

**LOGAN
JENKINS**

Of gangs, fairness and tough guys

The anonymous caller had a problem with last week's column, which featured a mother and her 19-year-old son disputing his documentation as a gang member in Eden Gardens, the barrio of Solana Beach:

"Why don't you look up the definition of a 'gang' and reference that to your story about David Benavides," the male voice said. "Just because you're in a gang doesn't mean you're a criminal. Why don't you look that up and print a story about that? OK, tough guy?"

OK, I'll take the dare.

Webster's says "gangs" can unite for any number of benign reasons.

But according to California's lexicon, a "criminal street gang" has at least three members who assume a common identity and, individually or together, commit crime. By definition, a "gang member" commits — or assists with — crime.

To "document" a gang member, police follow criteria so loose it's conceivable that any outgoing kid in a tough neighborhood could be tagged.

If you hang out with gangsters, wear gang clothing, are photographed with gangsters, use gang signs, are fingered by a "source," or write about gangs, you can be documented.

If young Benavides were a surfer, a bat in the back seat would never have been perceived as a "billy club" by the arresting deputy. Benavides claimed the bat was a memento from his T-ball days. As a documented gangster, his story was met with skepticism.

"At the trial I found that the Sheriff's Department acted properly and professionally," recalled Judge Harry Elias, who acquitted Benavides last month.

But that blessing supposes that Benavides actually is a gang member, as the Sheriff's Department contends. Without that stigma, the weapons charge never would have been brought, and the Benavides family would not be out \$7,000 — and a lot of distress.

Is the presumption of innocence something we just talk about in this country?

At the very least, if a gang tattoo is stamped on your file, you should be notified and granted the opportunity to appeal (absent a prior gang-related conviction).

You should not find out from the first arrest report in your life that you're documented, as happened to Benavides.

Kenneth Norman Kripke, who served on the San Diego Citizens' Review Board on Police Practices, remembers his experience on a Denver review board:

"We discovered that there were well over 7,000 names on (the) gang list; that the profiling system was suggestive of a violation of due process; that getting off the gang list was like a fly trying to get off of fly paper; and that there were literally thousands of names on the list which should not have been there. We succeeded in getting the chief to purge approximately half of the names."

Gang violence is a plague. Documentation may help fight it.

But secret gang lists, reminiscent of the KGB, also offer a golden opportunity to violate the civil rights of young people.

It appears from news reports that about 10,000 gang members are listed in regional databases. Let's say the police are right 90 percent of the time, which is a good average.

That leaves 1,000 young people unfairly branded as presumptive criminals in this county.

Does that sound right, tough guy?

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**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF NATIONAL CITY, CALIFORNIA**

OCTOBER 13, 1987

The regular meeting of the City Council of the City of National City was called to order at 7:00 p.m. by Mayor Waters.

ROLL CALL

Council members present: Cooper, Dalla, Pruitt, VanDeventer, Waters. Absent: None. Administrative officials present: Bolint, Campbell, Eiser, McCabe, Post, Stafford.

SALUTE TO THE FLAG AND INVOCATION

The meeting was opened with salute to the flag led by City Manager McCabe, followed with invocation by the Rev. Gary Craft, Lord's Harborlight Church.

APPROVAL OF MINUTES

Moved by VanDeventer, seconded by Pruitt, the minutes of the regular meetings of September 29, 1987 and October 6, 1987 be approved. Carried by the following vote, to-wit: Ayes: Dalla, Pruitt, VanDeventer, Waters. Nays: None. Abstaining: Cooper.

PROCLAMATIONS

Moved by VanDeventer, seconded by Cooper, the Proclamations be read by title only. Carried by unanimous vote. Moved by VanDeventer, seconded by Cooper, in favor of these Proclamations. Carried by unanimous vote.

The Proclamation declaring the week of October 19-24, 1987 to be "WATER AWARENESS WEEK". Mayor Waters read the Proclamation aloud in full and presented it to Garry Butterfield, Manager, Sweetwater Authority.

The Proclamation declaring the week of October 25-31, 1987 to be "DRUG AWARENESS WEEK". Mayor Waters read the Proclamation aloud in full and presented it to David.

MAYOR'S APPOINTMENTS

LIBRARY BOARD OF TRUSTEES

RECOMMENDATION: The Mayor recommends that Gloria Bird be appointed to the Library Board of Trustees.

ACTION: Moved by Pruitt, seconded by Cooper, this be held over one week. Carried by unanimous vote.

Mayor Waters said we have one vacancy each on the Civil Service Commission and the Traffic Safety Committee; since we did not get applications as a result of the advertising, Council should talk to people and encourage them to apply.

