYP. INTERIOR NON-BEARING PARTITION)

DOOR SCHEDULE

(E)	EXISTING DOORS 3'-0"x7'-0"	(N)	NEW DOOR 3'-0"x7'-0"	(W)	EXIST. STORE FRONT WINDOW (FIXED & INOPERABLE)
(W)	EXIST. STORE FRONT WINDOW (FIXED & INOPERABLE)	(B)	PROVIDE VISIBLE SIGN THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED IN A 1" HIGH LETTERS ON A CONTRASTING BACKGROUND TO EXTERIOR DOORS	(S)	W/ CLOSURE HARDWARE PROVIDE LEVER-TYPE HARDWARE FOR ALL DOORS SEE 8/D2

- Type of lock and latch sec 1008.1.8.3 May use exception #1 for main door only. All other exit doors shall be openable from the egress side without the use of a key or special knowledge or effort.
- Door serving a Group A occupancy shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware. [CBC 1010.1.10]

PLAZA BONITA
MANNA BBQ
 3030 PLAZA BONITA RD., #1096
 NATIONAL CITY, CA 91950



FLOOR PLAN
 Sheet

2

Of Sheets



Public Hearing

CONDITIONAL USE PERMIT FOR ON-SALE BEER AND WINE (TYPE-41) AT A NEW RESTAURANT (MANNA HEAVEN BBQ) TO BE LOCATED AT 3030 PLAZA BONITA ROAD, SUITE 1096



Site Characteristics

- WESTFIELD PLAZA BONITA MALL
 - SE corner of the City, south of Sweetwater Road
 - 71-acre site in the MXD-2 zone
 - 24 acres of building and 4,400 parking spaces
 - 7,565 square-foot suite
 - Interior of the mall
 - Seven current restaurants with CUPs for on-site alcohol sales



Overhead

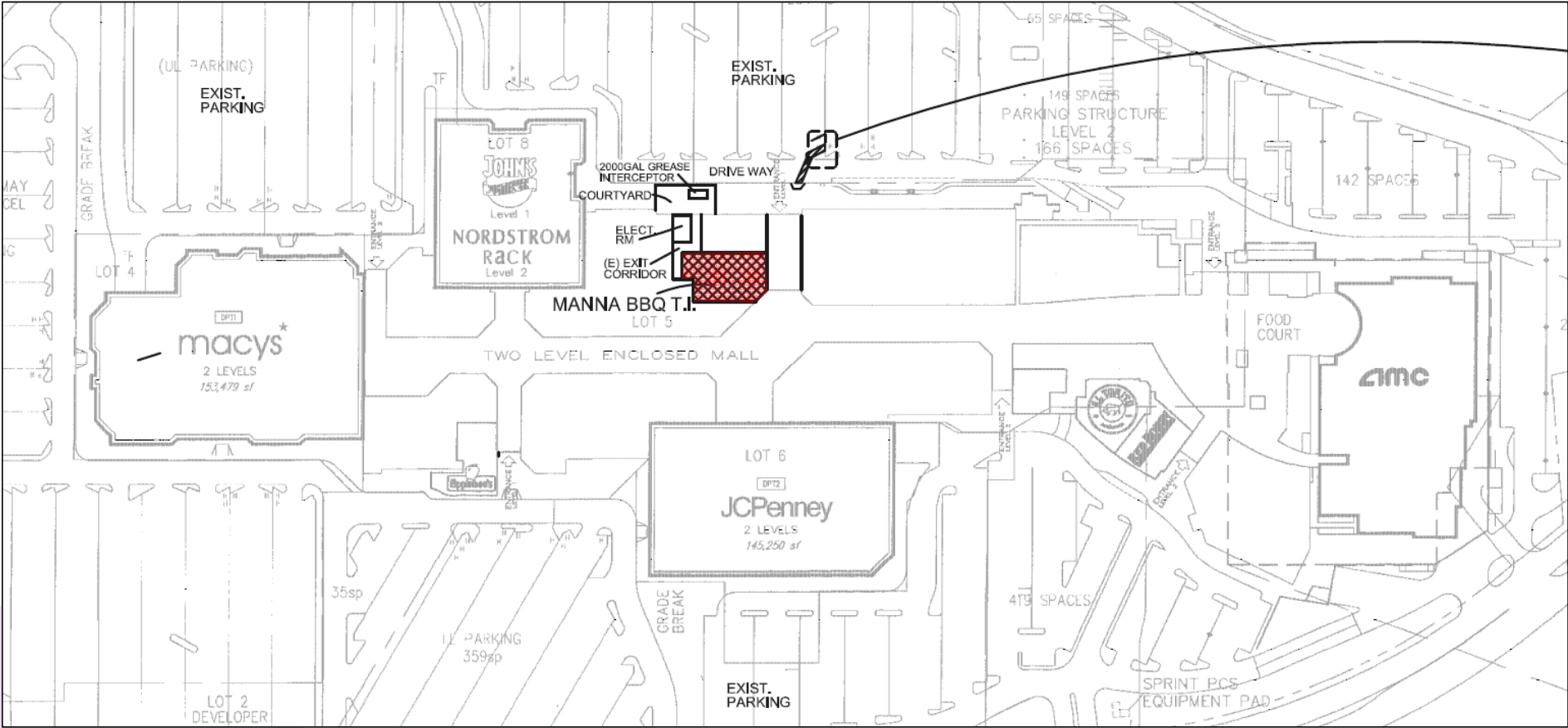


Proposal

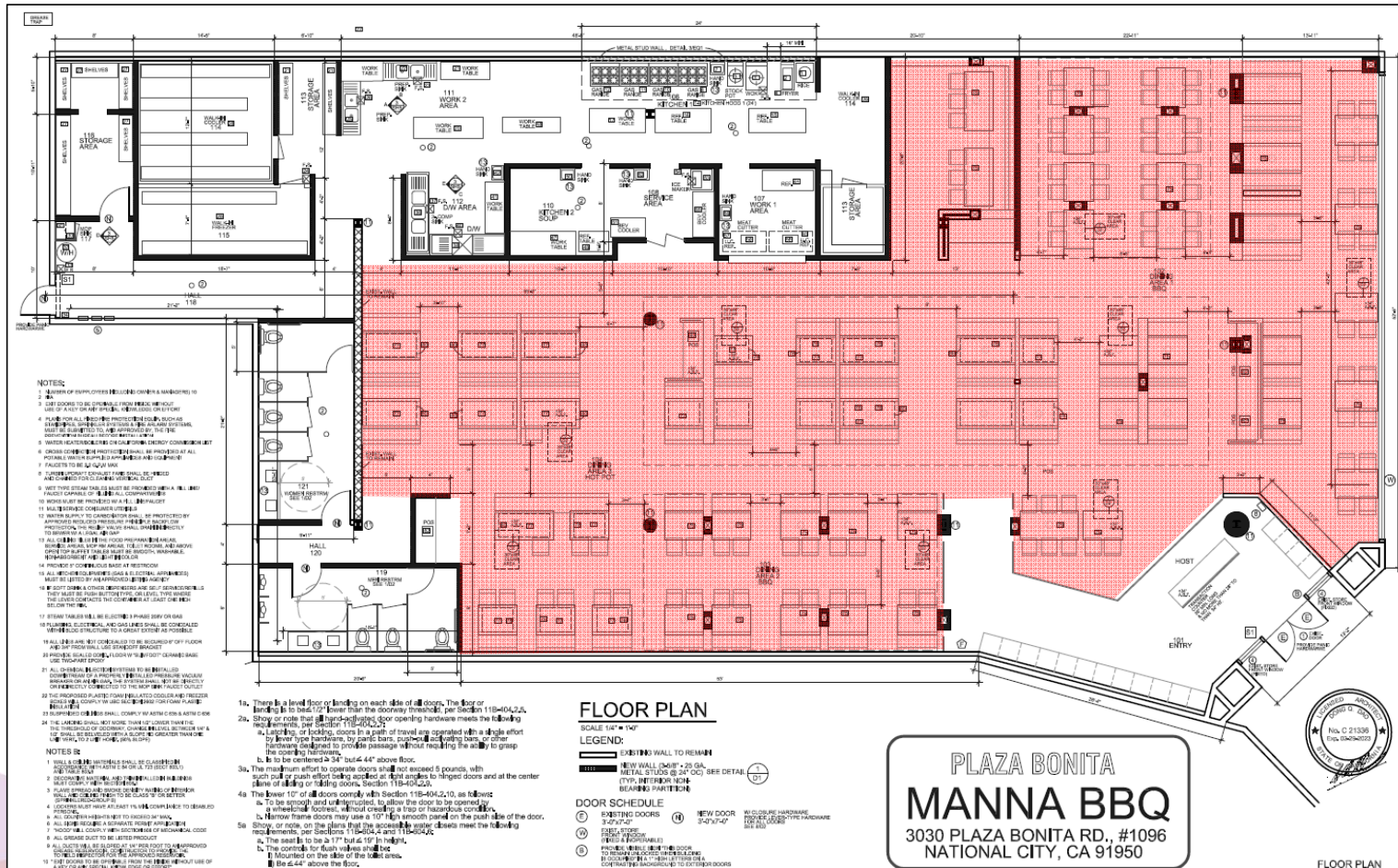
- BEER AND WINE SALES ON SITE (ABC TYPE 41)
 - Alcohol sales in conjunction with food sales
 - Proposed hours of operation are 10:00 am to 9:00 pm daily
 - No live entertainment is proposed



Site Plan



Floor Plan



Analysis

- REQUEST CONSISTENT WITH CODE REQUIREMENTS (ALCOHOL):
 - Mailing – 660 feet owners/occupants (215)
 - Community meeting held on May 22, 2023 with two attendees
 - Distance from schools – exempt due to seating area/no school in vicinity



Analysis (cont.)

- CENSUS TRACT 32.04:
 - Seven existing on-site licenses, all restaurants
 - Four licenses recommended
 - No sensitive uses (commercial only)
 - Shopping destination



Analysis (cont.)

- COMMENTS:
 - Police Department risk assessment
 - 14 points, medium risk
 - IPS
 - Recommended RBSS training for staff
 - Hours of operation end by 12:00 am
 - Guidelines for over-concentrated census tracts
 - Two public comments
 - Restaurant name
 - Opposed due to oversaturation/smart planning would call for neighborhood-serving establishments



California Environmental Quality Act (CEQA)

- DETERMINE TO BE CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CLASS 1, SECTION 15301 (EXISTING FACILITIES)
 - Notice of exemption will be filed subsequent to an approval



Conditions / Summary

- **CONDITIONS OF APPROVAL**
 - Conditions specific to on-site alcohol sales per Council Policy 707
 - Hours of operation, sales in conjunction with food, RBSS training
- **PROPOSED USE CONSISTENT WITH GENERAL PLAN**
 - Alcohol sales for on-site consumption a conditionally-allowed use in the MXD-2 zone
 - Accessory to restaurant use in an established commercial area



Options

- FIND PROJECT EXEMPT FROM CEQA & APPROVE CUP BASED ON FINDINGS LISTED IN THE DRAFT RESOLUTION / FINDINGS DETERMINED BY THE COMMISSION; OR
- FIND PROJECT NOT EXEMPT FROM CEQA AND/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



RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR ON-SALE BEER AND WINE (TYPE-41) AT A NEW RESTAURANT (MANNA HEAVEN BBQ) LOCATED AT 3030 PLAZA BONITA ROAD, SUITE 1096.

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for for on-site beer and wine sales at a new restaurant (Manna Heaven BBQ) located at 3030 Plaza Bonita Road, Suite 1096 at a duly advertised public hearing held on August 21, 2023, at which time the Commission denied the Conditional Use Permit; and

WHEREAS, subsequent to the Planning Commission denial of the Conditional Use Permit, the applicant (“APPELLANT”) appealed the decision of the Planning to the City Council; and

WHEREAS, the City Council of the City of National City considered the appeal of the Planning Commission’s denial of the Conditional Use Permit at a duly advertised public hearing held on October 17, 2023, at which time oral and documentary evidence was presented; and

WHEREAS, at said public hearing the City Council considered the staff report contained in Case File No. 2022-35 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 hereby taken is found to be essential for the preservation of the public health, safety and general welfare.

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

Section 1: The City Council hereby upholds the appellants’ appeal of and overturns the Planning Commission’s decision to deny Conditional Use Permit No. 2022-35 CUP for on-site beer and wine sales at a new restaurant (Manna Heaven BBQ) located at 3030 Plaza Bonita Road, Suite 1096, based on 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 alcohol sales and live entertainment are allowable within the MXD-2 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. It is incidental to the proposed restaurant use in a commercial area.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because the Land Use Code permits alcohol sales and live entertainment, subject to a CUP, which is consistent with the General Plan. In addition, a restaurant with alcohol sales is consistent with the MXD-2 land use designation contained in the Land Use Code 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 existing building 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 uses would be incidental to the primary use of food sales. The building is existing and the new restaurant will have to be built in compliance with all applicable building and fire codes.
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 RBSS training.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing commercial building with only minor alterations to the interior of the building permitted by an approved building permit, and the use is

similar to other commercial uses in the area, which are permitted in the MXD-2 zone.

7. The proposed use is deemed essential and desirable to the public convenience or necessity, because alcohol sale will contribute to the viability of the new restaurant, a permitted use in the MXD-2 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 in accordance with applicable law and the recommended conditions. The use, as proposed and conditioned, will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community looking for a quality restaurant experience.

Section 2: That the application for 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 new restaurant (Manna Heaven BBQ) located at 3030 Plaza Bonita Road, Suite 1096. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2022-35 CUP, dated 11/29/2022.
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 or owner 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 or owner 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. 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 at such time as there is no longer a Type 41 California Department of Alcoholic Beverage Control license associated with the property.
5. 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.
6. 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.
7. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

Planning

8. No alcohol sales and consumption practices shall be permitted until the applicant has been issued a Type 41 license from the California Department of Alcoholic Beverage Control.
9. 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.
10. The sale of alcoholic beverages shall only be permitted between the hours of 10:00 a.m. and 9:00 p.m. daily.
11. 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 the Planning Manager or designee or other 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.
12. Alcohol shall be available only in conjunction with the purchase of food.
13. The sale of alcoholic beverages for off-site consumption is not permitted at this location.
14. Permittee shall post signs indicating that alcoholic beverages must be consumed inside the restaurant and may not be taken off-premises.

15. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.

Police

16. The permittee shall comply with all applicable law, including, but not limited to the regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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 17th day of October, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz
City Attorney

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DENYING THE APPEAL AND AFFIRMING THE PLANNING COMMISSION DENIAL OF A CONDITIONAL USE PERMIT FOR ON-SALE BEER AND WINE (TYPE-41) AT A NEW RESTAURANT (MANNA HEAVEN BBQ) LOCATED AT 3030 PLAZA BONITA ROAD, SUITE 1096.

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for for on-site beer and wine sales at a new restaurant (Manna Heaven BBQ) located at 3030 Plaza Bonita Road, Suite 1096 at a duly advertised public hearing held on August 21, 2023, at which time the Commission denied the Conditional Use Permit; and

WHEREAS, subsequent to the Planning Commission denial of the Conditional Use Permit, the applicant (“APPELLANT”) appealed the decision of the Planning to the City Council; and

WHEREAS, the City Council of the City of National City considered the appeal of the Planning Commission’s denial of the Conditional Use Permit at a duly advertised public hearing held on October 17, 2023, at which time oral and documentary evidence was presented; and

WHEREAS, at said public hearing the City Council considered the staff report contained in Case File No. 2022-35 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and

WHEREAS, the action was taken pursuant to all applicable procedures required by State law and City law; and

WHEREAS, the action taken is found to be essential for the preservation of the public health, safety and general welfare.

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

Section 1: That the City Council hereby denies the appellants’ appeal of and upholds the Planning Commission’s decision to deny Conditional Use Permit No. 2022-35 CUP for on-site beer and wine sales at a new restaurant (Manna Heaven BBQ) located at 3030 Plaza Bonita Road, Suite 1096, and is supported by the following findings:

1. 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 census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – 10 off-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control.
2. The proposed use is not deemed essential to the public necessity, as there are already seven restaurants in the same location that serve alcohol.
3. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

Section 2: 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 17th day of October, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz
City Attorney



AGENDA REPORT

Department: Planning
Prepared by: Martin Reeder, AICP – Planning Manager
Meeting Date: Tuesday, October 17, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Public Hearing- Conditional Use Permit for Alcohol Sales and Karaoke at a New Entertainment Center (Round 1 Bowling & Arcade) to be located at 3030 Plaza Bonita Road Suite 1025, Westfield Plaza Bonita.

RECOMMENDATION:

Staff recommends Approval of the Sale of On-Site Beer, Wine, and Distilled Spirits with Live Entertainment, Subject to the Recommended Conditions in the Attached Resolution and a Determination that the Project is Exempt from CEQA. The Sale of Alcohol is a Conditionally-Allowed Use in the MXD-2 Zone and would be Accessory to Food Sales at the Proposed Entertainment Center.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

The Planning Commission approved the Conditional Use Permit by Majority Vote of those present.

Ayes: Armenta, Castle, Miller, Sendt, Sanchez, Quinonez Absent: Valenzuela

EXPLANATION:

Executive Summary

Round1 Bowling & Arcade has applied for a California Department of Alcoholic Beverage Control (ABC) Type 47 license to offer beer, wine, and distilled spirits sales for on-site consumption at a new entertainment center in a 58,213 square-foot suite at Westfield Plaza Bonita Mall. Live entertainment in the form of karaoke is proposed, which will be limited to private party rooms. The hours of operation as proposed by the applicant are from 10:00 a.m. to 2:00 a.m. daily.

The Planning Commission recommended approval of the CUP request with alcohol sales hours of 10:00 a.m. to midnight daily, per the suggestion of staff. The City Council considered a Notice of Decision for the Commission approval at their meeting of October 3, 2023 and held the item over for a hearing at the request of a community member.

Site Characteristics

The new entertainment center is to be located in a 58,213 square-foot suite in Westfield Plaza Bonita Mall. This suite occupies the former location of John’s Incredible Pizza, a similar business that previously maintained an alcohol license for on-site beer and wine, along with additional area that was previously retail suites in the interior of the mall. The previous Conditional Use Permit (CUP) for alcohol sales at this location was discontinued after operations ceased in 2021. The mall is

located in the southeast corner of National City, south of Sweetwater Road on a 71-acre site in the MXD-2 zone, and it includes approximately 24 acres of building area and 4,400 parking spaces. There are currently seven restaurants with CUPs for on-site alcohol sales at the mall and Round1 Bowling & Arcade proposes to be the eighth licensed business. In addition, a denied request for a CUP for on-site alcohol sales at the proposed restaurant Manna Heaven BBQ is currently in the appeal process.

Proposed Use

The business is proposing to sell beer, wine, and distilled spirits on site (ABC Type 47) in conjunction with food sales at a new entertainment center. The proposed hours of operation are from 10:00 a.m. to 2:00 a.m. daily. Live entertainment in the form of karaoke within private party rooms is also 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. City Council Policy 707 also regulates alcohol sales in the city.

Hours of Operation

The applicant has requested to sell alcohol and conduct live entertainment during their proposed hours of operation (10:00 a.m. to 2:00 a.m. daily). The only previous CUP to be granted permission for alcohol sales as late as 2:00 a.m. was for Machete Beer House, an existing bar located on Highland Avenue. Gerry's Grill, a restaurant located in the mall, was granted permission by CUP to sell alcohol until 12:00 a.m. on Fridays and Saturdays and 11:00 p.m. on all other days. This restaurant is also permitted to have live entertainment.

The request by Round1 Bowling & Arcade to serve alcohol as late as 2:00 a.m. would be more consistent with an establishment for which the principal use is the sale of alcoholic beverages for on-site consumption, such as a bar or nightclub. While there are no current businesses in National City that offer alcohol with bowling and other amusements, the City of San Diego has two such locations located in their downtown area: Tavern+Bowl East Village and Punch Bowl Social. Both locations close at 12:00 a.m. For this reason, staff is recommending a condition of approval restricting alcohol sales to 12:00 a.m., which is consistent with those approved for Gerry's Grill on the weekends and other establishments in the region that are similar to the proposed use. Since the proposed live entertainment is limited to private party rooms, staff is not recommending modified hours for the live entertainment.

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 223 occupants and owners.

Community Meeting – Pursuant to Section 18.30.050 (C) of the National City Zoning Code, a community meeting was held on Wednesday, May 31, 2023 from 11:00 a.m. to 12:00 p.m. at a community room located in the mall. The meeting advertisement is attached (Attachment 8). The applicant states there were no members of the public present at the meeting.

Distance Requirements – Commercial uses where alcohol is sold accessory to the primary use are required to be 660 feet from any Institutional-zoned public school within the boundaries of the City and not less than 500 feet from similar uses. No such uses are within 660 feet or 500 feet of the proposed entertainment center. The only school in proximity to the proposed use is Sweetwater Secondary School, a charter school that primarily educates students through online instruction. This location is within the mall and has an on-site learning lab.

Alcohol Sales Concentration/Location

Per the California Department of Alcoholic Beverage Control (ABC), there are currently 10 on-site sale licenses in this census tract (32.04) 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. ABC recommendations are based on the number of persons living within a tract and, therefore, it is not unusual for commercial areas to be at or near concentration. For reference, there are seven on-site alcohol outlets in the census tract within National City (the other three are in Chula Vista). The outlets are:

Name	Address	License Type*	CUP
Applebee's	3030 Plaza Bonita Road #1298	47	Y
Red Robin	3030 Plaza Bonita Road #2520	47	Y
Broken Yolk	3030 Plaza Bonita Road #1106	41	Y
Outback Steakhouse	2980 Plaza Bonita Road	47	Y
Gerry's Grill	3030 Plaza Bonita Road #2510	47	Y
Funky Burgers & Fries	3030 Plaza Bonita Road #1108	41	Y
Crab Pub	3030 Plaza Bonita Road #1430	41	Y

* Type 41 - On-Sale of Beer and Wine

* Type 47 - On-Sale of Beer, Wine, and Liquor

Census tract 32.04 includes the area south of the Interstate 54, north of Bonita Road, west of Sweetwater Road, and east of the Interstate 805. The attached census tract map shows the location of the subject tract (Attachment 5).

Concerns related to overconcentration usually revolve around areas close to residential or other sensitive uses. In this case, the multiple alcohol-licensed businesses are located in a self-contained area (shopping mall) that serves as a draw for multiple commercial uses. The concentration of commercial shopping, service, and restaurant outlets results in customers making several stops at the shopping center, rather than specialty visits to one type of business only (e.g. restaurant). As a result, concerns related to nuisance issues from alcohol-licensed businesses are lessened due to less time being spent in any one business.

“Overconcentration” is defined by ABC as when the ratio of on-sale retail licenses to population in the census tract in which the applicant premises are located exceeds the ratio of on-sale retail licenses to population in the county in which the applicant premises are located. A census tract contains approximately 4,500 residents (+/-). Because National City is significantly denser than the County of San Diego at large (and denser than any other city in the County), overconcentration is more likely due to smaller and denser census tracts.

Ultimately, the City may still approve (and has approved) CUPs for alcohol where overconcentration exists. In the case of on-sale outlets (such as restaurants), issues related to overconcentration are lessened due to over-serving laws and self-policing by business operators. This is opposite to off-sale outlets (such as liquor stores), where alcohol use (and abuse) is harder to control.

Police Department (PD)

The ABC Risk Assessment provided by PD allocated a total of 19 points, which places it in the High Risk category. High Risk is considered 19 to 24 points. The factors that led to this assessment included the type of business, hours of operation, inclusion of live entertainment with the proposed use, crime rate, and the concentration of alcohol-licensed businesses.

The applicant proposes several measures to reduce the risks related to alcohol use and crime:

- Responsible Beverage Sales and Service (RBSS) training is required for staff.
- There will be a dedicated on-duty manager for alcohol service at all hours of operation.
- Electronic identification scanners will be used for age verification.
- Wristbands identifying patrons that are permitted to order alcohol will be required.
- Third-party security personnel will patrol the premises daily.
- Minors will not be permitted within the bar area.
- Guests under the age of 18 will require a guardian at least 25 years of age with them after 10:00 p.m. as well as guests under 21 after 12:00 a.m.

Institute for Public Strategies (IPS)

Comments were received from IPS with the following considerations:

1. Staff should verify the age of all patrons ordering who appear to be under the age of thirty rather than twenty-one.
2. Alcohol sales should end by 12:00 a.m., consistent with other bowling alleys where alcohol is served.
3. The purchasing and identification system for alcohol should be tested by a third party at a minimum of four times a year.
4. An analysis of the maximum capacity for occupancy and the number of employees monitoring areas with alcohol consumption should be conducted.

Staff's recommendation for hours of operation for alcohol sales is consistent with IPS. The other three recommendations would be considered best management practices, but not necessarily enforceable by conditions of approval. The applicant will be made aware of the recommendations, which they may consider for their policies.

Public Comment

No written comments were received prior to the Planning Commission public hearing on Monday, September 18, 2023. One member of the public spoke at the hearing with safety concerns related to the proposed use and the operator's security plan.

Findings for Approval

The following are the required findings in the attached draft resolution:

1. Allowable Use: Alcohol sales and live entertainment are allowable within the MXD-2 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. It is incidental to the proposed entertainment center and eating place use in a commercial area.
2. General Plan Consistency: Alcohol sales and live entertainment are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In addition, an entertainment center and eating place with alcohol sales is consistent with the MXD-2 land use designation contained in the Land Use Code and Community Character element of the General Plan.
3. Compatibility, LUC, and Traffic: 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. 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 use would be incidental to the primary use of an entertainment center and eating place.
4. No Nuisance: The proposed use will be subject to conditions that limit the sale of alcohol as well as the hours that it will be available. Alcohol will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training. Live entertainment will be confined to private party rooms and will have no possibility of creating excessive noise or other concerns ordinarily associated with other types of live entertainment.
5. California Environmental Quality Act (CEQA): The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing commercial shopping center with only minor alterations to the exterior and interior of the building permitted by an approved building permit, and the use is similar to other commercial uses in the area, which are permitted in the MXD-2 zone.
6. Public Convenience and Necessity: Alcohol sales will contribute to the viability of the new entertainment center, a permitted use in the MXD-2 zone.

Findings for Denial

Due to the concentration of establishments with on-sale alcohol licenses, there are also three findings for denial as follows:

1. 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 census tract in which the subject property is located is currently over-concentrated with regard to on-

sale alcohol outlets – 10 on-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control.

2. The proposed use is not deemed essential to the public necessity, as there are already seven establishments in the same location that serve alcohol.
3. Based on the above findings, public convenience and necessity will not be served by a proposed use of the property for the sale of alcoholic beverages for on-site consumption 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-2 zone. The alcohol sales use would be accessory to the entertainment center and eating place use in an established commercial area. The inclusion of conditions consistent with policy 707 is intended to alleviate concerns related to area impacts.

Options

1. Approve 2023-11 CUP subject to the conditions included in the Resolution, or other conditions, and based on the findings included in the Resolution, or other findings to be determined by the City Council; or,
2. Deny 2023-11 CUP based on the attached findings, or findings to be determined by the City Council; or,
3. Continue the item to a specific date in order to obtain additional information.

FINANCIAL STATEMENT:

An application fee of \$3,700 was paid with the submittal of the subject CUP. Fees are anticipated to cover the cost of staff review time and processing of the permit.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Balanced Budget and Economic Development

ENVIRONMENTAL REVIEW:

This is a project under CEQA subject to a Categorical Exemption. Existing Facilities. CCR 15301(c).

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Planning Commission Resolution 2023-23

Exhibit B – Overhead

Exhibit C – Applicant's Plans (Exhibit A, Case File No. 2023-11 CUP, dated 7/11/2023)

Exhibit D – Census Tract & Beat Maps

Exhibit E – Police Department Comments

Exhibit F – IPS Comments

Exhibit G – Community Meeting Advertisement

Exhibit H – Draft Resolution

RESOLUTION NO. 2023-23

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA, DETERMINING THAT THE
PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA
GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND
APPROVING A CONDITIONAL USE PERMIT FOR ON-SALE ALCOHOL (TYPE-47)
AT A NEW ENTERTAINMENT CENTER AND EATING PLACE (ROUND1 BOWLING &
ARCADE) LOCATED AT 3030 PLAZA BONITA ROAD, SUITE 1025
CASE FILE NO. 2023-11 CUP
APNS: 564-471-07, 564-471-08

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for on-site alcohol sales at a new entertainment center and eating place (Round1 Bowling & Arcade) located at 3030 Plaza Bonita Road, Suite 1025 at a duly advertised public hearing held on September 18, 2023, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearing, the Planning Commission considered the staff report contained in Case File No. 2023-11 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 September 18, 2023, 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 alcohol sales and live entertainment are allowable within the MXD-2 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. It is incidental to the proposed entertainment center and eating place use in a commercial area.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales and live entertainment are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In

addition, an entertainment center and eating place with alcohol sales is consistent with the MXD-2 land use designation contained in the Land Use Code 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. The proposed use would be incidental to the primary use of an entertainment center and eating place.
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 uses would be incidental to the primary use of an entertainment center with food sales. The building is existing and alterations to the interior and exterior of the proposed suite will have to be built in compliance with all applicable building and fire codes.
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 alcohol as well as the hours that it will be available. Alcohol will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training. Live entertainment will be confined to private party rooms and will have no possibility of creating excessive noise or other concerns ordinarily associated with other types of live entertainment.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing shopping center with only minor alterations to the exterior and interior of the building permitted by an approved building permit, and the use is similar to other commercial uses in the area, which are permitted in the MXD-2 zone.
7. The proposed use is deemed essential and desirable to the public convenience or necessity, because alcohol sale will contribute to the viability of the new entertainment center, a permitted use in the MXD-2 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 in accordance with applicable law and the recommended conditions. The use, as proposed and conditioned, will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community looking for entertainment and dining.

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, wine, and distilled spirits for on-site consumption and live entertainment at a new entertainment center and eating place (Round1 Bowling & Arcade) located at 3030 Plaza Bonita Road, Suite 1025. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2023-11 CUP, dated 7/11/2023.
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 or owner 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 or owner 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. 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 at such time as there is no longer a Type 47 California Department of Alcoholic Beverage Control license associated with the property.

5. 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.
6. 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.
7. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

Planning

8. No alcohol sales and consumption practices shall be permitted until the applicant has been issued a Type 47 license from the California Department of Alcoholic Beverage Control.
9. 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.
10. The sale of alcoholic beverages shall only be permitted between the hours of 10:00 a.m. and 12:00 a.m. daily.
11. Live entertainment in the form of karaoke is authorized within private party rooms. No other forms of live entertainment are permitted without modification of this Conditional Use Permit.
12. 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 the Planning Manager or designee or other 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.
13. Alcohol shall be available only in conjunction with the purchase of food.
14. The sale of alcoholic beverages for off-site consumption is not permitted at this location.
15. Permittee shall post signs indicating that alcoholic beverages must be consumed inside the business and may not be taken off-premises. No outdoor consumption is permitted.

16. A fully operational, digitally recorded CCTV security system that covers all points of entry/exit, sales of alcoholic beverages, karaoke/party rooms, and overall locations where alcoholic beverages may be consumed within the property shall be required while the use authorized by this permit is maintained.
17. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.
18. Prior to the approval of a business license for this location, the applicant shall submit an operations plan to the Planning Division providing details on their policies related to alcohol sales and service and security. The operations plan shall substantially conform to the procedures provided in the project description submitted with the application for 2023-11 CUP dated 6/28/2023, save and except, polices adopted in conformance with the recommendations provided by the Institute for Public Strategies.
19. Building plans associated with the proposed entertainment center shall comply with the current editions of the California Building Code and California Fire Code.

Police

20. The permittee shall comply with all applicable law, including, but not limited to the regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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 September 18, 2023, by the following vote:

AYES: Quinones, Sendt, Sanchez, Miller, Castle, Armenta.

NAYS: None.

ABSENT: Valenzuela.

ABSTAIN: None.

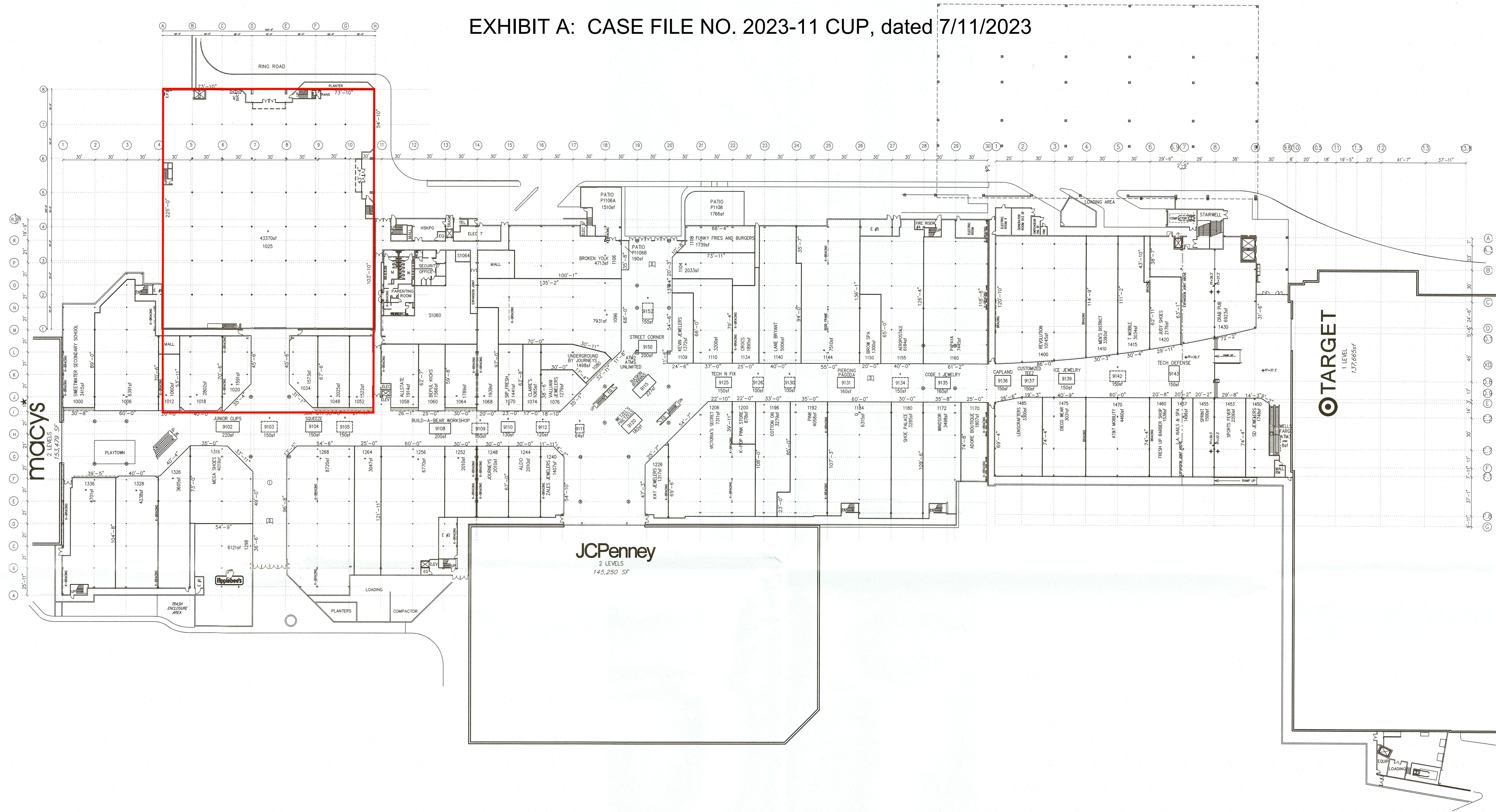


CHAIRPERSON

2023-11 CUP – 3030 Plaza Bonita Road, Suite 1025 – Overhead



EXHIBIT A: CASE FILE NO. 2023-11 CUP, dated 7/11/2023



STORAGE LEGEND

- S1060 4558sf
- S1064 153sf

T:\PLOT FILES 2002\AS IS PLOT FILES\PlazaBonita_AS IS_L.dwg

Westfield, LLC
 11601 WILSHIRE BLVD. 12TH FLOOR LOS ANGELES CA. 90025 (310) 478-4456

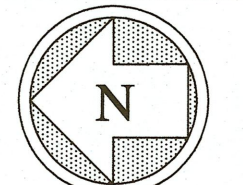
AS-IS LEASE PLAN

This drawing is diagrammatic and shows only approximate conditions, locations, quantities and proposed elements. The size, location, existence or identity of any element or specific occupant may be added, eliminated or modified at the sole and absolute discretion of the Landlord. Failure to verify actual conditions shall be at the sole risk and responsibility of the tenant.

0' 40' 80'
SCALE



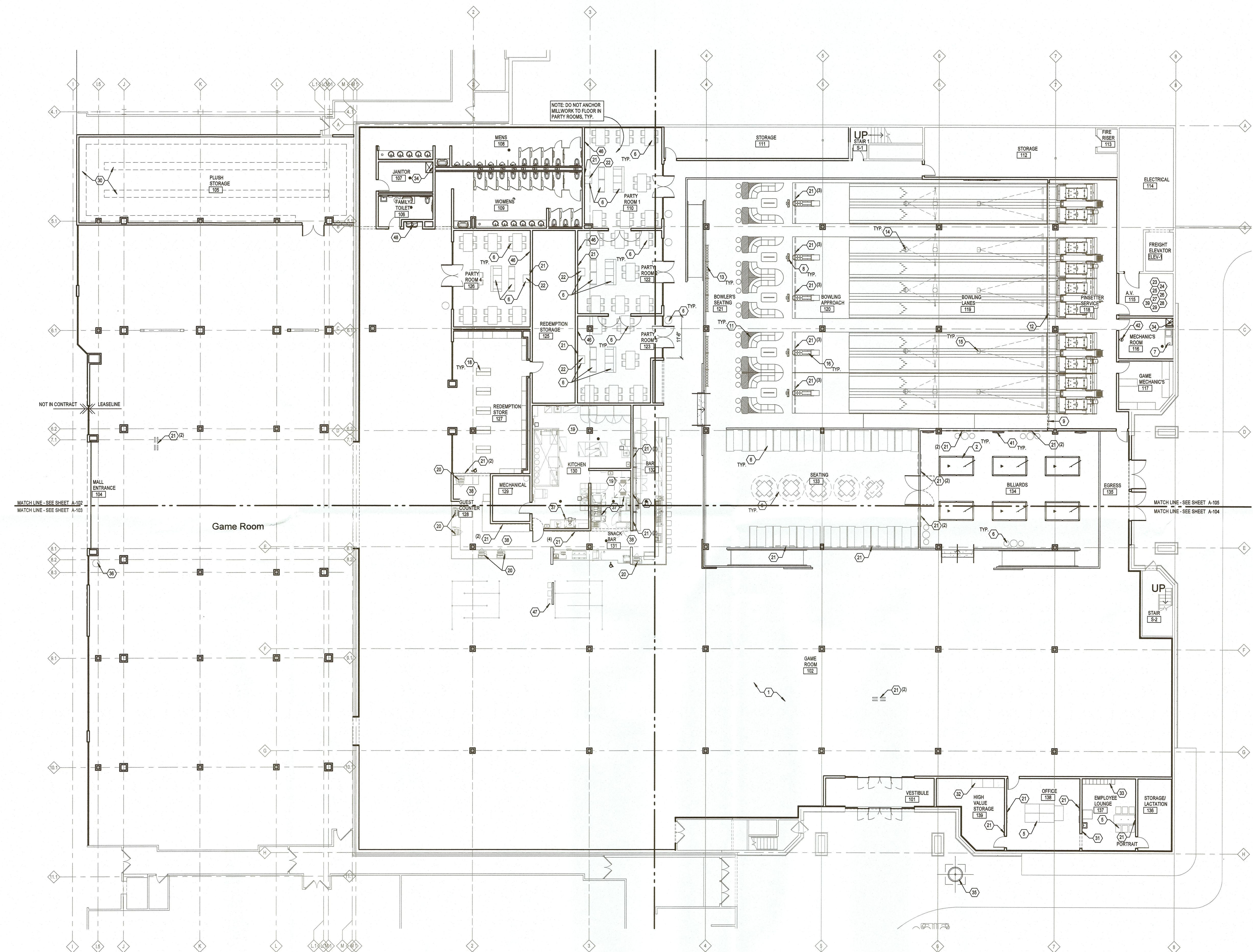
3030 PLAZA BONITA RD. #2075 NATIONAL CITY, CA 91960 (619) 287-2860



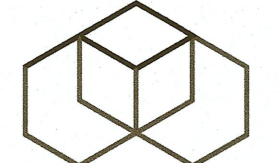
PLAZA BONITA
May 12, 2023

LEVEL 1 OF 2

FLOOR PLAN KEYNOTES	
NOTE	
NOTE: OMITTED NUMBERS ARE INTENTIONALLY SKIPPED TO REMOVE NOTES NOT APPLICABLE TO THIS PROJECT.	
REFER TO SHEETS G-402 FOR RESPONSIBILITY OF WHO IS FURNISHING AND INSTALLING EACH ITEM.	
1	GAMES SUPPLIED AND INSTALLED BY VENDOR, G.C. TO COORDINATE INSTALLATION & PROVIDE POWER DROPS PER ELECTRICAL PLANS - COORDINATE WITH FINAL GAME LAYOUT.
2	BILIARD TABLES BY BILIARDS VENDOR
3	EQUIPMENT BY TENANT
4	FURNITURE BY MILLWORK VENDOR
5	WASHER & DRYER PURCHASED AND INSTALLED BY G.C.
6	BOWLING SCORING CONSOLE / PEDESTAL BY BOWLING VENDOR
7	BI-PARTING BLACK CURTAINS TO THE FLOOR AND CURTAIN TRACKS BY G.C. (FIELD VERIFY WIDTHS)
8	FURNITURE BY BOWLING VENDOR
9	CUSTOM MASKING UNIT AND FILLER PANELS BY BOWLING VENDOR
10	BOWLING BALL RACKS SUPPLIED BY BOWLING VENDOR
11	COSMIC FIXTURE BY AV VENDOR, FINAL LOCATION TO BE DETERMINED BY TENANT
12	VIDEO PROJECTOR AND MOUNTING HARDWARE BY VENDOR - G.C. TO PROVIDE AND INSTALL 14 GA. (MIN.) UNISTRUT SUPPORT TO STRUCTURE - REFER TO
13	OVERHEAD SCORING MONITORS (TRIPLE LED CONFIGURATION BY BOWLING VENDOR, STRUCTURAL SUPPORT BY G.C. REFER TO
14	REDEMPTION STORE DISPLAY GONDOLA UNIT BY TENANT VENDOR
15	FOOD SERVICE EQUIPMENT, WALK-IN COOLERS AND CONDENSING UNITS BY FOOD SERVICE VENDOR
16	POINT OF SALE EQUIPMENT BY VENDOR, SEE ELEC.
17	WALL OR CEILING MOUNT TV AND MOUNTING BRACKET BY AV VENDOR - REFER TO INTERIOR ELEVATIONS AT 2A-502. PROVIDE BLOCKING OR STRUCTURAL SUPPORT AS REQUIRED. COORDINATE CONDUIT, DATA AND POWER WITH E.C.
18	PARTY ROOM AUDIO / VIDEO EQUIPMENT BY AV VENDOR
19	BOWLING SERVER BY BOWLING VENDOR, COORDINATE POWER
20	KARAOKE SERVER BY VENDOR, COORDINATE POWER
21	SECURITY/SURVEILLANCE SYSTEM BY VENDOR
22	AV EQUIPMENT, RACK BY VENDOR, COORDINATE CONDUIT AND POWER
23	GAME NETWORKING SERVER / SYSTEM LOCATION BY VENDOR
24	SATELLITE OR CABLE SYSTEM EQUIPMENT BY TENANT
25	TELEPHONE BOARD AND PHONE SYSTEM LOCATION
26	STORAGE RACKS AND WORK TABLES BY TENANT
27	TIME CLOCK BY TENANT, COORDINATE POWER AND DATA
28	SAFE EQUIPMENT BY TENANT
29	METAL LOCKERS - 12"W x 18"D x 72"H - 6 TIER (66) LOCKERS TOTAL, REFER TO SPECIFICATIONS
30	UTILITY SHELF WITH MOP RACK
31	EXTERIOR BOWLING PIN SCULPTURE BY TENANT
32	MOVEABLE BOWLING PIN SCULPTURE BY TENANT
33	EXHAUST HOOD BY FOOD SERVICE EQUIPMENT VENDOR. SEE MECHANICAL
34	MILLWORK, COUNTER, AND FINISHES BY MILLWORK VENDOR
35	EMERGENCY TERMINAL SERVER BY VENDOR, COORDINATE POWER
36	CUE RACK PROVIDED BY BILIARDS VENDOR
37	EYE WASH STATION - REFER TO PLUMBING
38	MIRROR
39	KIOSK BY TENANT
40	DRINKING FOUNTAIN - REFER TO SPECIFICATIONS, REFER TO SHEET A-401 FOR MOUNTING HEIGHTS, TYP.
NOTES:	
1. GENERAL CONTRACTOR TO COORDINATE REQUIREMENTS AND INSTALLATION WITH ALL VENDOR AND TENANT ITEMS - REFER TO SHEET G-002.	