POST OFFICE

Mayor Waters said he received word from the post office that they went out to bid today to find property to expand our post office parking.

PUBLIC ORAL COMMUNICATIONS

STREET

WARREN NIELSEN, 2108 Harrison, San Diego, was present and spoke about the need for sidewalks & signal lights near Ira Harbison School.

ZONE

RONALD MAZE, 3401 Eleanor Place, was present and requested that Item 21 be considered early in the evening. Mayor Waters said he intended to bring that up following Public Oral Communications.

ZONE - SIGNS - CONFLICT OF INTEREST

STEVE MC PHERSON, Auto Locators, 1705 National City Blvd., was present and said he has been denied a ^{business} license because of signs and murals at his business. Mr. McPherson showed pictures of his business and the neighboring buildings; he would like to have this brought back on a subsequent agenda, and to have Council's approval for the artwork on his building. Mr. McPherson submitted a petition signed by the businesses in the area approving the artwork.

CONFLICT OF INTEREST: Councilman VanDeventer said he owns property in this area and he would not be discussing the matter or voting.

ACTION: Moved by Pruitt, seconded by Cooper, this be put on next week's agenda for discussion. Carried, by the following vote, to-wit: Ayes: Cooper, Dalla, Pruitt, Waters. Nays: None. Abstaining: VanDeventer.

ZONE

21. **SUBJECT:** Petition from residents requesting Zone Change, 1400-1500 block of East 7th St.

RECOMMENDATION: None.

ACTION: Moved by Cooper, seconded by , we refer this to the Planning Commission to set for public hearing, and they will notify everyone on that street in writing. Carried by unanimous vote.

ADOPTION OF RESOLUTIONS

CONSENT RESOLUTIONS (Resolutions Nos. 15,433 through 15,435)

Moved by VanDeventer, seconded by Cooper, the Consent Resolutions be adopted. Carried by unanimous vote.

PARKING/TRAFFIC SIGNS

1. Resolution No. 15,433, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF SCHOOL CROSSING WARNING SIGNS (W66 AND W66A) AND 'SPEED LIMIT 35 MPH' SIGN (R2) ON 18TH STREET BETWEEN ORANGE STREET AND RACHAEL AVENUE (TRAFFIC SAFETY COMMITTEE ITEM NO. 87-58)." Adopted. See above.

PARKING/TRAFFIC SIGNS

2. Resolution No. 15,434, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF STOP SIGNS ON BOTH LEGS OF 'E' AVENUE AT ITS INTERSECTION WITH 7TH STREET (TRAFFIC SAFETY COMMITTEE ITEM NO. 87-60-1)." Adopted. See above.

PARKING/TRAFFIC SIGNS

3. Resolution No. 15,435, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF STOP SIGNS ON BOTH LEGS OF 'K' AVENUE AT ITS INTERSECTION WITH 21ST STREET (TRAFFIC SAFETY COMMITTEE ITEM NO. 87-53)." Adopted. See above.

NEW BUSINESS

FINANCE MGMT - CONFLICT OF INTEREST

4. **SUBJECT:** WARRANT REGISTER NO. 13, dated September 29, 1987, Ratification of Demands in the amount of \$173,219.87 (Warrants Nos. 98267 through 98335) and

5. WARRANT REGISTER NO. 14, dated October 6, 1987, Ratification of Demands in the amount of \$195,353.18 (Warrants Nos. 98336 through 98421).

RECOMMENDATION: Staff recommends these warrants be ratified.

ACTION: Moved by Cooper, seconded by VanDeventer, the bills be ratified.

CONFLICT OF INTEREST: Councilman VanDeventer said he would abstain on Warrant No. 98415.

ACTION: Warrants (except No. 98415) ratified by the following vote, to-wit: Ayes: Cooper, Dalla, Pruitt, VanDeventer, Waters. Nays: None. Warrant No. 98415 ratified by the following vote, to-wit: Ayes: Cooper, Dalla, Pruitt, Waters. Nays: None. Abstaining: VanDeventer.

CLAIMS

6. SUBJECT: Application for Leave to Present Late Claim and Claim of David Davenport.
RECOMMENDATION: Staff recommends this be denied and referred to the City Attorney.
ACTION: Moved by Cooper, seconded by VanDeventer, this be denied and referred to the City Attorney. Carried by unanimous vote.