FIRST FLOOR KEYNOTE PLAN
SCALE: 3/32" = 1'-0"



PARADIGM DESIGN
ARCHITECTS | ENGINEERS

Grand Rapids | Phoenix | Traverse City
www.paradigm.com

PROJECT

ROUND 1 - PLAZA BONITA

TENANT IMPROVEMENT

3030 PLAZA BONITA RD, SUITE 1025
NATIONAL CITY, CA 91950

CLIENT

ROUND1 ENTERTAINMENT

3070 SATURN ST. STE. 200
BREDA, CA 92821

RELEASE DATE	
DATE	DESCRIPTION
04-21-23	LANDLORD REVIEW
05-12-23	PERMITS

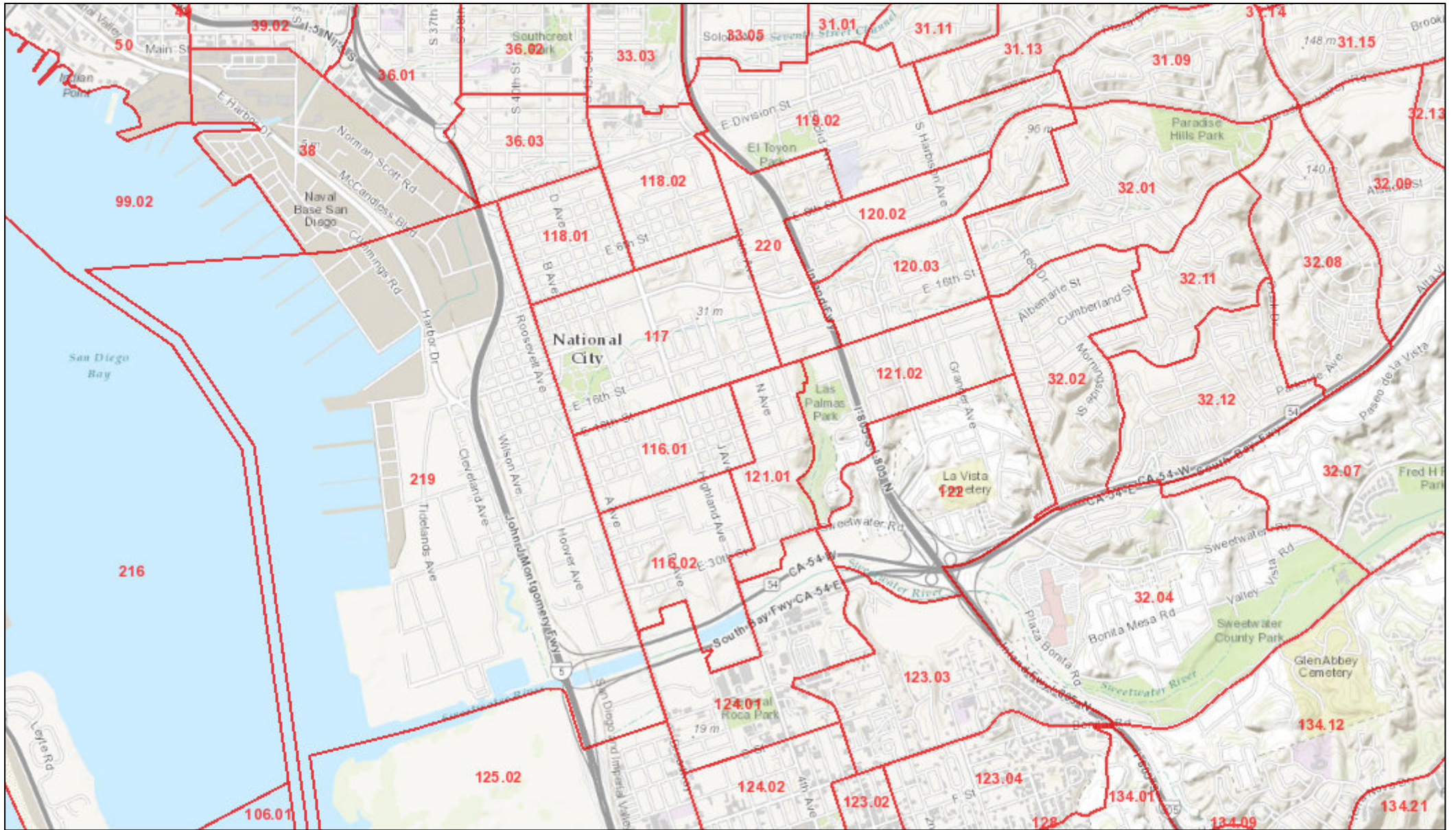
PROJECT

2112128GR

SHEET

ARCHITECTURAL KEYNOTE PLAN

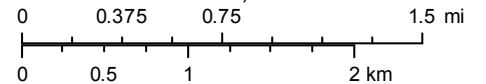
A-101



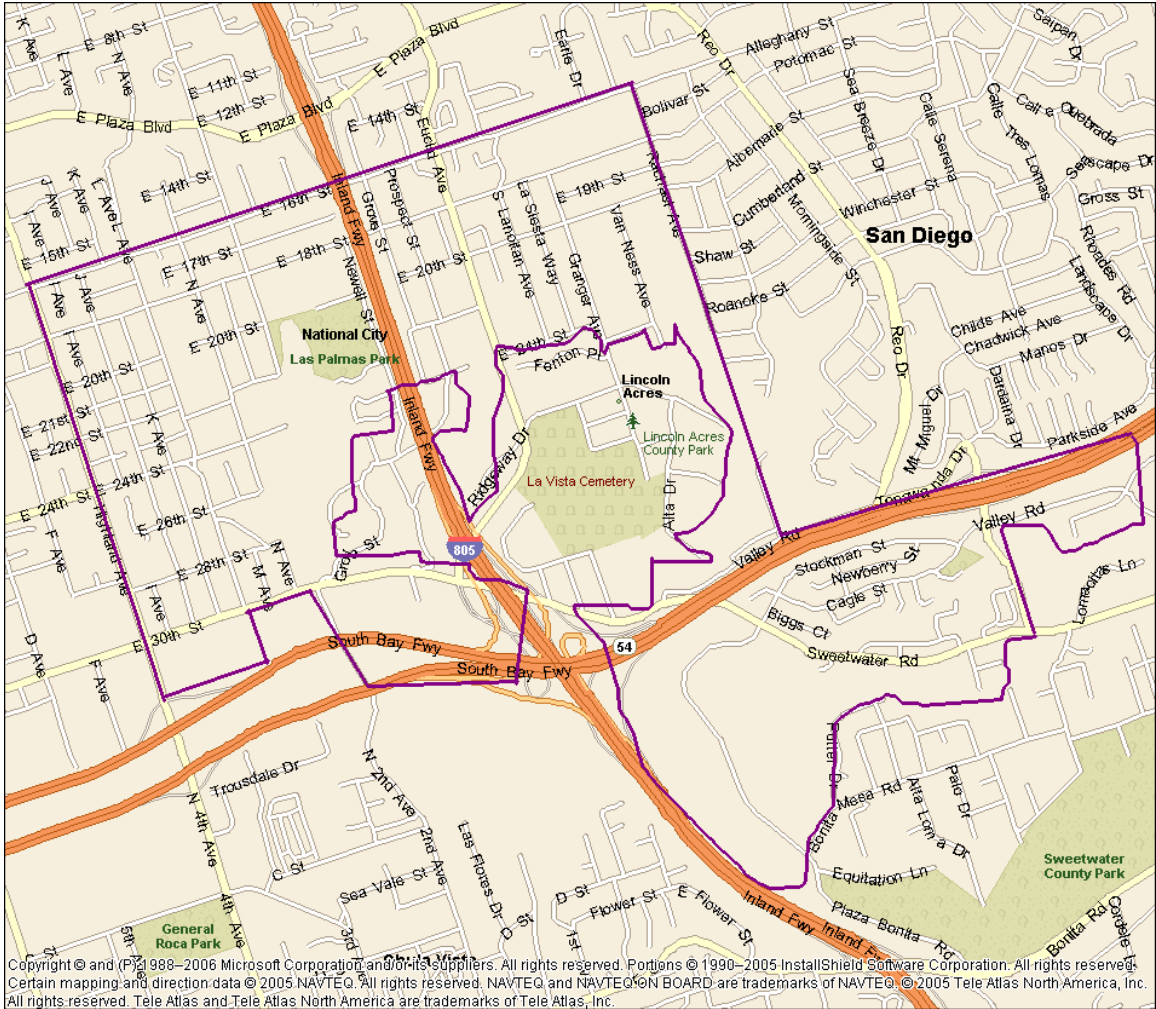
August 25, 2014

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 23



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 07/19/23

BUSINESS NAME: Round 1 Bowling and Arcade

ADDRESS: 3030 Plaza Bonita Road #1025, National City, CA 91950

OWNER NAME: Shintaro Kaji DOB: [REDACTED]

OWNER ADDRESS: [REDACTED]

(add additional owners on page 2)

I. Type of Business

- Restaurant (1 pt)
- Market (2 pts)
- ✓ Bar/Night Club (3 pts)
- Tasting Room (1pt)

II. Hours of Operation

- Daytime hours (1 pt)
- Close by 11pm (2 pts)
- ✓ Close after 11pm (3 pts)

III. Entertainment

- Music (1 pt)
- ✓ Live Music (2 pts)
- Dancing/Live Music (3 pts)
- No Entertainment (0 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)

Notes:

- Currently, there are (5) on sale licenses authorized in tract 32.04

- Currently, there are (10) active on sale licenses in tract 32.04

- Currently, there are (2) off sale licenses authorized in tract 32.04

- Currently, there are (1) off sale licenses active in tract 32.04

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) Total Points <u>19</u>
--

VIII. Owner(s) records check

- ✓ No criminal incidents (0 pts)
- Minor criminal incidents (2 pts)
- Multiple/Major criminal incidents (3 pts)

OWNER NAME: Shintaro Kaji DOB: [REDACTED]

OWNER ADDRESS: [REDACTED]

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

This tract, specifically the Plaza Bonita Mall, is over populated with businesses that serve alcohol on site.

The (10) ten other active on sale retail licenses are restaurants and do not have an entertainment component to their business. All of the other on sale retail licensed businesses close prior to 2am except one.

Standards and minimums should to be set for security guards at the business especially during night time and weekend hours to prevent criminal activity, limit the need for emergency services and prevent the business from having similar problems to the violent crimes that are occurring at similar style business like Dave and Busters in Mission Valley.

Based on this form, this business is assessed at a high risk. I believe a "high risk" is an appropriate assessment.

Completed by: J. Camacho, Sergeant Badge ID: 449

Environmental Scan for
Proposed Type 47 Alcohol CUP

3030 Plaza Bonita Road, Suite 1025, National City, CA 91950

Conducted: July 24, 2023



Photo of the proposed location.

An environmental scan was conducted on Monday, July 24, 2023 for a proposed Type 47 on-sale alcohol license at 3030 Plaza Bonita Road, Suite 1025. The proposed location is within the shopping mall Westfield Plaza Bonita.

During a scan of the business and premises, the following was noted:

- The business is located in a predominantly commercial area of a Mixed-Use District.
- The location has multiple transportation options including traditional car infrastructure, bus stops and a nearby bike path.
- There are multiple full-service restaurants in close proximity to the proposed location, including a food court on the second floor of the mall and an Applebee's directly across from the back side of the proposed site.

Youth Sensitive Areas

Sweetwater Secondary School (approximately 400 feet away; located within the same shopping mall in Suite 1000)

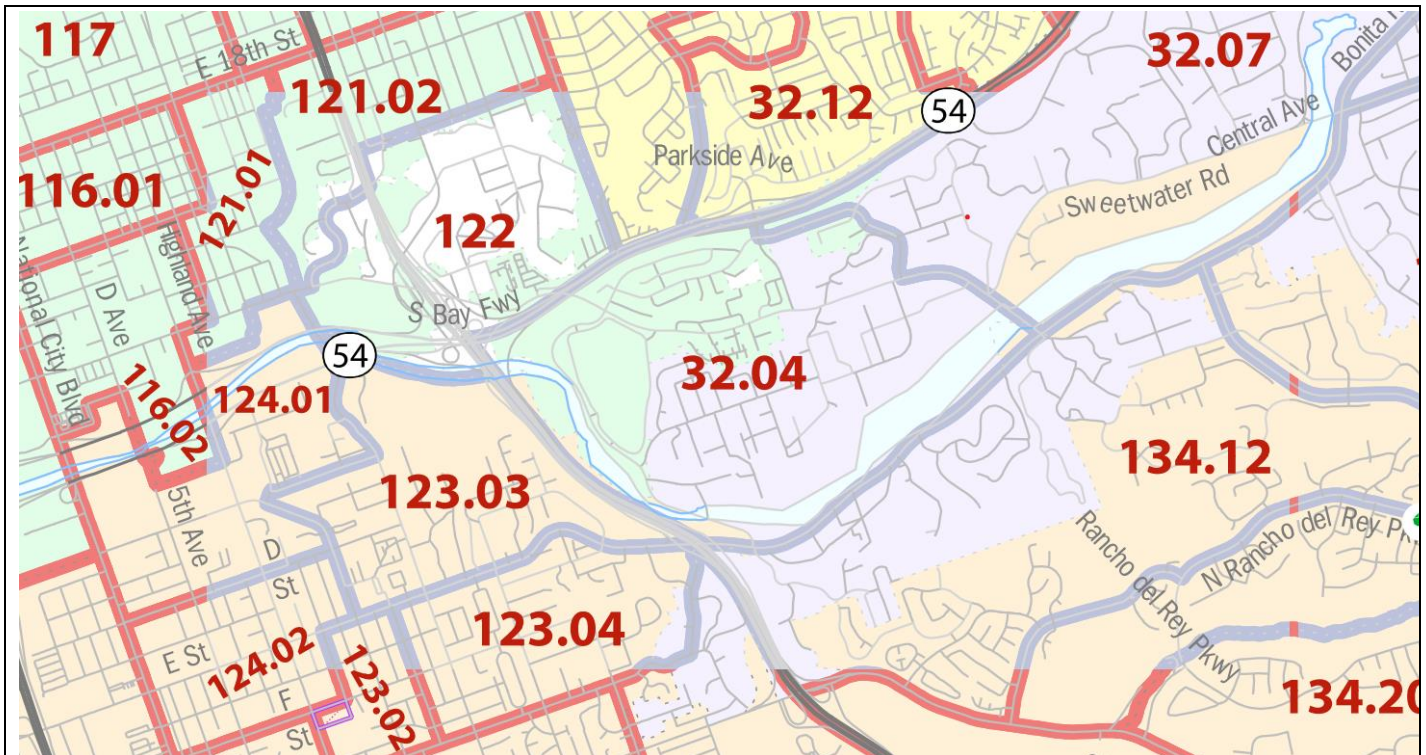
Sweetwater Heights Park (approximately 2,800 feet away)

Churches

Centro Victoria National City (approximately 2,630 feet away) is the closest one to this location.

Outlet Density

According to the ABC, five (5) on-sale licenses are authorized for Census Tract #32.04, which is the census tract where 3030 Plaza Bonita Road, National City, is located. **There are already 10 on-sale licenses for this census tract according to ABC records – exceeding ABC recommendations by 200%.**



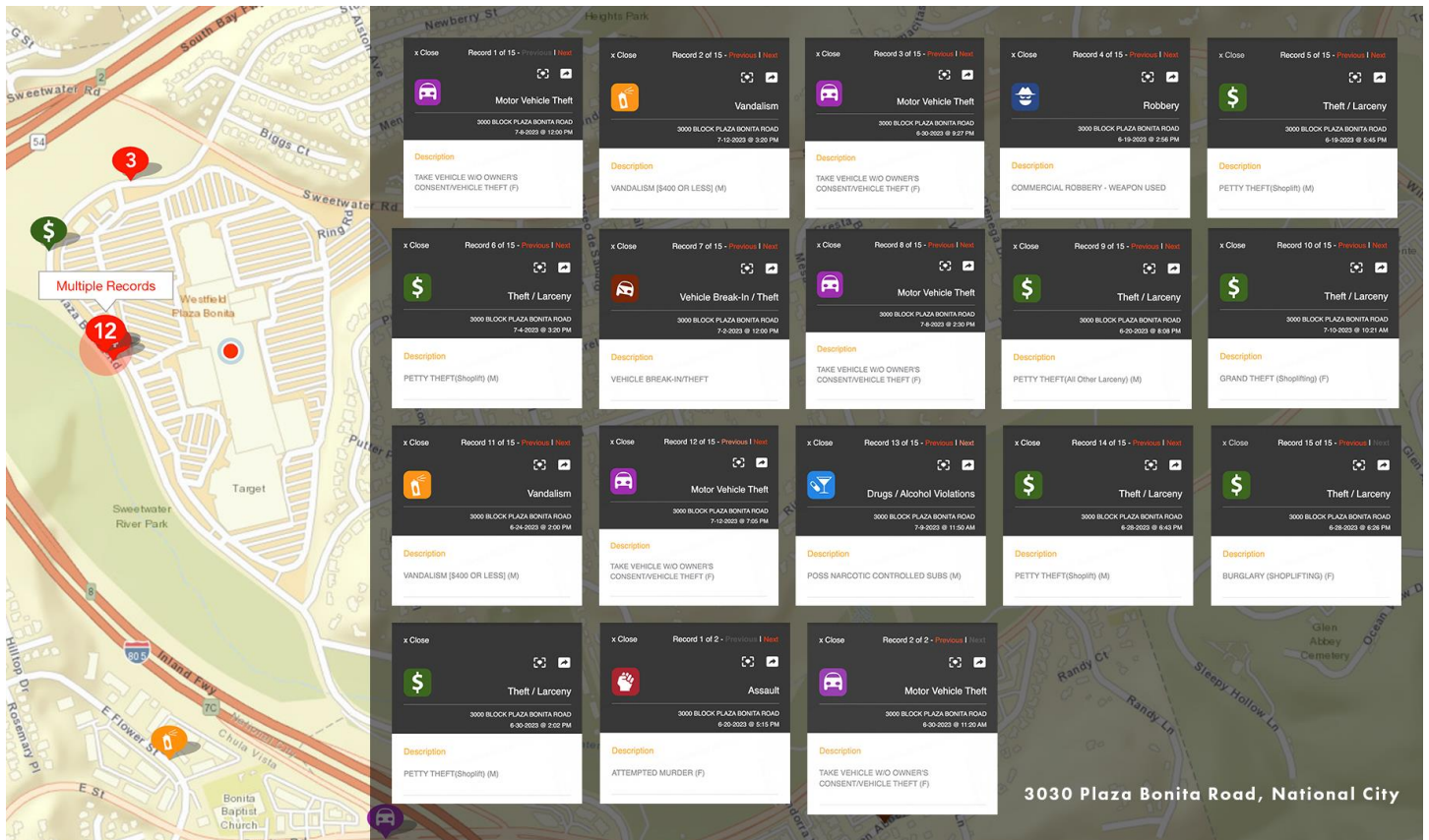
Map of Census Tract 32.04

Census Tracts

	Off-Sale	On-Sale
Census Tract 32.04 <i>Establishment is within this tract</i>	Allowed: 2 Currently there is: 1 The census tract is currently not overconcentrated for off-sale licenses	Allowed: 5 Currently there are: 10 This census tract is 200% overconcentrated per ABC guidelines

Crime Rate

Below is a crime map for this location from crimemapping.com for the month of July 2023. Plaza Bonita Road near the mall has been the site of a cluster of criminal activity. Several crimes including assault, car theft, vandalism and possession of narcotics have been reported in the area. A follow up request for crime-related information from personnel within the City of National City Police Department may result in obtaining a more detailed crime rate for this location.



Considerations

The following are considerations if a CUP is issued:

1. Require that servers/management check for valid identification for patrons appearing under the age of thirty (30), rather than twenty-one (21), when patrons order alcohol.
2. To prevent a potential increase in crime and nuisance problems, require that alcohol sales end by 12:00 am daily, which is consistent with bowling alleys in the area.
3. At a minimum of four times per year, an outside entity should test the purchasing and identification verification system of the licensee, under the direction of the National City Police Department or the California ABC.
4. An analysis of maximum capacity for occupancy and number of employees planned to monitor areas where alcohol consumption is occurring is recommended.



COMMUNITY MEETING INVITATION

Greetings from Round One Entertainment!

You are invited to join a community meeting to be held at Westfield Plaza Bonita, regarding an application for use permit modification to allow for the sale and service of alcoholic beverages.

Business Name: Round 1 Bowling & Amusement
Location: 3030 Plaza Bonita Road, National City, San Diego, CA 91950
Community Room next to Mall Management Office, Level 2
Date: Wednesday, May 31, 2023
Time: 11:00 a.m.– 12:00 p.m.

Round1 is an indoor family amusement center with amenities such as full-size bowling lanes, arcade games, billiards tables, karaoke and party rooms, and dining area. There will also be a bar area available for patrons 21 and over. The proposed hours of business operation are between Monday and Sunday, 10AM through 2AM.

Our representatives will be addressing any questions or concerns you may have about our proposal for the use permit modification. RSVP is not required. We hope to see you there!

Sincerely,

Round One Entertainment, Inc.

Business Development – Construction and Compliance Department
Licensing@Round1usa.com

This notice is being sent to you in fulfillment 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. Please note, this business has not yet opened and a grand opening date is not available for release at this time.

MEETING MINUTES

Location: 3030 Plaza Bonita Road, National City, San Diego, CA 91950
Community Room next to Mall Management Office, Level 2

Date: Wednesday, May 31, 2023

Time: 11:00 a.m. – 12:00 p.m.

Call to Order

A meeting of Round One Entertainment, Inc. was held on Wednesday, May 31, 2023. It began at 11:00 a.m. and was presided over by Development Director Steven Takeuchi, Compliance Manager Cindy Kinjo, and Representative Kieu Nguyen.

Attendance

1. N/A
- 2.
- 3.
- 4.
- 5.

Action Items

1. Company Profile
 - Origin of Round One Japan
 - Round One USA Growth and Expansion
 - Vision and Values
2. Discussion – Current Business Model & Goals in United States
3. Discussion – Business Proposal at Westfield Plaza Bonita
4. Discussion – Conditional Use Permit
5. Q&A

Adjournment

Steven Takeuchi moved that the meeting be adjourned, and this was agreed upon at 12:05 p.m.



COMMUNITY MEETING SIGN IN

Business Name: Round 1 Bowling & Amusement
Location: 3030 Plaza Bonita Road, National City, San Diego, CA 91950
Community Room next to Mall Management Office, Level 2
Date: Wednesday, May 31, 2023
Time: 11:00 a.m.– 12:00 p.m.

Name	Phone Number	Email

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR ON-SALE ALCOHOL (TYPE-47) AT A NEW ENTERTAINMENT CENTER AND EATING PLACE (ROUND1 BOWLING & ARCADE) LOCATED AT 3030 PLAZA BONITA ROAD, SUITE 1025.

WHEREAS, the City Council of the City of National City considered a Conditional Use Permit for on-site alcohol sales at a new entertainment center and eating place (Round1 Bowling & Arcade) located at 3030 Plaza Bonita Road, Suite 1025 at a duly advertised public hearing held on October 17, 2023, at which time oral and documentary evidence was presented; and

WHEREAS, at said public hearing the City Council considered the staff report contained in Case File No. 2023-11 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and

WHEREAS, the Planning Commission of the City of National City considered the Conditional Use Permit application at a duly advertised public hearing held on September 18, 2023, at which time the Commission recommended approval of the Conditional Use Permit; and

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and

WHEREAS, the action hereby taken is found to be essential for the preservation of the public health, safety and general welfare.

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

Section 1: That the evidence presented to the City Council at the public hearing held on October 17, 2023, 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 alcohol sales and live entertainment are allowable within the MXD-2 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. It is incidental to the proposed entertainment center and eating place use in a commercial area.

2. The proposed use is consistent with the General Plan and any applicable specific plan, because alcohol sales and live entertainment are permitted, subject to a CUP, by the Land Use Code, which is consistent with the General Plan. In addition, an entertainment center and eating place with alcohol sales is consistent with the MXD-2 land use designation contained in the Land Use Code 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. The proposed use would be incidental to the primary use of an entertainment center and eating place.
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 uses would be incidental to the primary use of an entertainment center with food sales. The building is existing and alterations to the interior and exterior of the proposed suite will have to be built in compliance with all applicable building and fire codes.
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 alcohol as well as the hours that it will be available. Alcohol will only be available with the sale of food. In addition, all staff members serving alcohol are required to receive RBSS training. Live entertainment will be confined to private party rooms and will have no possibility of creating excessive noise or other concerns ordinarily associated with other types of live entertainment.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt from environmental review pursuant to Class 1, Section 15301 (Existing Facilities) for which a Notice of Exemption will be filed subsequent to approval of this Conditional Use Permit. The reason for the exemption is that the use is proposed within an existing shopping center with only minor alterations to the

exterior and interior of the building permitted by an approved building permit, and the use is similar to other commercial uses in the area, which are permitted in the MXD-2 zone.

7. The proposed use is deemed essential and desirable to the public convenience or necessity, because alcohol sale will contribute to the viability of the new entertainment center, a permitted use in the MXD-2 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 in accordance with applicable law and the recommended conditions. The use, as proposed and conditioned, will operate in harmony with surrounding uses, will not cause a nuisance, and will benefit the community looking for entertainment and dining.

Section 2: That the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes the sale of beer, wine, and distilled spirits for on-site consumption and live entertainment at a new entertainment center and eating place (Round1 Bowling & Arcade) located at 3030 Plaza Bonita Road, Suite 1025. Plans submitted for permits associated with this project shall conform to Exhibit A, Case File No. 2023-11 CUP, dated 7/11/2023.
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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

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4. This permit shall become null and void at such time as there is no longer a Type 47 California Department of Alcoholic Beverage Control license associated with the property.
5. 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.
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7. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

Planning

8. No alcohol sales and consumption practices shall be permitted until the applicant has been issued a Type 47 license from the California Department of Alcoholic Beverage Control.
9. 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.
10. The sale of alcoholic beverages shall only be permitted between the hours of 10:00 a.m. and 12:00 a.m. daily.
11. Live entertainment in the form of karaoke is authorized within private party rooms. No other forms of live entertainment are permitted without modification of this Conditional Use Permit.
12. 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 the Planning Manager or designee or other 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.
13. Alcohol shall be available only in conjunction with the purchase of food.

14. The sale of alcoholic beverages for off-site consumption is not permitted at this location.
15. Permittee shall post signs indicating that alcoholic beverages must be consumed inside the business and may not be taken off-premises. No outdoor consumption is permitted.
16. A fully operational, digitally recorded CCTV security system that covers all points of entry/exit, sales of alcoholic beverages, karaoke/party rooms, and overall locations where alcoholic beverages may be consumed within the property shall be required while the use authorized by this permit is maintained.
17. The operator of the business shall maintain an active business license and ensure that the business license is renewed annually.
18. Prior to the approval of a business license for this location, the applicant shall submit an operations plan to the Planning Division providing details on their policies related to alcohol sales and service and security. The operations plan shall substantially conform to the procedures provided in the project description submitted with the application for 2023-11 CUP dated 6/28/2023, save and except, policies adopted in conformance with the recommendations provided by the Institute for Public Strategies.
19. Building plans associated with the proposed entertainment center shall comply with the current editions of the California Building Code and California Fire Code.

Police

20. The permittee shall comply with all applicable law, including, but not limited to the regulatory provisions of the Business and Professions Code that pertain to the sale, serving, and consumption of alcoholic beverages.

Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the

Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

Section 3: That the City Council hereby approves the Conditional Use Permit for the sale of on-site beer, wine, and distilled spirits with live entertainment at the new Round1 Bowling & Arcade to be located at Westfield Plaza Bonita.

Section 4: 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 17th day of October, 2023.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz.
City Attorney



AGENDA REPORT

Department: Planning
Prepared by: Martin Reeder, AICP – Planning Manager
Meeting Date: Tuesday, October 17, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Declaration that the real property owned by the City and located at 720 West 23rd Street in National City (APN 559-118-02) is surplus land, no longer needed for City purposes, and is non-exempt under the Surplus Land Act.

RECOMMENDATION:

Staff Recommends Adopting the Resolution Entitled, “Resolution of the City Council of the City of National City, California, Declaring that the Real Property Located at 720 West 23rd Street (APN 559-118-02) is Surplus Land, is No Longer Needed for City Purposes, and is Non-Exempt under the Surplus Land Act.”

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Background:

The City owns that certain real property located at 720 West 23rd Street in National City, with Interstate 5 to the east, Cleveland Avenue to the west, and Bay Marina Drive to the south, and is more particularly known as Assessor’s Parcel Number (APN) 559-118-02 (the “Property”). The 1.27-acre Property, which is currently zoned as Medium Manufacturing (MM), is located in the Coastal Zone and is therefore subject to the requirements of the California Coastal Act, as implemented by the City’s Local Coastal Program (“LCP”). The Property was included in the Port of San Diego’s Balanced Plan environmental review process and will be subject to an amendment to the City’s LCP and General Plan.

Under the Surplus Land Act (Gov. Code §§ 54220-54234) (the “Act”), if a public agency does not use land owned by the public and has no written plans to use the land, the agency may take formal action during a regular public meeting to declare the land to be surplus property not necessary for the agency’s use. The surplus land must be declared to be either surplus land or exempt surplus land before the public agency may take action to dispose of it.

In 2009, the County of San Diego County recorded a deed restriction that strictly prohibits residential uses on the Property because the Property was previously used as a municipal and industrial waste disposal site in the early 1900s. Ordinarily, a similar restriction would qualify the Property for an exemption from the Act because the Property is subject to a valid legal restriction not imposed by the City that makes housing prohibited on the site, and there is no feasible method to satisfactorily mitigate or avoid the prohibition. The State’s Housing and Community Development Department (HCD) originally agreed that the property was to be restricted, however, recently they determined because the Property is located within the Coastal Zone, it does not

qualify as exempt surplus land and, therefore, the City must now send a Notice of Availability for open space purposes to certain entities in compliance with Government Code Section 54221(f)(2)(A) under the Act. This property will now be processed with all other City properties.

Analysis:

The Act mandates that public agencies first offer their surplus land to affordable housing developers or housing agencies, prior to offering the land to other parties. In this instance, because the Property is located in a Coastal Zone, the City must issue a Notice of Availability for open space purpose (“NOA”) to designated entities, including parks and recreation entities.

The entities have sixty (60) days to provide notice to the City of their interest in the Property. If the City receives a response from the designated entities indicating that they are not interested in the Property, the City may conclude the noticing period. Alternatively, after the expiration of the 60-day noticing period and upon the City’s receipt of any interest from notified agencies, the City may begin to negotiate for the disposition of the Property.

The City is required to negotiate in good faith for ninety (90) days with any interested entity(ies), but the Act does not require that the City come to terms to dispose of the Property. If the City and any interested entity(ies) are unable to agree to disposition terms after the 90-day negotiation period, or if there is no interest in the Property following the expiration of the 60-day notice period, the City may dispose of the Property to any other interested entity.

Following the adoption of the attached Resolution declaring that the Property is surplus land, is no longer needed for City purposes, and is non-exempt under the Act, the City will issue the NOA.

Zoning and the Balanced Plan:

As noted above, the Property was included in the Balanced Plan and was evaluated in the recently-certified Environmental Impact Report by the Port of San Diego. There, the City proposed changing the current zoning from “Medium Manufacturing” to “Tourist Commercial”. This rezoning effort will be formalized in a Local Coastal Program Amendment, which will allow the Property to be developed for hotel and similar visitor-serving uses, or as Council directs.

Summary/Action

The Property is subject to a valid residential restriction that was imposed by the County of San Diego. In order to allow the Property to be developed for visitor-serving uses, as encouraged by the Port’s Balanced Plan and the City’s Strategic Plan (Economic Development), the City Council must determine that the Property is surplus land, is no longer needed for City purposes and can better serve the City’s redevelopment efforts along the San Diego Bay, and adopt a resolution and its findings of facts, as required by the Surplus Land Act.

FINANCIAL STATEMENT:

Approval of this item will enable the eventual sale of this property at a value to be determined and for uses that will further economic development within the City.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Balanced Budget and Economic Development

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A - Resolution

RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS APN: 559-118-02 AND DECLARING THE PROPERTY IS NO LONGER NEEDED FOR CITY PURPOSES AND THAT SUCH PROPERTY IS NON-EXEMPT UNDER THE SURPLUS LAND ACT.

WHEREAS, the City owns certain real property assets located at 720 West 23rd Street, with Interstate 5 to the east of the site and Cleveland Avenue to its south known as APN: 559-118-02 which is comprised of 1.27 acres; and

WHEREAS, the subject property is no longer needed for City purposes and can better serve the City's redevelopment efforts along the San Diego Bay; and

WHEREAS, prior to the disposition of this property the Surplus Lands Act requires that the property first be offered to affordable home developers or housing agencies, unless otherwise exempt; and

WHEREAS, this property was formerly used in the early 1900's as a municipal and industrial waste disposal site commonly known then as "Burn Dumps"; and

WHEREAS, in December 2000 the County Department of Environmental Health ("DEH") was appointed by the State of California to be the administering agency to mitigate the adverse environmental conditions found on the subject property; and

WHEREAS, as part of the mitigation process DEH imposed a deed restriction that runs with the land and binds all future land owners to the conditions of the deed restriction; and

WHEREAS, section 4.01 (a) of the deed restriction strictly prohibits residential uses on the subject property; and

WHEREAS, the Surplus Lands Act and its corresponding Guidelines exempts certain properties where a validly imposed restriction is placed on the property that prohibits residential development and where such restrictions are imposed by another agency having authority of such matters; and

WHEREAS, the State's Housing and Community Development Department originally agreed that the property was to be restricted, however, recently they determined that because the property is located within the Coastal Zone, it does not qualify as exempt surplus land; and

WHEREAS, the City must now send a Notice of Availability for open space purposes to certain entities in compliance with Government Code Section 54221(f)(2)(A) under the Surplus Lands Act.

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

Section 1: Findings of Fact are as follows:

1. The subject property was used extensively for municipal and industrial waste disposal throughout the early 1900's where waste was burned and then buried.
2. This waste is largely still buried onsite at shallow depths and would present a danger to the health and safety of long-term residents if residential housing was allowed to occur on the subject property.
3. By deed restriction Document No. 2009-0261358 the DEH under Section 4.01 (a) prohibits residential uses on the subject property.
4. The County of San Diego DEH is not an agency of the City of National City.
5. The Surplus Lands Act and its Guidelines normally exempts these properties under Surplus Lands Act Guidelines Section 103(b)(3)(G).
6. The subject property is located in the Coastal Zone and does not qualify as exempt surplus land and the City must send a Notice of Availability for open space purposes to certain entities in compliance with Government Code Section 54221(f)(2)(A).
7. The subject property is no longer needed or useful for City purposes.
8. Disposing of the subject property will aid in the City's efforts to enhance its bayfront planning and economic goals.

Section 2: Based on the Findings of Fact set forth above, the City Council hereby declares that the property is no longer needed for City uses and that the property is non-exempt under the Surplus Lands Act.

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 17th day of October, 2023

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: City Clerk's Office
Prepared by: Shelley Chapel, City Clerk
Meeting Date: Tuesday, October 17, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Annual Review of City Council Policy Manual

RECOMMENDATION:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Amending City Council Policy Nos. 104, 108, 111, 112 (eliminate), 115, 117, 204, 205, 301, 401, 402, 603, and 711 (eliminate)"

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

As per Council Policy No. 101, the City Council Policy Manual should be reviewed on an annual basis and updated as necessary. In FY 2021, a project team consisting of the Assistant City Manager, Assistant City Attorney and the current City Clerk completed a review of the City Council Policy Manual, a review that had not been completed in a number of years. Staff is returning with changes to twelve (12) additional Council Policies that require minor clean-up. The thirteen (13) Council Policies presented for consideration are Council Policy Nos. 104, 108, 111, 112 (eliminate), 115, 117, 204, 205, 301, 401, 402, 603, and 711 (eliminate).

Attached is a report with detailed staff recommendations regarding City Council Policy 104, 108, 111, 112 (eliminate), 115, 117, 204, 205, 301, 401, 402, 603, and 711 (eliminate). The policies referred to are attached and redlined to highlight staff's recommendations and any associated notes.

FINANCIAL STATEMENT:

Not Applicable

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Communication and Outreach

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Staff Recommendations

Exhibit B – Policy 104 – Rules of Procedure and Order for City Council Meetings - Redline

Exhibit C – Policy 108 - City Manager as Chief Administrative Officer - Redline

Exhibit D – Policy 111 - Utilization of City Vehicles in Non-Safety Related Capacities - Redline

Exhibit E – Policy 112 - Document Reproduction – Redline (eliminate)

Exhibit F – Policy 115 - Donation of Surplus City Property and Police Department Unclaimed Property - Redline

Exhibit G – Policy 117 - Distribution and Report of Tickets and Passes Distributed by the City to City Officials - Redline

Exhibit H – Policy 204 - Donation Acceptance Policy - Redline

Exhibit I – Policy 205 - Intrabudget Adjustment Request Policy for Mayor and the City Council – Redline

Exhibit J – Policy 301 - Legislative and Judicial Platform - Redline

Exhibit K – Policy 401 - Environmental Guidelines - Redline

Exhibit L – Policy 402 - Procedures and Requirements for Development Agreements - Redline

Exhibit M – Policy 603 - Use of Volunteers by the City Council – Redline

Exhibit N – Policy 711 - Environmentally Preferable Purchases and Practices (EPPP) - Redline (eliminate)

Exhibit O - Resolution

Summary of Staff Recommended Amendments to City Council Policies

In FY 2021, a project team consisting of the Assistant City Manager, Assistant City Attorney, and current City Clerk completed a review of the complete City Council Policy Manual. A cumulative staff review of the City Council Policy Manual has not been completed in a number of years prior to 2021. Staff brought forward a number of changes to the City Council Policy Manual which were approved by City Council at the October 5, 2021 City Council Meeting.

On August 15, 2023, staff returned with ten (10) updated policies with minor changes.

Staff is returning with changes to thirteen (13) additional City Council Policies: Policy Nos. 104, 108, 111, 112 (eliminate), 115, 117, 204, 205, 301, 401, 402, 603, and 711 (eliminate).

Below is a high-level overview of some of the staff recommendations regarding all thirteen (13) policies. The policies referred to are attached and redlined, which include staff recommendations and notes.

Clerical changes are included for consistency throughout the manual and follow the City style guides and procedures.

Prior Policy Amendments have been added to the end of each policy to provide a historical reference to prior changes made.

Staff Recommendations – High-Level Review

City Council Policy #104 – Rules of Procedure and Order for City Council Meetings

Page 8 of 31 – Teleconferencing

Add AB 2449 procedure to the policy as outlined per Legislation

Page 14 of 31 – Communications with Persons Addressing the City Council

Add C(4) Deadline to receive all written public comments and registration of public comment on Zoom will be Noon on the day of the Public Meeting. This provides staff time for processing prior to the meeting.

City Council Policy #108 – City Manager as Chief Administrative Officer

Grammatical cleanup in languages, and clarifying language added throughout policy.

Page 1 of 1 – Background

Replace *the community at large*, with *their districts*.

Add *City* to *City Council*

Page 1 of 1 – Purpose

Add clarifying language. The purpose of this policy is to clarify the City Manager's responsibilities and *to establish guidelines under which the City Council issues* directives to City staff members.

Page 1 of 1 – Policy

Remove, *as well as the City Clerk's office*. This is now an appointed position and falls under Department Directors umbrella.

Page 1 of 1 – Prior Policy Amendments

Listed all the historical amendments to this policy.

City Council Policy #111 – Utilization of City Vehicles in Non-Safety Related Capacities

Grammatical cleanup in languages, and clarifying language added throughout policy.

Page 1 of 1 – Prior Policy Amendments

Listed all the historical amendments to this policy.

City Council Policy #112 – Document Reproduction

Eliminate Policy - REMOVE – Policy is covered by the Public Records Act/Protocol

City Council Policy #115 – Donation of Surplus City Property and Police Department Unclaimed Personal Property

Grammatical cleanup in languages, and clarifying language added throughout policy.

Prior Policy Amendments

Listed are all the historical amendments to this policy.

City Council Policy #117 – Distribution and Report of Tickets and Passes Distributed to, or at the behest of, a City Official

Grammatical cleanup in languages, and clarifying language added throughout policy.

Page 1 of 6 – Organizations Affected

Remove *Community Development Commission of the City of National City (CDC)*

Add *Also affected are any other affiliated agency created or activated by the National City City Council, and any commission, committee, board or department thereof.*

Page 1 of 6 - References:

1.0 (c) add (*Biennial Updates in even years*)

Page 2 of 6 - Definitions

3.1 Remove reference to *the Community Development Commission of the City of National City*

Page 3 of 6 – General Provisions

4.4 Remove reference to gender *“his/her” and “he/she” sole discretion, and he/she deems, change to deemed*

Prior Policy Amendments

Listed are all the historical amendments to this policy.

City Council Policy #204 – Donation Acceptance Policy

Grammatical cleanup in languages, and clarifying language added throughout policy.

Page 1 of 4 – Policy

4. Delete the word *aesthetically*

Page 2 of 4 – Policy

10. Remove the word *Recipient, and whether monetary or otherwise*

Add Other departments may accept non-monetary donations subject to the other provisions of this policy and

12. Remove *all donations, regardless of value and the word one and denomination of (\$100)*
Add *donations exceeding two-hundred and fifty dollars (\$250)*

Prior Policy Amendments

Listed are all the historical amendments to this policy.

City Council Policy #205 – Intrabudget Adjustment Request Policy for the Mayor and City Council

Grammatical cleanup in languages, and clarifying language added throughout policy.

Page 1 of 1 – Policy

Remove *attached to this Policy*

Add form, available from the Finance Department

Prior Policy Amendments:

Listed are all the historical amendments to this policy.

Removal of the form attached as pages 2-3

City Council Policy #301 – Legislative and Judicial Platform

Grammatical cleanup in languages, and clarifying language added throughout policy.