PERMITS AND LICENSES

7. SUBJECT: Application for Type 41, on-sale beer and wine license, authorizing the sale of beer and wine for consumption on a bona fide public eating place type premises, plus the sale of beer and wine for consumption off the premises where sold; Applicants: June T. and Ying P. Tsoi, 2424 Hoover, Bldg. 5A, Suites F & P, dba New China Inn.
RECOMMENDATION: Police, Planning and Building Departments state no grounds for objection.
ACTION: Moved by VanDeventer, seconded by Pruitt, in favor of this request. Carried by unanimous vote.

PERMITS AND LICENSES

8. SUBJECT: Application for Type 41, Person Transfer, on-sale beer and wine type license, authorizing the sale of beer and wine for consumption on a bona fide public eating place type premises, plus the sale of beer and wine for consumption off the premises where sold; Applicants: Francesco and Rosa Papasodero, dba Munna's Pizza, 1467 E. Plaza Blvd.
RECOMMENDATION: Police, Planning and Building Departments state no grounds for objection.
ACTION: Moved by Cooper, seconded by VanDeventer, in favor of this request. Carried by unanimous vote.

PERMITS AND LICENSES

9. SUBJECT: Application for Type 20, original liquor license, off-sale beer and wine type license, authorizing the sale of beer and wine for consumption off the premises where sold; Applicant: Hickory Farms, Inc. (P-12), 3030 Plaza Bonita Rd., Suite 2028.
RECOMMENDATION: Police and Building Departments state no grounds for objection; the Planning Dept. recommends that Council protest this license until such time as the applicant obtains a CUP.
ACTION: Moved by Cooper, seconded by VanDeventer, this license be protested until the applicant obtains a CUP. Carried by unanimous vote.

WRITTEN COMMUNICATIONS

CITY-OWNED PROPERTY - CITY FACILITY/GOLF COURSE

10. SUBJECT: A letter from Mr. David R. A. Smith of Randolph, Alexander and Smith Property Management Co. (Las Palmas Condominiums, 24th & Newell) regarding proposals for land exchange and use of land by Easement or Lease.
RECOMMENDATION: None.
TESTIMONY: Earl Brooks, Vice President, Randolph, Alexander and Smith Property Management, 815 Third Ave., Chula Vista, was present, displayed a drawing, outlined their proposals and answered Council's questions.
ACTION: Moved by VanDeventer, seconded by Cooper, this be referred to staff to bring back a report. Carried by unanimous vote.

POST OFFICE

11. SUBJECT: A petition from Mr. Warren Nielsen regarding improved parking at National City's Main Post Office.
RECOMMENDATION: None.
TESTIMONY: Warren Nielsen, 2108 Harrison Ave. was present and outlined the background of the proposed improvements for the post office parking lot;

Mayor Waters asked Mr. Nielsen if he could meet with the City Attorney tomorrow at 10:00 a.m.

ACTION: None.

SOLID WASTE MANAGEMENT

12. SUBJECT: Letter from Herman Baca, Committee on Chicano Rights, Inc. regarding a complaint from David Avalos against the National City Police Dept. and the City of National City in regard to protecting the safety and welfare of residents of the west side.

RECOMMENDATION: None.

TESTIMONY: Herman Baca, 105 S. Harbison, was present and requested permission for other interested citizens to speak.

The following people addressed the issue: Ruben Rubio, 1739 Cleveland
Ted Godshalk, 2143 Cleveland

Margaret Avalos Godshalk, 2143 Cleveland Av.

David Avalos, 708 'D' Av.

Herman Baca, 105 S. Harbison

Terry Hanks, 1005 Buena Vista Spring Valley

Mayor Waters called a recess at 8:45 p.m.

Council reconvened at 8:59 p.m.

ROLL CALL

Council members present: Cooper, Dalla, Pruitt, VanDeventer, Waters. Absent: None.

OTHER BUSINESS

PARKING/TRAFFIC

13. SUBJECT: The report of the Traffic Safety Committee from their meeting of September 10, 1987.

RECOMMENDATION: Staff recommends that the report be received and filed.

ACTION: Ordered filed by unanimous vote.

PARKING/TRAFFIC

14. SUBJECT: The report of the Traffic Safety Committee concerning traffic circulation improvements on east-west City streets (Traffic Safety Committee 87-51).

RECOMMENDATION: Staff recommends that the report be received and filed. (Discussion re need for improvements in north-south circulation, or the

entire City. There appeared to be consensus that consideration would be given to a City-wide study at budget time.)

ACTION: Ordered filed by unanimous vote.

ASSESSMENT DISTRICT

15. SUBJECT: Report on Petition for 1911 Act improvement of portions of "V" Ave. and 7th St. (received by the City Clerk and referred to the Engineering Dept.)