Throughout document added the word City with Council – *City Council*

Page 1 of 9 – Policy

Replaced the League of California Cities with new branding *Cal Cities*

Add to last paragraph

For the purpose of the Legislative Platform, the term “City” includes the City of National City, Community Development Commission – Housing Authority, Successor Agency to the Community Development Commission (“Successor Agency”), the Parking Authority, and Joint Powers Financing Authority.

Page 2 of 9 – Timeline

Remove *On or before June 1st, the City Council shall formally adopt the budget items for inclusion on behalf of National City.*

Related Policy References

Removing – *Related Policy References Legislative and Judicial Platform Memo attached as part of this policy.*

Corrected information by adding *February 24, 1981 – (Resolution No. 13,516) Adopting Legislative Policy Guidelines*

Page 3 of 9 – City of National City Legislative and Judicial Platform and Core Priorities

Update with the correct year 2023

Remove the word Municipal from title

Remove the word *eight* in summary line of priorities

Adding *The City supports efforts that reflect a positive, collective and cohesive approach to regional solutions, as long as local control is maintained.*

Replace the word *these* with *all*

Page 4 of 9 – Transportation

Replace the words *its surrounding area* with the *San Diego Region*

Page 4 of 9 – Port-Related Legislation

Replace the words *attempted to* with *worked*

Page 6 of 9 – Throughout Document

Replace the word *municipality's* with *City's*

Page 6 of 9 – Economic Development

Add the words *Job creation, workforce*

Page 6 of 9 – Affordable Housing

Remove the word *Affordable* from title of section.

Add the word *homeless*

Add: *The City supports efforts to establish a permanent funding source for the development, rehabilitation and preservation of affordable housing. Advocate for efforts to review and reduce state-mandated regulations on housing development.*

Remove: *The following platform statements address additional legislative issues that may arise, and appear regularly at the federal and state levels.*

Add to the fourth paragraph *a target for unmeritorious lawsuits based on the City's more advantages financial position, whether real or perceived, than that of the true tortfeasor.*

Remove: *a "deep pocket" liability target.*

Change title of section from Employee Labor Relations and Benefits removing the word Employee

Add: The City opposes efforts that would increase the City's liability for unemployment compensation and retirement pensions.

The City opposes efforts that would increase employee Workers' Compensation benefits without system reforms to offset increased employer costs, and that would provide presumptive eligibility for the award of Workers' Compensation.

Page 8 of 9 – Public Safety and Emergency Services

Add the word *prevention* and remove the word *and*

Add:

The City supports efforts to provide the City with additional resources such as behavioral health clinicians and homeless outreach referral services to assist those in need of assistance and to direct them to the appropriate services.

The City opposes efforts that would impede local law enforcement from addressing crime problems and recovering costs resulting from a crime committed by a guilty party.

The City supports efforts that strengthen local law enforcement, including: prevention of driving under the influence of drugs or alcohol; effective abatement of illegal land uses and illegal businesses; the sharing of criminal history information between states; registration of sex offenders; reducing access to firearms by the mentally ill; and providing tools and resources to address community challenges such as domestic violence, gangs, and human trafficking.

The City supports de-certification of officers under specified conditions, including those officers convicted of any felonies and those with a history of egregious misconduct, contingent that an impartial authority outside of the employing agency is utilized and officers are afforded due process.

The City supports statewide and federal tracking of information related to officers that resign in lieu of discipline or termination, or those with multiple sustained complaints and violations.

The City supports mandated and regular implicit and racial bias training for all law enforcement, and de-escalation training that focuses on alternatives to deadly force.

The City supports efforts that increase county, state and federal funding for local law enforcement, fire suppression, wildfire prevention, hazardous materials mitigation, and emergency medical services.

The City supports efforts that promote national fire code development using an open, consensus-based process.

The City supports efforts to create a funding mechanism for a regional fire department in San Diego County that does not diminish the ability of cities to provide essential services and mechanisms that increase reimbursement funding for Medicare and Medi-Cal programs.

The City supports innovative health and safety efforts that improve access to primary and preventive care and decrease use of emergency departments, including expanded mental health services.

Page 9 of 9

Add Section Water Management

City Council Policy #401 – Environmental Guidelines

Page 1 of 1 – Related Policy References

Listed all the historical amendments to this policy

Page 1 of 1 – Prior Policy Amendments

Listed all the historical amendments to this policy

City Council Policy #402 – Procedures and Requirements for Development Agreements

Page 9 of 9 – Prior Policy Amendments

Listed all the historical amendments to this policy

City Council Policy #603 – Use of Volunteers by the City Council

Page 1 of 3 – Definitions

Add: but is not limited to

Add: documents/materials that

Page 3 of 3 – Prior Policy Amendments

Listed all the historical amendments to this policy

City Council Policy #711 – Requirements for Submittal of Proposals to Qualify for Taxicab or Other Paratransit Vehicle Permits

Eliminate REMOVE – This is managed by another agency.

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: Rules of Procedure and Order for City Council Meetings

POLICY #104

ADOPTED: December 13, 1983

AMENDED: October 17, 2023

**Rules of Procedure and Order for
City Council Meetings**

Adopted: December 13, 1983
Last Amended: ~~August 15, 2023~~

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Rules of Procedure and Order for City Council Meetings	POLICY #104
ADOPTED: December 13, 1983	AMENDED: <u>October 17, 2023</u>

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CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Rules of Procedure and Order for City Council Meetings	POLICY #104
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CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Rules of Procedure and Order for City Council Meetings	POLICY #104
ADOPTED: December 13, 1983	AMENDED: October 17, 2023

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.

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B. Responsibilities of Vice-Mayor: In the absence of the Mayor from the City or a Council 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, 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.
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.

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All retention per the City Records Retention Schedule.

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.

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- 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 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

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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 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.

I. **AB 2449 Attendance by a Member Virtually: Legislation passed in 2023 provided**

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for the City Council and its Boards/Commission/Committee members to attend a meeting virtually under certain conditions stated in the law. A member may participate either for “just cause” or “under” emergency circumstances. For “just cause”, the member must notify the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for “just cause” including a general description of the circumstances relating to their need to appear remotely at the given meeting; For “emergency circumstances,” the member must make a request to participate remotely as soon as possible to allow the City Council to take action on the request. If the request does not allow sufficient time to place the proposed action on the request on the posted agenda for the meeting for which the request is made, the City Council may take action at the beginning of the meeting in accordance with Government Code section 54954.2(b)(4);

Just Cause - is limited to one or more of the following:

- a. a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires a member to participate remotely’;
 - b. a contagious illness that prevents a member from attending in person;
 - c. a need related to a physical or mental disability as defined by law; or
 - d. travel while on official business of the legislative body or another state or local agency;
- or

Emergency Circumstances – means a physical or family medical emergency that prevents a member from attending in person.

- a. The member requires the legislative body to allow them to participate in the meeting remotely due to the “emergency circumstances” and the legislative body takes action to approve the request.
- b. The legislative body requires a general description (generally not exceeding 20 words) of the circumstances relating to the member’s need to appear remotely at the given meeting, this shall not require a member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law.

Limitations:

May not be used by a member to teleconference for a period of more than three (3) consecutive months or 20% of regular meetings (4 meetings for City Council) within a

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calendar year, or more than two (2) meetings per calendar year if the board meets less than ten (10) times per calendar year.

Members participating remotely must do so through **both audio and visual technology** and must **publicly disclose whether any individual over the age of 18 is present at the remote location with the member and the general nature of the member's relationship with the individual.**

- 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)
- 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. Archived meetings are also available online.

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- 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.

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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.

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.

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- 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 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.

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- 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 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.

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- 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 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. [Written Public Comment and Registration on Zoom to Make Public Comment:](#)
[Deadline to receive all written public comment and registration of public comment on Zoom will be Noon on the day of the Public Meeting. This provides staff time for processing prior to the meeting.](#)

4.5. 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 be determined by the City Manager's.

During the City Council Meeting the Order of Business shall be followed, unless otherwise

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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 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.

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- 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)
- 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

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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.
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

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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.

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

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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 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)

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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 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.

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- 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 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,

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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 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.

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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.

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-

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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.

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-at-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

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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 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:

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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:
 - 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.
 - d. Mayor and City Councilmembers will sign all Proclamations that go before the City Council. The Mayor's Office will have an electronic file of each Councilmember on record to be used in the event that a City Councilmember is unable or unavailable to sign the Proclamation,

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

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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 social media user, the Councilmember risks violating the social media user's First Amendment rights.

Councilmembers should not use their official positions to make negative posts, voice personal opinions, etc. against any individual, business, entity, etc., as that could create negative feedback for the official and City and could potentially subject the official to personal civil liability for slander, defamation of character, or other civil remedies that could be determined by a court. Councilmembers should also refrain from using aliases or having fake profiles on social networking sites.

City Councilmembers and staff shall not use any official City media site, including but not limited to the City's Facebook page, the City's Twitter accounts, or to any other City media outlet for personal reasons or personal gain.

IV. POLICY INTERPRETATION & APPLICABILITY

The Policy and Rules of Procedure and Order set forth herein shall be liberally construed to effectuate their purpose and no ordinance, resolution, proceeding or other action of the City

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Council shall be invalidated, nor the legality thereof otherwise affected, by the failure or omission of the City Council to technically comply with, observe, or otherwise follow such rules. Any provision of these rules not already governed by City ordinance or State law may be suspended by a majority vote of the City Council.

The rules set forth herein shall apply to all meetings of the City Council subject to the Brown Act and shall apply to the Council Chamber or any other location where a meeting subject to these rules takes place. In the event of any inconsistency between these rules and State law or regulation, State law or regulation shall apply.

IV. DEFINITIONS

Abstain To publicly refrain from voting usually because of a conflict interest.

Adjourn A privileged motion to officially close a meeting. A second is required and a majority vote is required to adopt it.

Call to Order An announcement by the Presiding Officer to convene a meeting.

Consent Calendar The routine parts of the agenda which are approved without discussion or dissent.

Decorum To conduct oneself in a proper manner.

Dire Emergency 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.

Emergency Meeting 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.

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Legislative Body

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.

Meeting

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).)

Minutes

The official record of what is done at a meeting.

Motion

The vehicles for decision-making by a body used with a vote to indicate approval, denial, adoption, or direction.

Ordinance

A City law that generally requires two separate meetings and typically becomes effective thirty days after adoption.

Parliamentarian

One who advises the Officers, Committees, and Council Members on matters regarding parliamentary procedure.

Policy

The opinions, philosophy, or practices that are adopted by an organization.

Public Hearing

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.

Point of Order

An interruption of a meeting to question whether rules or bylaws are being broken.

Presiding Officer

The officer conducting the meeting; Chair or Chairman.

Public Hearing

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.

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Quorum	The minimum number of members who must be present at a meeting to transact business legally.
Ralph M. Brown Act	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.
Recess	A period of time longer than twenty (20) days without a regular or special meeting of the Council.
Resolution	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.
Rosenberg's Rules of Order	Written rules of parliamentary procedure which govern a meeting.
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

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- 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)

[October 5, 2021 \(Resolution No. 2021-148\)](#)

[August 15, 2023 \(Resolution No. 2023-119\)](#)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: City Manager as Chief Administrative Officer	POLICY # 108
ADOPTED: November 22, 1982	AMENDED: October 8, 2013 October 17, 2023

Background

The City of National City operates under the Council/Manager form of government, a system that combines the policy leadership of elected officials in the form of a City Council, with the managerial expertise of an appointed City Manager.

The Council is the legislative body that represents the community and is empowered to formulate citywide policy. The City Council is comprised of the Mayor and four councilmembers who are elected by the ~~ir districts. community at large~~

The City Manager is appointed by the City Council and serves as the chief administrative officer of the organization. The City Manager is responsible for administration of City affairs, day-to-day operations, implementation of City Council policies, and is the liaison between the City Council and the City staff.

Purpose

The purpose of this policy is to clarify the City Manager's responsibilities and to establish guidelines under which ~~in the~~ City Council ~~issuesing~~ directives to City staff members.

Policy

In accordance with the National City Municipal Code, Section 2.01.030, except for the purpose of inquiry, the City Council shall deal with the administrative departments solely through the City Manager, ~~and a~~ Neither the City Council nor any member thereof shall give orders to any ~~of~~ employee of the City Manager. This policy is based on the principle that departments carry on their approved activities and do not alter approved priorities or policies on the basis of a request that has not been approved by the City Council as a body.

The City Manager shall act as chief administrative officer for the various appointed department directors, ~~as well as the City Clerk's office~~. The City Manager's duties and responsibilities are codified in National City Municipal Code Chapter 2.01.

Appointing Authority

National City Municipal Code, Chapter 2.01
Government Code section 34851, et seq.

Prior Policy Amendments:

[June 11, 2013 \(Revised – No Resolution – Refer to Meeting Minutes\)](#)
~~None~~ [October 8, 2013 \(Resolution No. 2013-147\)](#)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Utilization of City Vehicles in Non-Safety Related Capacities

POLICY # 111

ADOPTED: February 9, 1988

AMENDED: ~~October 8, 2013~~

October 17, 2023

Purpose

To establish guidelines for the utilization of city vehicles, whether static or in motion, in non-safety related capacities including parades, funerals, and other events.

Policy

City vehicles may be made available for parades, funerals, and other special events which promote the City of National City or honor its employees or residents. Requests for such use must be approved by the City Manager with the exception of those activities directly related to department operations, routine maintenance, or road testing. The City Manager shall notify the City Council when requests are approved.

Appointing Authority

New Administrative Policy # #800.03

Prior Policy Amendments:

January 7, 1992 ([Resolution 92-1](#))

[June 11, 2013 \(Revised – No Resolution – Refer to Meeting Minutes\)](#)

[October 8, 2013 \(Resolution No. 2013-147\)](#)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Document Reproduction	POLICY # 112
ADOPTED: October 17, 1989	AMENDED: <u>October 17, 2023</u>

Purpose

To ~~insure~~ensure that the reproduction of public records is carried out in a uniform manner throughout all City Departments.

Policy

The City Manager shall establish an administrative procedure to ~~insure~~ensure that appropriate public documents are available to the public. The City Manager shall also establish a uniform fee schedule, which ~~from time to time is~~shall be adjusted for inflation and other impacting factors at the discretion of the City Manager.

Appointing Authority

None.

Related Policy References:

Prior Policy Amendments:

October 17, 1989 Established with Final Budget FY 1989-1990 (Resolution No. 16,098)
[June 11, 2013 \(Revised – No Resolution – Refer to Meeting Minutes\)](#)

City Administrative Policy

Finance 301 'DOCUMENT REPRODUCTION PROCEDURES AND FEE SCHEDULE.'

[June 11, 2013 this policy was to be deleted and replaced with a new policy regarding "Public Records Act/Protocol."](#)

RECOMMENDATION TO ELIMINATE THIS POLICY

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Donation of Surplus City Property and Police Department
Unclaimed Personal Property

POLICY # 115

ADOPTED: June 17, 2003

AMENDED: ~~October 8, 2013~~

[October 17, 2023](#)

Purpose

To establish a policy for donating surplus City property, and Police Department unclaimed personal property to local, non-profit 501(c)(3) organizations, and/or other municipal agencies.

Definitions

- **Municipal Agencies:** public/government agencies, and Sister Cities.
- **Local Non-Profit 501(c)(3) Organizations:** As defined by the IRS: non-profit 501(c)(3) organizations "must be organized and operated exclusively for exempt purposes set forth in section 501(c)(3), and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates. "Such Organizations-organizations are" commonly referred to as charitable organizations". In order to be considered "local", the organization must have a physical address within the City limits, and a valid National City Business License. The organization must be able to show proof of 'local' and 'non-profit' 501(c)(3) status.
- **Surplus City Property:** is defined by Municipal Code [Chapter 2.42](#) as "supplies or equipment belonging to the City which are no longer used or which have become obsolete or worn out or which are otherwise of no further use."
- **Police Department Unclaimed Personal Property:** is defined in Municipal Code Chapter 2.44 as "goods or chattels which are no longer possessed by their lawful owner and for which demand by right has not been asserted by such lawful owner." After a specified retention period, the Police Department may release items for distribution or disposal in accordance with [the Code](#).
- "Request for Donation" form: available from the City's Intranet or the Finance Department/Purchasing Division. This form provides documentation of the agency and donation, and includes a Release of Liability.

Policy

The City Council may authorize the donation of surplus City property, or Police Department unclaimed personal property, to municipal agencies or local, non-profit 501(c)(3) organizations as defined above, consistent with Municipal Code section 2.42.040 (B)(4). The City Council may also direct the City Manager to conduct a "donation event" (see below) in the event that multiple agencies are requesting the same items.

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TITLE: Donation of Surplus City Property and Police Department
Unclaimed Personal Property

POLICY # 115

ADOPTED: June 17, 2003

AMENDED: ~~October 8, 2013~~

[October 17, 2023](#)

Surplus City Property: Per Municipal Code Chapter 2.42, surplus City property must first be offered to all City Departments, before it can be disposed of in any way. Only items with a value of under \$1,000 may be donated.

Police Department Unclaimed Personal Property: Per Municipal Code Chapter 2.44.060: " If after the expiration of the applicable retention period, the city manager or his/her authorized designee determines any unclaimed property in the possession of the police department is needed for public use, such property shall be retained by the city." Once it becomes City property, the City may dispose of it in accordance ~~to~~ with the Municipal Code.

Liability Issues: To reduce liability, City forces will not be involved in the loading, distribution or delivery of donated items. The recipient must provide their own labor force, loading equipment and vehicles, and they must pick the item(s) up from wherever it is being stored. The recipient must submit a signed "Donation Request" Form which includes a Release of Liability.

Gift of Public Funds: if the non-profit 501(c)(3) is a local organization, then assisting them will also assist the National City residents they serve, and the donation will benefit the community.

Procedures

Municipal agencies and local, non-profit 501(c)(3) organizations may request donations by submitting the "Request for Donation" form to the Finance Department/Purchasing Division. The Purchasing Division will obtain City Council approval.

The Finance Department/Purchasing Division will:

- notify the City Council prior to sending anything to auction, to allow them the opportunity to consider donation instead
- seek Council approval for all donation requests
- develop a lottery system in the event that multiple agencies request the same item
- coordinate the donation process and paperwork
- provide details regarding the type of property that is available, upon request
- upon approval by the City Council, make the property available to the requesting agency
- verify local, non-profit 501(c)(3) status via physical proof, and website registries such as: www.guidestar.com
- confirm valid business license for local non-profit 501(c)(3) agencies
- ensure completion of a "Request for Donation" form and signatures
- document the donation
- ensure that City property tags, and other sensitive City information (hard drives, etc) have been removed from the property

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Donation of Surplus City Property and Police Department Unclaimed Personal Property	POLICY # 115
--	---------------------

ADOPTED: June 17, 2003

AMENDED: ~~October 8, 2013~~

[October 17, 2023](#)

- notify the Finance Department to remove applicable items from the City's Fixed Asset Inventory.

Related Policy References

Municipal Code Chapter 2.42

Municipal Code Chapter 2.44

IRS Code 501(c)(3)

Donation Request Forms are available from the Purchasing Division of the Finance Department

Prior Policy Amendments:

[June 17, 2003 \(Resolution No. 2003-76\)](#)

[April 20, 2004 \(Resolution No. 2004-58\)](#)

[June 11, 2013 \(Revised – No Resolution – Refer to Meeting Minutes\)](#)

[October 8, 2013 \(Resolution No. 2013-147\)](#)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Distribution and Reporting of Tickets and Passes Distributed to, **POLICY # 117**
or at the behest of, a City Official.

ADOPTED: April 19, 2011

AMENDED: ~~October 8, 2013~~

August 15, 2023

Background

The City strives to provide impartial and high quality services to its residents, businesses and visitors. The receipt by City officials of gifts or other items of value can be perceived as attempts to influence City operations and the City wishes to avoid any appearance of impropriety or favoritism. Additionally, however, City official attendance at public events is necessary to achieve the goals of governance, both to promote the policies of the City and to maintain close contact with the residents and interests groups within the City.

Purpose

The purpose of this Policy is to ensure that tickets and passes provided to and distributed by the City to, or at the behest of, a City official are in furtherance of a governmental and/or public purpose as required under Section 18944.1 of Title 2, Division 6 of the California Code of Regulations.

This policy is subject to all applicable California Fair Political Practices Commission (FPPC) regulations, as well as the Political Reform Act. Nothing in this Policy is intended to alter, amend, or otherwise affect the obligations of City officials under the Political Reform Act and its implementing regulations or the City of National City's Conflict of Interest Code.

Organizations Affected

The City of National City, ~~the Community Development Commission of the City of National City (CDC)~~, and the Successor Agency to the Community Development Commission as the National City Redevelopment Agency (SA). All references within this Policy to "City" shall also apply to ~~the CDC and the SA.~~ Also affected are any other affiliated agency created or activated by the National City City Council, and any commission, committee, board or department thereof.

1.0 References

- a. Title 2, Division 6 of the California Code of Regulations, Sections 181000, et seq.
- b. California Political Reform Act (Government Code Sections 81000, et seq.) and implementing regulations. (Title 2, Division 6 of the California Code of Regulations).
- c. National City Conflict of Interest Code. (Biennial Updates in even years)
- d. Government Code Section 82048
- e. California Code of Regulations Sections 18944.1 and 18701.

2.0 Policy

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Distribution and Reporting of Tickets and Passes Distributed to, **POLICY # 117**
or at the behest of, a City Official.

ADOPTED: April 19, 2011

AMENDED: ~~October 8, 2013~~

August 15, 2023

2.1 This Policy applies to tickets and passes that provide admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose, and are:

- a. gratuitously provided to the City by an outside source; or
- b. acquired by the City by purchase; or
- c. acquired by the City pursuant to the terms of a contract for use of public property; or acquired by City because the City controls the event.

2.2 This Policy shall only apply to the City's distribution of tickets/passes to, or at the behest of, a City official. This Policy does not apply to any other item of value provided to the City or any City official, regardless of whether received gratuitously or for which consideration is provided. This includes food, beverages or gifts provided to a City official at an event that is not included in the fair market value of the ticket.

3.0 Definitions

Unless otherwise expressly provided herein, words and terms used in the Policy shall have the same meaning as in the California Political Reform Act of 1974 (Government Code Sections 81000 et seq., as amended from time to time) and the related FPPC Regulations (Title 2, Division 6 of the California Code of Regulations, Sections 18100 et seq., as amended from time to time).

3.1 "City" or "City of National City" means and includes the City of National City, ~~the Community Development Commission of the City of National City~~, the Successor Agency to the Community

Development Commission as the National City Redevelopment Agency (SA) and any other affiliated agency created or activated by the National City City Council, and any commission, committee, board or department thereof.

3.2 "City official" means every member, officer, employee, or consultant of the City of National City, as defined in Government Code 82048 and FPPC Regulation 18701, who must file a Statement of Economic Interests.

3.3 "FPPC" means the California Fair Political Practices Commission.

3.4 "Immediate Family" means an individual's spouse and dependent children.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Distribution and Reporting of Tickets and Passes Distributed to, **POLICY # 117**
or at the behest of, a City Official.

ADOPTED: April 19, 2011

AMENDED: ~~October 8, 2013~~

August 15, 2023

- 3.5** "Policy" means City Policy which governs the distribution, use and reporting of tickets and passes controlled by the City.
- 3.6** "Ticket" means any ticket or pass that grants admission privileges ~~to to a fa~~ facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

4.0 General Provisions

- 4.1** No Right to Tickets: The distribution of Tickets pursuant to this Policy is a privilege extended by the City and not the right of any person to whom the privilege may from time to time be extended.
- 4.2** Limitation on Transfer of Tickets: Tickets distributed to a City official pursuant to this Policy shall not be transferred to any other person, except to members of the City official's immediate family solely for their personal use.
- 4.3** Prohibition Against Sale of or Receiving Reimbursement for Tickets: No person who receives a Ticket pursuant to this Policy shall sell, receive reimbursement for, or receive any other consideration in exchange for the Ticket.
- 4.4** Implementation of Policy: The City Manager ~~s in his/her sole discretion~~ shall have the sole discretion and authority to determine whether the City should accept or decline Tickets offered to the City and to distribute Tickets as ~~he/she deems deemed~~ appropriate, provided such action conforms with this Policy.
- 4.5** Designation of Agency Head: The City Manager shall be the "Agency Head" for purposes of implementing the provisions of this Policy. The City Manager shall promptly report all Tickets distributed pursuant to this Policy to the City Clerk, who shall be responsible for posting disclosure form(s) provided by the FPPC on the City's website in compliance with FPPC regulations and Section 6.2 of this Policy.
- 4.6** No Earmarking of Tickets: No Ticket gratuitously provided to the City by an outside source shall be earmarked by the original source for distribution to a particular City official.
- 4.7** Valuation of Tickets: The City Manager shall determine the face value of all Tickets distributed by the City pursuant to this Policy.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Distribution and Reporting of Tickets and Passes Distributed to, **POLICY # 117**
or at the behest of, a City Official.

ADOPTED: April 19, 2011

AMENDED: ~~October 8, 2013~~

August 15, 2023

5.0 Distribution of Tickets

5.1 The distribution of the Ticket(s) to, or at the behest of, a City official accomplishes a governmental and/or public purpose including, but not limited to, any of the following:

- a. The performance of a ceremonial role or function by a City official on behalf of the City at an event.
- b. The official duties of the City official require his or her attendance at the event.
- c. Promotion of intergovernmental relations and/or cooperation with other governmental agencies, including but not limited to, attendance at an event with or by elected or appointed public officials from other jurisdictions, their staff members and their guests.
- d. Promotion of City resources and/or facilities available to National City residents.
- e. Promotion of City initiated, sponsored or supported community programs or events.
- f. Promoting, supporting and/or showing appreciation for programs or services rendered by charitable and non-profit organizations benefiting National City residents.
- g. Promotion of business activity, development, and/or redevelopment within the City.
- h. Promotion of City tourism.
- i. Increasing public awareness of the various recreational, cultural, and educational venues and facilities available to the public within the City.
- J. Attracting and/or rewarding volunteer public service.
- k. Encouraging or rewarding significant academic, athletic, or public service achievements by National City students, residents or businesses.
- l. Attracting and retaining City employees.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Distribution and Reporting of Tickets and Passes Distributed to, **POLICY # 117**
or at the behest of, a City Official.

ADOPTED: April 19, 2011

AMENDED: ~~October 8, 2013~~

August 15, 2023

- m. Recognizing or rewarding meritorious service by City employees.
- n. Promoting enhanced City employee performance or morale.
- o. Recognizing contributions made [to](#) the City by City officials who are leaving the City's service.

5.2 When a City official treats the Ticket as income consistent with applicable state and federal income tax laws, the distribution of the ticket to that official shall be disclosed in accordance with Section 6.2 of this Policy.

6.0 Disclosure Requirements

6.1 This policy shall be permanently posted on the City's website in a prominent fashion.

6.2 Tickets distributed pursuant to this Policy shall be disclosed on a form provided by the FPPC (Form 802), and posted on the City's website in a prominent fashion within thirty (30) days from the date Tickets are received by, or distributed at the behest of, a City official. Form 802 shall remain on the City's website for a minimum of two (2) years from the date of posting. The original Form 802 shall be retained in the Office of the City Clerk for a four (4) year period. The disclosure from shall include the following information:

- a. The name of the recipient, except that if the recipient is an organization other than the City, the City may post the name, address, description of the organization and number of tickets [provided](#) to the organization in lieu of posting the names of each recipient;
- b. A description of the event;
- c. The date of the event;
- d. The face value of the Ticket;
- e. The number of Tickets provided to each person.
- f. If the Ticket was distributed at the behest of a City official, the name of the City official who made the behest; and

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Distribution and Reporting of Tickets and Passes Distributed to, **POLICY # 117**
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ADOPTED: April 19, 2011

AMENDED: ~~October 8, 2013~~

August 15, 2023

- g. A description of the public purpose(s) furthered by the Ticket distribution or, alternatively, that the City official is treating the Ticket as income.
- h. Tickets distributed by the City for which the City receives reimbursement from the City official shall not be subject to the disclosure provisions of Section 6.2

7.0 Exceptions

7.1 A Ticket to a non-profit fundraising dinner is generally treated as a gift to the individual under FPPC Regulation 18946.4. This Policy would not apply because the Ticket is not for admission to an event or facility "for an entertainment, amusement, recreational or similar purpose." The Ticket is reportable on the official's Statement of Economic Interests.

7.2 Where admission to a luncheon, dinner, or reception is not provided by a Ticket, but by invitation, this Policy does not apply. The value of the admission is reportable on the official's Statement of Economic Interests, unless the admission is provided by the City to the official who is attending the event as part of his/her official duties, in which case the admission is not reportable by the individual, but by the City under FPPC Regulation 18944.2

Related Policy References

See Section 1.0 above

Prior Policy Amendments

~~None.~~

[April 19, 2011 \(Resolution No. 2011-90\) - Establishing Policy](#)

[June 11, 2103 \(Revised – No Resolution – Refer to Meeting Minutes\)](#)

[October 8, 2013 \(Resolution No. 2013-147\)](#)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Donation Acceptance Policy

POLICY #204

ADOPTED: October 21, 2003

AMENDED: ~~December 10, 2013~~
[October 17, 2023](#)

Purpose

From time to time, individuals, community groups and businesses may wish to make donations to the City in either cash or in-kind contributions that enhance projects, facilities, and programs, and the need for such projects, facilities and programs often exceeds the City's ability to fund them. Accordingly, it is an acceptable and appropriate practice to accept donations, in order to enhance city programs and/or facilities to provide a higher level of service to the public.

The purpose of this policy is to establish an orderly and efficient process for the acceptance of donations made to the City. It is also important to process donations ~~in~~ such a way so as to distinguish between donations made to the City, versus those made to individuals (~~iee.g.~~ gifts or campaign contributions).

Policy

All donations made to the City shall be accepted and processed according to the following:

1. The donation must have a purpose consistent with City goals and objectives.
2. The City Council may decline any donation without comment or cause.
3. The donation must not be in conflict with any provision of the law.
4. In-kind donations will be ~~aesthetically~~ acceptable to the City of National City.
5. The donation will not add to the workload of the City Council or staff unless it provides a net benefit to the City.
6. The donation will not require hidden costs such as starting a program the City would be unwilling to fund when the donation was exhausted. To the extent the donation is for specific funding of a program or position, any such donation ~~can~~ be accepted but will not be conditioned on continuing funding for that program or position beyond the donation amount.
7. The donation must place no restriction on the City, unless agreed to by the City Council.
8. The donation shall become the property of the City.
9. All donations will receive recognition appropriate to the level and nature of the donation as determined by the City. For those of a capital nature, that may be in the form of signage, marking or naming, as determined by the City Council. Regardless

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Donation Acceptance Policy

POLICY #204

ADOPTED: October 21, 2003

AMENDED: ~~December 10, 2013~~
[October 17, 2023](#)

of the recognition strategy selected, the intent shall be to appropriately honor the donor for their contribution to the community. The appearance of traditional commercial advertising or product endorsements that promote the donor shall be prohibited.

10. All monetary donations shall be submitted to the Finance Department staff. A receipt shall be made available from the Finance Department, upon request. ~~Recipient-Other~~ departments may accept non-monetary donations subject to the other provisions of this policy and shall notify the Finance Department of all such donations received, ~~whether monetary or otherwise.~~
11. Cash donations exceeding \$5,000, and in-kind donations exceeding \$5,000 in value, must be submitted through a written agreement consistent with these guidelines and approved by the City Council. In-kind capital donations will be subject to normal City review, permitting, inspection and insurance requirements.
12. At the time of acceptance, ~~all donations, regardless of value, donations exceeding one~~ two-hundred and fifty dollars (\$100 250) will be acknowledged in writing, by the recipient department, in a format approved by the City Attorney. The original acknowledgement will be sent to the donor and a copy forwarded to the Finance Department.

Related Policy References

Council Policy #115: Donating City Property & Police Unclaimed Property

Council Policy #117: Distribution & Reporting of Tickets and Passes

Two templates for "Donation Acceptance" agreements are attached to this policy

Prior Policy Amendments

~~None~~

[October 21, 2003 \(Resolution No. 2003-151\)](#)

[April 20, 2004 \(Resolution No. 2004-58\)](#)

[June 7, 2005 \(Resolution No. 2005-118\)](#)

[August 16, 2005 \(Resolution No. 2005-183\)](#)

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: Donation Acceptance Policy	POLICY #204
ADOPTED: October 21, 2003	AMENDED: December 10, 2013 October 17, 2023

**UNCONDITIONAL DONATION OF PERSONAL PROPERTY (ART WORK)
TO THE CITY OF NATIONAL CITY**

_____ (hereinafter referred to as "the Donor") hereby
(Name of Donor)

makes an unconditional donation, in perpetuity, of _____
(Description of Donation)

_____ (hereinafter referred to as "the Donation") to the City of National City. The Donor understands and acknowledges that pursuant to Sections 37354 and 37355 of the California Government Code, the City is authorized to accept said donation for any public purpose that the City desires.

Due to the nature of the donation work of art and the site on which it is installed, the DONOR and his/her agents, heirs, successors and assigns hereby waive any and all rights they may have under the California Art Preservation Act, as set forth in Civil Code Section 987. The DONOR agrees that upon completion, the physical work of art which is created pursuant to this Agreement shall be transferred to and shall vest in the City of National City, and the DONOR hereby expressly waives and releases all rights of ownership to the work of art, including those under Civil Service Code Section 988. The DONOR, his/her agents, heirs, successors and assigns also agree not to attempt to defeat this waiver by cooperating with any organization which seeks to bring an action under Civil Code Section 989.

The Donor hereby releases the City of National City and its officers, employees and volunteers, against and from any and all liability, loss, damages to property, claims, demands, suits, actions proceedings, costs or attorney's fees, of any kind or nature, resulting from or arising out of the City's use of the Donation.

The individual executing this document on behalf of the Donor represents that he/she has the legal power, right and authority to bind the Donor; that all requisite action (corporate, trust partnership or otherwise) has been taken by the Donor in connection with authorizing the execution of this document; that this document shall be legally enforceable as to the Donor; and that the execution of this document does not conflict with or result in the breach of any contract bond, note or other agreement or instrument to which the Donor is a party.

Dated: _____ DONOR
By: _____
(Authorized Representative)

For Office Use Only
Certificate of Insurance Approved _____ Date: _____

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: Donation Acceptance Policy	POLICY #204
ADOPTED: October 21, 2003	AMENDED: December 10, 2013 October 17, 2023

**UNCONDITIONAL DONATION OF PERSONAL PROPERTY
TO THE CITY OF NATIONAL CITY**

_____ (hereinafter referred to as "the Donor") hereby
(Name of Donor)

makes an unconditional donation, in perpetuity, of _____
(Description of Donation)

(hereinafter referred to as "the Donation") to the City of ~~Nationa1~~ National City. The Donor understands and acknowledges that pursuant to Sections 37354 and 37355 of the California Government Code, the City is authorized to accept said donation for any public purpose that the City desires.

As a condition of the granting of permission by the City of National City to the donor to conduct its activities on public property, the donor hereby agree(s) to defend, indemnify and hold harmless the City of National City 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 by the donor or its agents, employees or contractors. The Donor agrees 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. A certificate of insurance must be attached to this form.

The individual executing this document on behalf of the Donor represents that he/she has the legal power, right and authority to bind the Donor; that all requisite action (corporate, trust, partnership or otherwise) has been taken by the Donor in connection with authorizing the execution of this document; that this document shall be legally enforceable as to the Donor; and that the execution of this document does not conflict with or result in the breach of any contract, bond, note or other agreement or instrument to which the Donor is a party.

Dated: _____

DONOR

By: _____
(Authorized Representative)

For Office Use Only

Certificate of Insurance Approved _____ Date _____

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Intrabudget Adjustment Request Policy for
the Mayor and City Council

POLICY #205

ADOPTED: January 16, 2007

AMENDED: ~~December 10, 2013~~
October 17, 2023

PURPOSE

To establish a procedure for the transfer of funds from one account to another for accounts within the control of the Mayor or a City Councilmember.

POLICY

The intrabudget adjustment request (IBAR) is the procedure that is utilized to transfer funds from one account to another within a department. In the event of a transfer of funds from one account to another account for accounts within the control of a Councilmember, the intrabudget adjustment request shall be signed by the Councilmember initiating the request, and also by the Mayor. For accounts within the control of the Mayor, the intrabudget adjustment request shall be signed by the Mayor, and also by a Councilmember. In addition, a copy of the request shall be sent by email to all members of the City Council.

The Intrabudget Adjustment Request ~~attached to this Policy form~~, available from the Finance Department, is to be used in making such requests.

Related Policy References:

None.

Prior Policy Amendments:

January 16, 2007 (Resolution No. 2007-8) Established Policy
December 10, 2013 (Resolution No. 2013-189)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Intrabudget Adjustment Request Policy for the Mayor and City Council	POLICY #205
ADOPTED: January 16, 2007	AMENDED: <u>December 10, 2013</u> <u>October 17, 2023</u>

INTRABUDGET ADJUSTMENT REQUEST

<u>DEPARTMENT</u>	<u>ACTIVITY OR DIVISION</u>

STATEMENT OF PROBLEM AND TIME URGENCY

DEPARTMENT HEAD

AMOUNT NEEDED
\$ _____

TRANSFER

_____ ACCT# _____

_____ TITLE _____

_____ FROM: _____

_____ TO: _____

THIS PORTION TO BE COMPLETED BY FINANCE DEPARTMENT		
<u>UNCLAIMED</u>	AS	FINANCE
_____	OF	INITIAL
_____		_____

ORIGINAL _____ PREVIOUS APPROPRIATION _____ TRANSFERS _____

ADMINISTRATIVE REVIEW/COMMENTS

	Approval —		Approval —
	Disapproval		Disapproval

C.M. _____ FIN. _____

DIR. _____

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: Intrabudget Adjustment Request Policy for the Mayor and City Council	POLICY #205
ADOPTED: January 16, 2007	AMENDED: December 10, 2013 <u>October 17, 2023</u>

Date: _____
Date: _____
cc: _____ Budget File- White
_____ Requesting Department Head- Yellow
_____ City Manager – Pink
_____ Originating Dept. – Goldenrod _____ Date
Posted: _____

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Legislative and Judicial Platform	POLICY #301
ADOPTED: February 24, 1994 <u>1981</u>	AMENDED: December 10, 2013 <u>October 17, 2023</u>

Purpose

To establish guidelines which allow staff to respond to proposed legislation and pending litigation quickly and effectively and to serve as broad statement of City policy on a variety of public issues.

Policy

The City Council shall adopt a legislative and judicial platform and annual legislative priorities, developed by staff as policy parameters in order to respond to proposed legislation and pending litigation quickly. The direction provided in the legislative and judicial platform will encompass principles fundamental to the needs of the City. This platform shall be updated and revised by the City Council as necessary. In addition, the City Council shall adopt legislative priorities annually. These City Council endorsed legislative priorities may address specific and pending regional, state, and federal policy issues for the City of National City. Generally, the legislative priorities document shall include only those items of a direct and substantial impact on municipal operations. The City will work with local legislators, as appropriate, in advancing the City's adopted legislative platform.

The City of National City ~~L~~egislative ~~p~~Platform and ~~p~~Priorities Policy formally establishes the City's position on pending legislative matters. With this policy guidance, the City Manager's Office shall advocate for and against legislative matters as appropriate without waiting for Council approval. The method of communication and level of engagement will be determined by the City Manager's Office based on the City Council priorities, legislative climate, and urgency of the legislative proposal. The City Council will be provided with legislative updates and copies of correspondence sent on behalf of the City.

Similarly, the platform and priorities allow the City staff to provide input into the judicial system, such as by adding the City's name to amicus curiae briefs, by corresponding with appellate courts, or by supporting efforts of the ~~League of California Cities'~~ Cal Cities Legal Advocacy Committee, without waiting for Council approval. Written correspondence to the appellate courts or requests to participate in amicus curiae briefs will be signed by the City Attorney or designee, with a copy to the City Council.

Council approval is required on those issues which do not fall within the parameters of the legislative and judicial platform or legislative priorities, unless scheduling an approval is not possible due to (a) the emergency nature of the legislation or litigation, or ~~to~~ (b) the necessity of City action which prevents such scheduling in a timely manner. In such cases, the City Manager shall determine the appropriate course of action as to legislative matters, after considering the recommendation of the Department Director, ~~and t~~ The City Attorney shall make such determinations on litigation issues. For the purpose of the Legislative Platform, the term "City" includes the City of National City, Community Development Commission – Housing Authority, Successor Agency to the Community Development

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Legislative and Judicial Platform	POLICY #301
ADOPTED: February 24, 1994 <u>1981</u>	AMENDED: December 10, 2013 <u>October 17, 2023</u>

Commission (“Successor Agency”), the Parking Authority, and Joint Powers Financing Authority.

Timeline

The City Council shall periodically update the legislative and judicial platform as needed. The City Council shall annually adopt legislative priorities. On or before November 15th, the City Manager shall submit legislative policy recommendations to the City Council for review. On or before the final City Council Meeting in December, the City Council shall formally adopt the annual Legislative Priorities.

On or before April 1st, the City Manager's Office shall compile items to be submitted for inclusion in the state and/or federal budget. ~~On or before June 1stst, the City Council shall formally adopt the budget items for inclusion on behalf of National City.~~

The priorities and timelines may be amended by the City Council from time to time when action on a matter appears to be of sufficient urgency that it would not be in the eCity’s best interest to wait until the next legislative year.

Related Policy References

~~Legislative and Judicial Platform Memo attached as part of this policy~~

Related Policy References

February 24, 1981 – (Resolution No. 13,516) Adopting Legislative Policy Guidelines

Prior Policy Amendments:

November 12, 1991 (Resolution No. 91-228)

December 16, 2008 (Resolution No. 2008-271)

December 10, 2013 (Resolution No. 2013-189)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Legislative and Judicial Platform	POLICY #301
ADOPTED: February 24, 1994 <u>1981</u>	AMENDED: December 10, 2013 <u>October 17, 2023</u>

~~2009-2023~~ CITY OF NATIONAL CITY LEGISLATIVE AND JUDICIAL PLATFORM AND CORE PRIORITIES

The National City Council urges the Legislature to:

- Preserve and enhance the City's ability to deliver quality and cost-effective services to National City's residents and visitors.
- Preserve and enhance the City Council's ability to serve National City residents by retaining local decision-making authority and maintaining state legislative and voter commitments for revenue resources.

LEGISLATIVE PLATFORM ~~MUNICIPAL~~ CORE LEGISLATIVE PRIORITIES

The following ~~eight~~ core legislative priorities highlight issues that could significantly affect National City and legislative advocacy efforts which will be focused in these priority areas.

HOME RULE / FISCAL SUSTAINABILITY

Home Rule and Local Control

The City believes strongly in the principles of home rule authority and local control and its ability to increase the effectiveness and efficiency of local government services. The City encourages the Legislature to respect and support home rule and opposes legislation that attempts to weaken municipal home rule authority and flexibility.

The City supports efforts that reflect a positive, collective, and cohesive approach to regional solutions, as long as local control is maintained.

Fiscal Sustainability

The City supports the retention of local taxing authority, the maintenance of fiscally balanced revenue sources, and measures that would provide fiscal independence to cities.

The City supports the full disbursement levels of existing revenue streams and directed funding sources including sales tax, property tax, and transient occupancy tax (TOT) and vehicle in-lieu fees. The City opposes diversions and reallocations of ~~these-all~~ funds by the Legislature in a manner that would negatively affect local government.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Legislative and Judicial Platform

POLICY #301

ADOPTED: February 24, ~~1994~~ 1981

AMENDED: ~~December 10, 2013~~

October 17, 2023

The City opposes unfunded mandates placed on local jurisdictions, and encourages the ~~L~~Legislature to evaluate the fiscal impact such mandates will have on communities prior to considering the issue.

The City opposes any efforts to increase reporting requirements related to locally raised revenues.

~~II.~~ INFRASTRUCTURE

The City supports the retention of infrastructure funding and bonding for street projects, housing, ~~and~~ infill infrastructure projects and parks. The ~~C~~City recognizes that funding for these key project areas will help to spur economic activity in National City.

The City supports efforts to provide more flexibility in raising revenue for necessary infrastructure projects.

The City supports federal and state economic stimulus initiatives that provide the necessary resources and funds to invest in necessary infrastructure projects to improve the transfer of goods and services throughout the region, create jobs, and encourage economic development.

~~III.~~ TRANSPORTATION

The City believes the movement of goods and people is vital to continued economic success and to the maintenance of a high quality of life. In order to preserve these, the City encourages the Legislature to invest in the maintenance and expansion of the State's multi-modal transportation network. The City supports regional coordination in transportation planning but opposes efforts that limit local control in the transportation decision-making process.

The City supports measures to finance local and regional multi-modal transportation improvements and to enhance transportation funding equity.

The City opposes proposals that would adversely affect the quality of National City and ~~its surrounding area~~ the San Diego region. Furthermore, the ~~C~~City Council supports efforts that grant cities ~~and towns~~ the additional ability to provide for transportation improvements.

~~IV.~~ PORT-RELATED LEGISLATION

The City and the Port of San Diego have ~~attempted to work~~ ed cooperatively to address the

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ADOPTED: February 24, ~~1994~~ 1981

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disparity that has long existed between the regional benefits of the Port and the unique local impacts of the Port on the City and its residents. The City is committed to pursuing public policy that would achieve the balance necessary between the Port, the Working Waterfront, and National City consistent with the following six principles agreed upon by the parties:

1. Protection of Maritime Uses;
2. Enhancement of the Working Waterfront;
3. Environmental Compliance;
4. Public and/or Visitor Serving Amenities;
5. Financial Benefits to the Port and National City; and
6. Public Participation within National City.

Generally, the City is supportive of any legislative measures that are consistent with the policies and intent of one or more of the foregoing principles. Further, the City Council supports efforts that grant Port communities the ability to fully address the economic and environmental impacts directly and indirectly attributed to the Port. National City is also supportive of public policy that provides financial incentives to Port communities for the preservation and expansion of maritime activities within its jurisdiction.

~~V.~~ ENERGY CONSERVATION & ENVIRONMENTAL PROTECTION

The City recognizes the importance of working cooperatively with other governmental and private sector entities to implement and manage efficient, cost-effective, and sound environmental programs and services that secure clean air, water, and land.

The City supports appropriate legislation and regulation that promotes pollution prevention, supports energy conservation efforts and encourages green development without imposing unfunded mandates.

The City opposes efforts that place a severe financial burden on municipalities.

~~VI.~~ LAND USE PLANNING

The City supports maintaining local authority in land use planning issues and supports legislative efforts that promote more orderly growth and opposes efforts that impede growth management, including the preservation of local authority to set land use policies.

The City supports efforts to assist local governments in implementing sustainable development practices.

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The City opposes legislation that would restrict a ~~municipality's~~ City's ability to redevelop Under-performing areas.

~~VII. ECONOMIC DEVELOPMENT~~

The City supports efforts to enhance the range of economic development mechanisms at a ~~municipality's~~ City's disposal that would strengthen the abilities of local agencies to prepare for, and implement growth, job creation, workforce-development, redevelopment, conservation, and beautification projects.

The City opposes any attempt to limit local control over, or ability to execute economic development projects including through the diversion of redevelopment funding.

The City opposes any state or federal proposals that reduce economic investment opportunities at the local level. This includes reductions and restrictions to block grants and housing subsidies.

~~VIII. AFFORDABLE HOUSING~~

The City recognizes the importance of housing for all income levels as critical to the balanced and healthy growth of the ~~e~~City and its communities. The City supports affordable housing efforts as a key component to workforce recruitment and retention. This includes support for federal and state participation and financial support of programs to provide adequate housing for the elderly, disabled, homeless, and low-income persons throughout the community.

The City supports efforts to establish a permanent funding source for the development rehabilitation and preservation of affordable housing. Advocate for efforts to review and reduce state mandated regulations on housing development.

~~LEGISLATIVE PLATFORM CONTINUED~~

~~The following platform statements address additional legislative issues that may arise, and appear regularly at the federal and state levels.~~

GOVERNMENTAL PUBLIC LIABILITY POLICY

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The City supports efforts to reinforce public entity design and discretionary act immunity.

The City supports efforts to abolish lump-sum awards for damages and to substitute installment payments projected over the plaintiff's life span, to cease at time of death.

The City supports efforts to develop statutory provisions calling for the reimbursement of all public entity defense costs and expenditures incurred in the defense of frivolous and spurious claims and lawsuits.

The City supports efforts to change the legal principal of "joint and several liability" to protect, ensure, and otherwise provide that the City will not be a target for unmeritorious lawsuits based on the City's more advantageous financial position, whether real or perceived, than that of the true tortfeasor a "deep pocket" liability target.

The City opposes efforts to further erode governmental tort immunity.

The City opposes any efforts to remove or weaken any statutory time limits as to the filing and serving of claims and lawsuits as well as any efforts to open public entities to liability for punitive or exemplary damages.

The City opposes any efforts to expand situations in which public entities may be liable to pay for litigants' attorneys' fees or other litigation expenses.

EMPLOYEE LABOR RELATIONS AND BENEFITS

The City supports efforts that provide the City with necessary resources and authority to establish appropriate working conditions and benefits to its employees. This includes preserving and enhancing equal employment opportunities for all people seeking employment, and opposing efforts that remove the local decision-making authority in employee issues.

The City is supportive of efforts that result in improved public and private sector labor management relations and opposes efforts that impose state mandates.

The City supports efforts to prevent abuses within the compensation system, which in turn results in increased costs to the ~~municipality~~ City.

The City opposes efforts that would increase the City's liability for unemployment compensation and retirement pensions.

The City opposes efforts that would increase employee Workers' Compensation benefits

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without system reforms to offset increased employer costs, and that would provide presumptive eligibility for the award of Workers' Compensation.

PUBLIC SAFETY AND EMERGENCY SERVICES

The City supports initiatives to preserve and enhance the ability of local governments to strategically plan for and respond to emergencies and efforts to ensure that the greatest level of public safety and emergency services are provided to the community without creating an unfunded mandate.

The City supports the retention of revenue streams for funding public safety employee disaster preparedness, crime prevention, ~~and~~ fire prevention and suppression, emergency medical services, and public safety training.

The City supports efforts to provide the City with additional resources such as behavioral health clinicians and homeless outreach referral services to assist those in need of assistance and to direct them to the appropriate services.

The City opposed efforts that would impede local law enforcement from addressing crime problems and recovering costs resulting from a crime committed by a guilty party.

The City supports efforts that strengthen local law enforcement, including: prevention of driving under the influence of drugs or alcohol; effective abatement of illegal land uses and illegal businesses; the sharing of criminal history information between states; registration of sex offenders; reducing access to firearms by the mentally ill; and providing tools and resources to address community challenges such as domestic violence, gangs, and human trafficking.

The City supports de-certification of officers under specified conditions, including those officers convicted of any felonies and those with a history of egregious misconduct, contingent that an impartial authority outside of the employing agency is utilized and officers are afforded due process.

The City supports statewide and federal tracking of information related to officers that resign in lieu of discipline or termination, or those with multiple sustained complaints and violations.

The City supports mandated and regular implicit and racial bias training for all law enforcement, and de-escalation training that focuses on alternatives to deadly force.

The City supports efforts that increase county, state and federal funding for local law enforcement, fire suppression, wildfire prevention, hazardous materials mitigation, and emergency medical services.

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The City supports efforts that promote national fire code development using an open, consensus-based process.

The City supports efforts to create a funding mechanism for a regional fire department in San Diego County that does not diminish the ability of cities to provide essential services and mechanisms that increase reimbursement funding for Medicare and Medi-Cal programs.

The City supports innovative health and safety efforts that improve access to primary and preventive care and decrease use of emergency departments, including expanded mental health services.

TELECOMMUNICATIONS

The City supports efforts that ensure consumer access to telecommunications services in an efficient and cost-effective manner while retaining local government's authority. This includes retaining local government's ability to negotiate franchise agreements, ~~the ability to~~ regulate the use of public rights-of-way, and collect appropriate revenues in order to maximize benefits to the consumer.

WATER MANAGEMENT

The City supports efforts to increase the water supply or improve water quality within the region and efforts that encourage voluntary water conservation.

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Environmental Guidelines	POLICY #401
ADOPTED: November 25, 1980	AMENDED: December 2, 2014

Purpose

To establish local guidelines for implementation of the California Environmental Quality Act (CEQA).

Policy

The City Council adopted Resolution No. 13,474 which established City procedures for environmental review on November 25, 1980. The procedures were updated and replaced with Council adoption of Resolution No. 15,625 on May 24, 1988. The City Council also adopted Resolution No. 2005-243 in November 2005 regarding the 200 local guidelines.

The environmental guidelines establish requirements and procedures for environment review, including adoption of negative declarations and preparation of environment impact reports. A copy of the guidelines is maintained in the Planning Department.

Related Policy References

[November 25, 1980 \(Council Resolution No. 13,474\)](#)
[May 24, 1988 \(Council Resolution No. 15,625\)](#)
[Council Resolution No. 2005-24](#)

Prior Policy Amendments

November 12, 1991 ([Resolution No. 91-228](#))
November 1, 2005 ([Resolution No. 2005-243](#))
November 1, 2005 ([Resolution No. 2005-244](#))
December 2, 2014 ([Resolution No. 2014-168](#))

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Procedures and Requirements for Development Agreements	POLICY #402
ADOPTED: September 6, 2011	AMENDED: December 10, 2013 <u>October 17, 2023</u>

Purpose

To adopt regulations establishing procedures and requirements for consideration of development agreements.

Policy

Under a development agreement, both the City and the developer commit themselves to proceed with a development in accordance with the terms of the agreement. The city may agree to process further applications in accordance with the City's building regulations and planning and zoning ordinances, regulations, and standards in effect at the time of the agreement, and not to subject the development to changes in those ordinances, regulations and standards for a specified time. In return, the developer may agree to construct specific improvements, provide public facilities and services, pay development impact fees, develop according to a specified time schedule or make other commitments that the City might otherwise have no authority to require a developer to perform. A development agreement is enforceable despite any changes to the General Plan, a specific plan, zoning, subdivision, or building regulations.

The development agreement may provide that the developer shall be subject to future changes in development impact fees. Any fees received or costs recovered by the City shall comply with Government Code Section 66006.

A development agreement is distinguishable from a "disposition and development agreement" entered into between a developer and a redevelopment agency, wherein the agency typically participates financially in the project in some way. The commitment made by a developer under a development agreement may be different in kind and scope than the exactions imposed by a city under the Mitigation Fee Act (Government Code Section 66000, et. seq.), which authorizes a city to impose impact fees on a development project involving the issuance of a permit for construction, but not a permit to operate such fees are collected for the purpose of defraying the cost of public facilities related to the development project.

A. Requirements for Applications and Agreements

A.1 Forms and Information

- a. The City Attorney shall prescribe the form for each application and notice required under this Policy for the preparation and implementation of development agreements.
- b. The City Manager, or designee, may require an applicant to submit such information and supporting data as deemed necessary to process the application.

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A.2 Fees

The City Council may include in the City's Fee Schedule the fees and charges imposed for the filing and processing of each application and document required under this Policy.

A.3 Qualification as an Applicant

Only a qualified applicant may file an application to enter into a development agreement with the City. A qualified applicant is a person who has a legal or equitable interest in the real property that is the subject of the agreement. "Applicant" includes an authorized agent of the person who has such an interest. The City Manager, or designee, may require an applicant to submit proof of his or her interest in the real property and of the authority of the agent to act for the applicant. Before the application is processed, the City Attorney shall determine the sufficiency of the applicant's interest in the real property to enter into the agreement.

A.4 Form and Contents of Development Agreement

In applying for a development agreement, a developer may submit a form of agreement prepared by the developer. Whether prepared by the City or the developer, the agreement shall specify the following:

- a. The duration of the agreement;
- b. The permitted uses of the real property;
- c. The density or intensity of use;
- d. The maximum height and size of proposed structures;
- e. Provisions for reservation or dedication of land for public purposes;
- f. The nature and timing of construction of improvements;
- g. The date by which construction shall commence;
- h. The date by which construction of the development and each phase of the development shall commence;
- i. Other commitments by the developer including, but not limited to, an agreement to construct specific improvements, provide public facilities and services, pay development impact fees, or make other commitments that the City requires;

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- j. A commitment by the City to process the developer's application in accordance with the City's building regulations and planning and zoning ordinances, regulations, and standards in effect at the time the agreement is entered into, and not to subject the development to changes in such ordinances, regulations, and standards for a specified period of time; and
- k. For phased developments, and developments of long duration, the City and the developer may agree that the period of time for which the development will not be subject to changes in the City's building, planning, and zoning ordinances and regulations will be for a specified time that is less than the term of the agreement.
- l. Other conditions, terms, restrictions, and requirements provided they do not prevent the development of the real property for the uses and to the density or intensity of development set forth in the agreement.

A.5 Review of Applications; Submission to Planning Commission.

The City Manager, or designee, shall review the application and shall reject it if it is inaccurate or incomplete for processing. If City staff finds the application is complete and contains the information necessary to complete the development agreement, he or she shall accept it for filing. When both the application and agreement are determined by the City to be complete, the City Manager, or designee, shall submit the agreement to the Secretary of the Planning Commission, who shall place the agreement on a Commission agenda for a public hearing to consider the agreement for approval. At the time the City Manager, or designee, submits the agreement to the Secretary of the Planning Commission, City Attorney shall submit with the agreement a report indicating whether or not the agreement would be consistent with the General Plan and any applicable specific plan.

A.6 Hearing by City Council

After the development agreement is considered by the Planning Commission, the City Manager, or designee, shall cause to have it placed on a City Council agenda to have it considered for approval by the Council after public hearing. The City Attorney shall submit with the agreement a report indicating whether or not the agreement would be consistent with the General Plan and any applicable specific plan.

A.7 Concurrent Processing

A development agreement may be processed concurrently with other applications for development for the same property.

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A.8 Other Parties

In addition to the City and the developer, any federal, state, or local government agency may be included as a party to the development agreement under the authority of the Joint exercise of Powers Act (Government Code Section 6500 et seq.) or other authority.

B. Notices and Hearings

B.1 Notice of Intention

The City Clerk shall give notice of the intention to consider adoption of a development agreement at least ten days before the public hearings of the Planning Commission and the City Council. The notice shall be given as provided in Section 65091 of the Government Code.

B.2 Form of Notice

The form of Notice of Intention to consider adoption of a development agreement shall contain:

- a. The time and place of the hearing;
- b. A general explanation of the matter to be considered, including a general description of the area affected; and
- c. Other information required by specific provisions of this Policy or that the City Manager, or designee, considers necessary or desirable.

B.3 Manner of Notice

Notice of the intention to consider adoption of a development agreement shall be given as provided in Government Code Section 65091.

B.4 Failure to Receive Notice

The failure of any person or entity to receive notice shall not affect the authority of the City to enter into a development agreement, or affect the validity of development agreement.

B.5 Rules Governing Conduct of Public Hearings

A public hearing at which a development agreement is considered shall be conducted as nearly as possible in accordance with the procedural standard adopted under Government Code Section 65804 for the conduct of zoning hearings. Each person interested in the matter shall be given an opportunity to be heard. The developer has the burden of proof at the public hearing.

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C. Standard of Review, Findings, and Decision

C. 1 Recommendation by Planning Commission

After the public hearing is held by the Planning Commission, the Commission shall adopt a resolution making its recommendation to the City Council as to whether the development agreement should be approved. The resolution shall set forth the reasons for the Commission's recommendation, including findings setting forth the Commission's determinations regarding the following:

- a. Whether the development agreement is consistent with the objectives, policies, land uses, and programs specified in the General Plan and any applicable specific plan;
- b. Whether the development agreement is compatible with the uses and regulations for the zone in which the property is located;
- c. Whether the development agreement is in conformity with the public convenience, general welfare, and good land use practice;
- d. Whether the development agreement will not be detrimental to the health, safety, and general welfare;
- e. For a development agreement that is to be entered into in connection with a subdivision, as defined in Government Code Section 66473. whether the agreement provides that any tentative map will comply with the provisions of that section.
- f. Whether the development agreement offers to the City Substantial benefit in exchange for the vested right benefit granted to the developer.

C.2 Decision by City Council

- a. After receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing. The Council may accept, disapprove, or modify the recommendation of the Planning Commission. The Council may, but is not required to, refer matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for report and recommendation. The Planning Commission shall consider at a public meeting all matters referred back to it by the City Council and may, but is not required to, hold a public hearing on such matters.

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- b. The City Council may not approve the development agreement unless it finds that the agreement is in compliance with the standards set forth in Section C.I.
- c. The decision whether to enter into a development agreement is within the sole discretion of the City Council.

C.3 Approval of Development Agreement

If the City Council approves the development agreement, it shall do so by the adoption of an ordinance. The City may enter into the agreement after the ordinance approving the agreement takes effect.

D. Amendment and Cancellation of Development Agreement by Mutual Consent

D.1 Initiation of Amendment or Cancellation

A development agreement may be amended, or cancelled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. Either party may initiate such amendment or cancellation.

D.2 Procedure

- a. The procedure for proposing and adopting an amendment to or cancellation in whole or in part of the development agreement is the same as the procedure for entering into an agreement in the first instance, as set forth in Sections "B" and "C" of this Policy.
- b. If the City initiates the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the developer of its intention to initiate such proceedings at least 30 days advance of the giving of the Notice of Intention to consider the amendment or cancellation required by Section "B".

E. Recordation

E.1 Recordation of Development Agreement, Amendment or Cancellation

- a. Within 10 days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder. The agreement shall run with the land and inure to the benefit of and bind successors in interest.
- b. If the City and the developer or the developer's successor in interest

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amend or cancel the agreement as provided in Government Code Section 65868, or if the City terminates or modifies the agreement as provided in Government Code Section 65865.I for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall cause notice of such action to be recorded with the County Recorder within 10 days.

F. Periodic Review

F.1 Time for Initiation of Review

The City Council shall review the development agreement at a public hearing at least every 12 months from the date the agreement is entered into. The time period before which review may occur may be shortened either by agreement of the City and the developer or by initiation in one or more of the following ways:

- a. Recommendation of the City Manager, or designee; or
- b. Action of the City Council. The failure to conduct a review in any 1 month period does not preclude a later review.

F.2 Notice of Review

The City shall begin the review proceeding by giving notice that the City Council intends to undertake a review of the development agreement.

F.3 Delegation or Referral to Planning Commission

At the time the development agreement is reviewed by the City Council, the Council may:

- a. Review the development agreement itself; or
- b. Delegate the review to the Planning Commission for a determination or
- c. Refer the review to the Planning Commission for a recommendation as to the action to be taken by the City Council.

F.4 Procedure

The notice and hearing procedure for review of the development agreement is the same as the procedure for entering into the agreement in the first instance, as set forth in section "B" of this policy.

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F.5 Public Hearing

The decision-making body shall conduct a public hearing at which the developer must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is with the developer. At the time and place set for hearing, the developer shall be given an opportunity to be heard.

F.6 Findings

- a. At the conclusion of the public hearing, the decision-making body shall adopt a resolution making findings based on substantial evidence as to whether or not the developer has, for the period of time under review, complied in good faith with the terms and conditions of the development agreement.
- b. If the decision-making body finds and determines on the basis of substantial evidence that the developer has complied in good faith with the terms and conditions of the development agreement during the period of time under review, the review for that period is concluded.
- c. If the decision-making body finds and determines on the basis of substantial evidence that the developer has not complied in good faith with the terms and conditions of the development agreement during the period of time under review, it shall in its resolution modify or terminate the agreement. If the agreement is modified, the decision-making body may impose those conditions to its action as it considers necessary to protect the interests of the City. If the decision-making body determines to modify the agreement, it shall do so only in a manner reasonably related to addressing the lack of compliance identified under Subsection (b) of this Section.
- d. If the review is conducted by the Planning Commission for a determination the developer or - any interested person may appeal the determination under Subsections (b) and (c) of this Section to the City Council in accordance with the City's procedures for appeals to the City Council.

F.7 Decision of the City Council Final

In all proceedings under Section "F", the decision of the City Council shall be final.

F.8 Costs of Review

The developer shall pay the City's reasonable costs for staff time expended on the annual review.

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G. Judicial Review

G.I Standard of Review

Judicial review of the initial approval by the City of a development agreement shall be by writ of mandate under Code of Civil Procedure Section 1085. Judicial review of a City action taken pursuant to this Policy, other than the initial approval of development agreements, shall be by writ of mandamus under Code of Civil Procedure Section 1094.5. Any action or proceeding to attack, review, set aside, void, or annul any decision of the City to approve or amend a development agreement under this Policy shall be commenced within 90 days of the date of the decision.

Related Policy References

Government Code Sections: 65091, 65804, 65864-65869.5, 66000, 66006, 66473.7
Code of Civil Procedure Sections: 1085, 1094.5

Prior Policy Amendments

None

[September 6, 2011 \(Resolution No. 2011-196\) Establishing Policy](#)

[December 10, 2013 \(Resolution No. 2013-189\)](#)

CITY COUNCIL POLICY CITY OF NATIONAL CITY

TITLE: Use of Volunteers by the City Council	POLICY # 603
ADOPTED: February 6, 2018	AMENDED: February 4, 2020 October 17, 2023

Purpose

Members of the City Council may require support in their efforts to stay abreast of local, state and federal legislative matters that may impact the City, attend community meetings with individuals and groups, receive and respond to constituent questions/concerns (both in person and in written communications), and serve on various boards and commissions. In addition to the administrative support provided by employees assigned to the City Council, individual members of the City Council may require additional periodic or on-going support which may be achieved through the use of volunteers. The duties performed by volunteers may vary dependent upon the knowledge, skills and abilities of the individual(s) and the needs of the Council office. The purpose of this policy is to establish guidelines for the use of volunteers by members of the City Council.

Definitions

City Council - the legislative body elected to govern the City of National City, comprised of the Mayor and City Councilmembers.

Confidential Materials - information that is classified, private, secret, or sensitive that is transmitted or provided to City Councilmembers by, for, or through the City Attorney staff, City department, or City departmental staff, in the course of the confidential attorney-client relationship or confidential departmental communication. Confidential material includes, but is not limited to, any documents that are exempt from public disclosure under the Public Records Act, documents/materials that are privileged, or documents/materials that are protected attorney work product, under the Brown Act, Evidence Code, Rules of Professional Responsibility, or any state or federal statute, code, regulation or case.

Elected Official - for purposes of this policy, elected official refers to the Mayor and City Councilmembers.

Political Event – an organized event having as its primary purpose the exercise of expressive activities of a political nature, including but not limited to speech making, picketing, protesting, marching, demonstrating, or debating political public issues or fundraising political candidates.

Volunteer - an individual who is donating time to the City without monetary compensation for hours worked. Volunteers include unpaid student interns and students seeking community service hours in compliance with school district graduation requirements.

Policy

Elected Officials:

1. The decision to use volunteers shall be at the discretion of each individual elected official.

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TITLE: Use of Volunteers by the City Council	POLICY # 603
ADOPTED: February 6, 2018	AMENDED: February 4, 2020 October 17, 2023

2. The elected official has the sole responsibility for the selection of volunteers, the assignment of duties and the establishment of a work schedule.
3. Elected officials shall not assign a volunteer to represent them in meetings that require the presence of an appointed (an elected official serving as an appointed board member or commissioner) or elected official.

Volunteers:

1. Volunteers shall serve at the will of the elected official with no rights to permanent employment (either paid or unpaid); and with no rights to an appeal if the volunteer assignment is terminated by the elected.
2. In all communications representing the Council office, including those with City staff, community members, businesses or other agencies, volunteers shall only represent the interests and/or opinions of the elected official to whom he or she reports. At no time shall a volunteer be granted the authority to represent the interest and/or opinions of the City Council as a body or the City as an agency.
3. Elected officials and City staff shall take reasonable precautions to ensure that volunteers do not have access to confidential materials.
4. Volunteers may be given name tags to be worn when assigned to work in the community or when attending meetings on behalf of the elected official. All such name tags shall be in conformance with the City's adopted standard for such a name tag. Name tags shall not be worn by volunteers at times when they are not scheduled or assigned to work in their volunteer capacity, or at political events.
5. Volunteers may not engage in political activities on City premises or using City equipment; or during periods of time when on duty as a volunteer. Volunteers are considered on duty during periods of an assigned work schedule or when otherwise asked by an elected official to work in the office or to attend an event on his/her behalf as their representative.

Procedures

The selection and use of volunteers by elected officials shall be subject to the general administrative guidelines established by the City Manager under Administrative Policies 04.09 and 04.13, Volunteers and Unpaid Interns; and Criminal History Checks, respectively, including but not limited to the preparation and submission of attendance logs for all volunteers.

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TITLE: Use of Volunteers by the City Council

POLICY # 603

ADOPTED: February 6, 2018

AMENDED: [February 4, 2020](#)

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Related Policy References

Administrative Policy 04.09 - Volunteers and Unpaid Interns
Administrative Policy 04.13 - Criminal History Checks

Prior Policy Amendments:

[February 6, 2018 \(Resolution No. 2018-21\) Establishing Policy](#)

[February 4, 2020 \(Resolution No. 2020-20\)](#)

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: REQUIREMENTS FOR SUBMITTAL OF PROPOSALS TO QUALIFY FOR TAXICAB OR OTHER PARATRANSIT VEHICLE PERMITS	POLICY #711
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ADOPTED: AUGUST 16, 2005	AMENDED: <u>October 17, 2023</u>
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Purpose

The purpose of this policy statement is to set forth the basic requirements for submittal of proposals to qualify for taxicab or other paratransit vehicle permits to operate in the City of National City.

Policy

I. BASIC REQUIREMENTS

A. The Mayor and City Council will establish an Issuance Evaluation Committee, comprised of two councilmembers and a specified number of staff members, to review such submittals and make a determination as to granting or denying the request for permit(s) and medallions (in the case of taxicabs). Decisions as to the granting or denial of submittals may take up to 90 days. Submittals of all such proposals shall be to the Finance Department.

B. The Issuance Evaluation Committee will also make recommendations to the City Council from time to time concerning the establishment of numerical limits on the number of permits and/or taxicab medallions to be authorized

C. This procedure and its requirements are set forth in accordance with, and are consistent with, the City of National City Municipal Code, Section 11.70 *et seq.*, pertaining to the regulation and operating requirements of paratransit vehicles operating in the City of National City, and the Implementation Regulations for Paratransit Vehicles related thereto.

D. A minimum qualification for the submittal to the City of such a proposal requires that the submittal applicant is currently, and will continue in the future, to be able to comply with the above referenced ordinance and Implementation Regulations . Actual submittal of a proposal will constitute affirmation that compliance with said regulations will be effectuated by the permit applicant. Upon the City's grant of a permit to a new permit holder, completion of an application in accordance with the above regulations will thereafter be required with payment of the required fees, as set forth in Section 11.70 of the Municipal Code

E. Applicants will not be discriminated against on the basis of race, creed, national origin, gender, religion, sexual orientation, age, and other such constitutionally protected classifications. Preference may be given to applicants who operate their paratransit vehicle headquarters in the City of National City. The City of National City

**CITY COUNCIL POLICY
CITY OF NATIONAL CITY**

TITLE: REQUIREMENTS FOR SUBMITTAL OF PROPOSALS TO QUALIFY FOR TAXICAB OR OTHER PARATRANSIT VEHICLE PERMITS	POLICY #711
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ADOPTED: AUGUST 16, 2005	AMENDED: <u>October 17, 2023</u>
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reserves the right to reject any and all submittals at its discretion where the applicant's proposal does not meet the qualifying criteria.

F. By submitting a proposal, the applicant authorizes the City of National City to perform all investigations necessary to determine suitability and number availability for the issuance of additional permits and/or medallions by the City. The availability of permits and/or medallions to be issued by the City will be based on City Council approval of a maximum number of permits and/or medallions authorized, based on its discretion. The City Council may, in its discretion, reduce the number of authorized permits and/or medallions when deemed to be in the best interest of the City. The City Manager is not required to issue the maximum amount of permits and/or medallions set by City Council, unless in his or her discretion, it is warranted, based on need and qualifications of the proposals.

II. ELIGIBILITY

A. Paratransit operators who are immediately able to operate a legal paratransit vehicle in the City of National City are eligible to apply. They must provide:

1. A centralized fleet ownership of paratransit vehicles through a partnership, corporation, drivers' association, or a limited liability corporation.
2. A 24-hour staffed central dispatch system, demonstrating an operational management system for paratransit vehicles.
3. Usage of a GPS by at least 50% of the fleet.
4. Credit card acceptance from passengers for payment of fares.
5. Minimum driver age requirement of 21 years of age.
6. A 20 hour minimum of driver training requirement by the company.
7. Proof of minimal insurance requirements as set forth in the City's Implementation Regulations and Section 11.70 of the Municipal Code.
8. Agreement to comply with the City's Equal Employment Opportunity Plan and incorporation of the Plan into their operation.

B Submittal of all required information is the responsibility of the applicant. Factual accuracy, completion of all required documentation, and timely submittal is required of the submittal applicant for eligibility.

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III REQUIRED INFORMATION FOR SUBMITTAL

- A. General Applicant Information
 - 1. Name, address, and telephone number of the applicant, and person submitting the proposal, if different.
 - 2. Designation, details as to the form of the business, and supporting documentation as to the legal existence of the business entity, including all identification information for the business such as corporate number, Articles of Incorporation, bylaws, and related documents.
- B. Five references of clients or business entities who can attest to the applicant's quality of service provided for paratransit vehicle service.
- C. A Management Business Plan, to include descriptions of the following, all of which may be utilized to evaluate the decision to grant or deny the proposal request:
 - 1. The provision of a centralized fleet ownership by the entity.
 - 2. The Central Dispatch System, GPS, and communication technology employed by the applicant.
 - 3. Experience, training, and qualifications of applicant and their managers, drivers, and owners.
 - 4. Summary or report of response times for past three years (or a set standard for response times for new companies).
 - 5. Proof of credit card usage for customer fares.
 - 6. Customer Complaint Procedure.
 - 7. Vehicle storage, repair and maintenance monitoring systems for the vehicles for effective functioning.
 - 8. Drivers' hiring and retention criteria, training program, and minimum required experience.

**CITY COUNCIL POLICY
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9. Chart and description of existing personnel positions.
10. Submittal of a plan for ongoing monitoring and evaluation of the applicant's level and quality of service and accountability.
11. Record keeping system.
12. List of all other cities or other entities for which permits are currently held or intended in the year subsequent for paratransit vehicle service.
13. The dates, names, and explanation of all past license or permit revocations of any and all drivers, owners or managers of the applicant's entity.
14. Facilities and headquarters location and description.
15. Safety program details.

D Submittal of a letter from an accredited financial institution stating that the applicant has the resources to fund the Management Business Plan within 90 days of the award of the permit(s).

[Related Policy References](#)

[Prior Policy Amendments](#)

[August 16, 2005 \(Resolution No. 2005-183\) Adding Policy](#)

RESOLUTION NO. 2023-

**RESOLUTION OF CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA,
AMENDING CITY COUNCIL POLICY NOS. 104, 108, 111, 112 (ELIMINATE), 115, 117, 204,
205, 301, 401, 402, 603, AND 711 (ELIMINATE)**

WHEREAS, the City of National City (“City”) City Council Policy requires an annual review of the City’s Council Policy Manual; and

WHEREAS, having completed the annual review of the City’s City Council Policy Manual, City staff requests that the City Council authorize updates to Policy Nos. 104, 108, 111, 112 (eliminate), 115, 117, 204, 205, 301, 401, 402, 603, and 711 (eliminate).

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

Section 1: Authorize updates to the following City Council Policies:

Policy #104 Rules of Procedure and Order for City Council Meetings

Policy #108 City Manager as Chief Administrative Officer

Policy #111 Utilization of City Vehicles in Non-Safety Related Capacities

Policy #112 Document Reproduction (eliminate)

Policy #115 Donation of Surplus City Property & Police Department Unclaimed Property

Policy #117 Distribution and Report of Tickets and Passes Distributed by the City-to-City Officials

Policy #204 Donation Acceptance Policy

Policy #205 Intrabudget Adjustment Request Policy for Mayor and the City Council

Policy #301 Legislative and Judicial Platform

Policy #401 Environmental Guidelines

Policy #402 Procedures and Requirements for Development Agreements

Policy #603 Use of Volunteers by the City Council

Policy #711 Requirements for Submittal of Proposals to Qualify for Taxicabs or Other Paratransit Vehicle Permits (eliminate)

Section 2: 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 17th day of October, 2023

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM

Barry J. Schultz, City Attorney



AGENDA REPORT

Department: City Attorney's Office
Prepared by: Barry J. Schultz, City Attorney
Meeting Date: Tuesday, October 17, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Consideration of the Legal Opinion Regarding Primary Voting System

RECOMMENDATION:

Provide Direction to Staff Regarding Options Provided in the Legal Opinion Regarding Primary Voting System.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

On Tuesday, March 7, 2023, City Council Member Jose Rodriguez submitted a City Council Policy 105 Request (Policy 105 Request) to the City Council. The item entitled, "POLICY 105 REQUEST – Request Clarity regarding General Law Cities ability to have a Primary Voting System if Municipalities would choose to do so," was presented for consideration. City Council voted 3-2 (Ayes: Bush, Rodriguez, Yamane and Nays: Morrison and Molina) providing direction to the City Attorney to return with a report. On April 4, 2023, the City Council authorized hiring Special Counsel to prepare an opinion regarding the ability for General Law Cities to hold a Primary Election.

Attached as Exhibit A is a copy of the legal opinion addressing the issue of whether a General Law City can hold a Primary Election. In summary, the opinion indicates that General Law Cities do not have the legal authority to hold Primary Elections. The opinion provides that the Council have the following options:

1. Seek legislative change.
2. Pursue adoption of a city charter.

The purpose of this hearing is to discuss the legal opinion and consider whether the Council wishes to pursue any of the options set forth in the opinion. Should the Council not wish to pursue any of the options, the Council can simply accept and file the report.

FINANCIAL STATEMENT:

Establishing a primary voting system for National City through either of the presented options would likely result in additional election costs for the City. Pursuing legislative change to achieve establishing a primary voting system would likely have a small cost associated with it, while the creation and adoption of a city charter would result in an as yet undetermined more significant expense for the City.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;
PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Exhibit A – Legal Memorandum

C O N F I D E N T I A L

THIS MATERIAL IS SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE AND/OR THE ATTORNEY WORK PRODUCT DOCTRINE.
DO NOT DISCLOSE. DO NOT FILE WITH PUBLICLY ACCESSIBLE RECORDS

COLANTUONO

HIGHSMITH

WHATLEY, PC

ALEKS GIRAGOSIAN | (213) 542-5734 | AGIRAGOSIAN@CHWLAW.US

MEMORANDUM

TO:	Mayor and City Council Barry J. Schultz, City Attorney	FILE NO:	44002.0005
FROM:	Aleks. R. Giragosian, Esq. Ephraim S. Margolin, Esq.	DATE:	May 2, 2023
CC:	Shelley Chapel, City Clerk		
RE:	Authority to Hold Primary Elections		

EXECUTIVE SUMMARY

This memorandum addresses whether a general law city has the legal authority to hold local primary elections for City Council. We conclude it does not. If the City wishes to hold primary elections, it may seek legislation or become a charter city if voters approve a charter.

GENERAL LAW CITIES ARE NOT AUTHORIZED TO HOLD PRIMARY ELECTIONS

A primary election “results in nominations rather than final elections to office.”¹ The purpose of a primary election “is to provide the machinery for the selection of candidates to be voted for in the ensuing general election. ... The election of a candidate to office is not contemplated by that act.”² No general law cities in California hold primary elections for local offices.

¹ *Cummings v. Stanley* (2009) 177 Cal.App.4th 493, 509.

² *McClintock v. Abel* (1937) 21 Cal.App.2d 11, 13.

Mayor and City Council, City of National City
May 2, 2023
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The California Constitution provides for charter cities³ and general law cities.⁴ National City is a general law city.

“[I]n contrast to a charter city, a general law city governed by Article XI, section 7, lacks the plenary authority over municipal affairs granted to charter cities by Article XI, section 5, subdivision (a). ... A general law city has only those powers expressly conferred upon it by the Legislature, together with such powers as are necessarily incident to those expressly granted or essential to the declared object and purposes of the municipal corporation. The powers of a general law city are strictly construed, so that any fair, reasonable doubt concerning the exercise of a power is resolved against the corporation.”⁵

The California Constitution is silent as to primary elections for city offices. The only mention of primaries is in Article 2, Section 5 of the California Constitution: “A voter-nomination primary election shall be conducted to select the candidates for congressional and state elective offices in California.”

Nor does the Elections Code authorize primary elections for local offices. Instead, Elections Code section 10220 states: “voters may nominate candidates for election by signing a nomination paper. Each candidate shall be proposed by not less than 20 nor more than 30 voters in a city of 1,000 registered voters or more, ... but only one candidate may be named in any one nomination paper” Since the purpose of a primary election is to nominate candidates for office, the Elections Code provides this nomination process, and general law city powers strictly construed, we conclude the City lacks authority to conduct primary elections.

³ Cal. Const., art. XI, § 5.

⁴ Cal. Const., art. XI, § 7.

⁵ *Cawdrey v. City of Redondo Beach* (1993) 15 Cal.App.4th 1212, 1224, fn. 6 (italics, quotations, and citations omitted).

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May 2, 2023
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OPTIONS TO PURSUE PRIMARY ELECTIONS

a. Legislation

General law cities determine the winning candidate after a single election based on a plurality election system, also known as “winner-take-all” or “first-past-the-post,” which gives victory to the candidate with the most votes, whether or not a majority (50 percent plus one). Elections Code section 15450 states:

A plurality of the votes given at any election shall constitute a choice where not otherwise directed in the California Constitution, provided that it shall be competent in all charters of cities, counties, or cities and counties framed under the authority of the California Constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefore.

Critics argue a plurality election system has these drawbacks:

- The majority of the electorate may have voted for other candidates;
- Candidates elected with less than a majority may have a weak mandate, reducing their ability to govern; and
- It may encourage insincere voting, where members of the electorate vote with the intention of preventing a candidate from winning, as opposed to voting for the candidate that best represents their preferences.⁶

Some alternatives to the plurality elections system are the primary, two-round runoff, or ranked-choice-voting election systems — all requiring victors to garner a majority of votes cast. Since 2006, many bills have been introduced to authorize general law cities to adopt these alternative election systems, but all either failed passage in the Legislature or were vetoed, including:

- SB 596 (Bowen, 2006),
- AB 1294 (Mullin and Leno, 2007),
- AB 1121 (Davis, 2009),

⁶ Sen. Rules Com., Off. of Sen. Floor Analyses, veto of Sen. Bill No. 1288 (2015–2016 Reg. Sess.), as amended on Aug. 1, 2016.

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- SB 2732 (Eng, 2010),
- SB 1346 (Hancock, 2010),
- SB 1288 (Leno, 2016), and
- SB 212 (Allen, 2019).

Governor Brown and Governor Newsom both justified vetoes, claiming these alternative methods would confuse voters and depress turnout.⁷ Some legislators have even introduced bills, such AB 2808 (O'Donnell, 2022), to prohibit charter cities from instituting rank choice voting for these same reasons. To date, all such legislation has failed.

b. Adopting a City Charter

A city charter provides the City with greater flexibility to control matters deemed to be “municipal affairs.” Article XI, section 5(a) of the California Constitution states:

It shall be competent in any city charter to provide that the city governed thereunder may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their several charters and in respect to other matters, they shall be subject to general laws.

City Council elections are municipal affairs. Article XI, section 5, subdivision (b), provides:

It shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for: ... (3) conduct of city elections and (4) plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed,

⁷ Sen. Rules Com., Off. of Sen. Floor Analyses, veto of Sen. Bill No. 1288 (2015–2016 Reg. Sess.), as amended on Aug. 1, 2016; Sen. Rules Com., Off. of Sen. Floor Analyses, vote of Sen. Bill No. 212 (2019–2020 Reg. Sess.), as amended on Sept. 5, 2019.

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“California courts have already determined that the conduct of municipal elections is a municipal affair and subject to municipal control.”⁸

State law may preempt charter cities’ authority to control local elections if a statewide interest (like nondiscrimination) is shown. But courts must first engage in a four-step evaluation process to ascertain whether the subject matter is of statewide concern.⁹ To date, a court has not applied the four-step evaluation process to the issue of whether primary, two-round runoff, or ranked choice voting elections systems are preempted under state law.¹⁰

i. Primary Elections

Many charter cities provide for primary elections, including National City’s neighbors San Diego and Chula Vista and such others as Sacramento and Stockton.

ii. Two-round Runoff Elections System

A primary election system and a two-round runoff election system are similar in that they both contemplate two rounds of voting. However, unlike a primary, a two-round runoff elections system may result in an election in the first round of voting. In such elections, if no candidate receives over 50 percent of the vote, a second election is held between the top two recipients of votes. This is the system used for county officials.

While general law cities cannot organize a traditional two-round runoff election, they can hold a runoff to resolve a tie vote.¹¹ In contrast, charter cities do have the authority to organize two-round runoff elections per Elections Code section 15450. Los Angeles, San Diego, San Jose, and Sacramento use this system.

⁸ *Mackey v. Thiel* (1968) 262 Cal.App.3d 362, 365; *Socialist Party v. Uhl* (1909) 155 Cal. 776, 788 (election procedures to nominate city officers).

⁹ *Yumori-Kaku v. City of Santa Clara* (2020) 59 Cal.App.5th 385, 430.

¹⁰ *Edelstein v. City and County of San Francisco* (2002) 29 Cal.4th 164, 173 (issue mentioned, but not adjudicated).

¹¹ Elec. Code, § 15651, subd. (b).

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May 2, 2023
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iii. Ranked Choice Voting Elections System

Ranked choice voting, also called “instant-runoff voting,” asks voters to rank candidates for each office and the ballots are counted in consecutive rounds. Unlike primaries and two-round runoff election systems, ranked choice voting only contemplates one election.

In this system, no voter may vote twice, and no vote is counted twice. For single winner elections, in the first round, every ballot counts as a vote towards the candidate indicated by the highest ranking on that ballot. After every round, if a candidate receives a majority of votes from the continuing ballots, that candidate is declared elected. If no candidate receives a majority, the candidate receiving the smallest number of votes is eliminated, and every ballot counting towards that candidate will be advanced to the next-ranked continuing candidate on the ballot.

For an election to elect two or more candidates to office, a minimum threshold of votes necessary to be elected will be determined according to a specified formula. All ballots are counted and each ballot is allocated as a vote to the candidate receiving the highest ranking. Each candidate that receives the minimum threshold of votes necessary to be elected will be declared elected. San Francisco, Oakland, Berkeley, Albany, Eureka, Palm Desert, and San Leandro use this system.

CONCLUSION

As a general law city, National City cannot organize primary elections and must follow the Elections Code’s single election, plurality method of determining a winning candidate. The City may seek legislation, but seven bills since 2006 have failed. The City may also adopt a charter and consider options to establish a majoritarian election system, including, but not limited to, primary, two-round runoff, and ranked choice voting election systems. Charter adoption requires a detailed notice and hearing procedure and approval by a majority of City voters participating in an election on the subject.

If you would like more information, regarding the issues discussed in this memo, please contact Aleks Giragosian at (213) 542-5734 or AGiragosian@chwlaw.us. Thank you for the opportunity to assist.