RECOMMENDATION: Staff recommends that Council ratify the City Clerk's action.

16. The City Engineer's report on feasibility of petition for 1911 Act improvement, "V" Ave. and 7th St.

RECOMMENDATION: Staff recommends that Council accept the Certificate of the Engineer and direct the project to proceed.

ACTION: Moved by VanDeventer, seconded by Cooper, we ratify the City Clerk's action, accept the Certificate of the Engineer, and direct the project to proceed. Carried by unanimous vote.

BUDGET FY87-88

17. SUBJECT: The Administrative Assistant's report on City donations (made to various organizations over the past several years).

RECOMMENDATION: Staff recommends that Council adopt a specific policy for multiple donations to "umbrella" groups (organizations with sub-groups or clubs) and instruct staff to include any changes in the Policy Manual update.

Mayor Waters assigned Vice Mayor Cooper and Councilman VanDeventer to review the Policy Manual and come back in 30 days with any recommended changes.

TEMPORARY USE PERMIT

18. SUBJECT: Request for public fireworks display for Sweetwater High School Homecoming Football Game on October 16, 1987.

RECOMMENDATION: Staff recommends approval.

ACTION: Moved by Cooper, seconded by VanDeventer, in favor of this request. Carried by unanimous vote.

TEMPORARY USE PERMIT

19. SUBJECT: The request of Maharlika Seniors Fellowship of San Diego, Inc. for a Temporary Use Permit for their Filipino Cultural Parade (motorcade along "D" Ave., 8th St., National City Blvd., Plaza Blvd., Highland Ave., ending at St. Mary's Parish Hall) on October 18, 1987, from 11:00 a.m. to 12:00 p.m.; waiver of fees is also requested.

RECOMMENDATION: Staff recommends approval subject to the following conditions: Applicant shall provide a Hold Harmless Agreement and public liability insurance, naming the City as additional insured; Sgt. Coyle to obtain officers for traffic control.

ACTION: Moved by VanDeventer, seconded by Cooper, this be approved subject to all conditions of staff. Carried by unanimous vote.

TEMPORARY USE PERMIT

20. SUBJECT: The request of the Centennial Committee/Chamber of Commerce for a Temporary Use Permit for a concert and picnic, sponsored by the Unified Port District, to be held at Kimball Park on Sunday, October 18, 1987, from 12:00 to 7:00 p.m.; waiver of fees is also requested.

RECOMMENDATION: Staff recommends approval subject to the following conditions: Applicant shall provide a Hold Harmless Agreement and public liability insurance, naming the City as additional insured; Parks & Recreation Dept. will coordinate exact layout and equipment needed; Fire Dept. permit will be required for any cooking booths.

ACTION: Moved by VanDeventer, seconded by Cooper, this be approved subject to all conditions of staff, and in case of inclement weather, the Community Bldg. may be used (amended motion). Carried by unanimous vote.

CITY MANAGER - No report.

CITY ATTORNEY - No report.

OTHER STAFF

The City Clerk reported the City of Poway is hosting the League of California Cities meeting on Thursday, and inquired if anyone from National City planned to attend. She was advised that no one would be attending.

**MAYOR
PERSONNEL**

Mayor Waters spoke of the going-away party today for Millie Valdez (Exec. Asst. to Mayor, Council and City Attorney), with most of the employees attending, and said Council would like to take a look at possible changes in the office; he, Councilman Dalla, the City Manager and the City Attorney will meet tomorrow at 4:00 and go over these things; in the meantime, he would like the rest of the Council to voice their opinions.

CITY COUNCIL MEETINGS - SCHOOLS

Mayor Waters said he has set up a joint meeting with the School Board on November 17, immediately after the 4:00 Council meeting.

POLICE PROTECTION

Mayor Waters reported there were 16 cars stolen in National City in one week, and he feels that is excessive; he would like the Police Chief to do some thinking on how we can curb that.

POLICE PROTECTION

Mayor Waters said he has noticed excessive parking on Highland on Saturday nights; he counted 65 pick-up trucks, and the drivers are yelling at people going up and down the street; he does not want to see a recurrence of the problems we had a few years ago.

**CITY COUNCIL
ZONE**

21. SUBJECT: Petition from Residents requesting Zone Change - 1400-1500 block of E. 7th St. See above.

ADJOURNMENT

Moved by VanDeventer, seconded by Cooper, the meeting be adjourned to 4:00 p.m., October 20, 1987. Carried by unanimous vote. The meeting closed at 9:21 p.m.

CITY CLERK

The foregoing minutes were approved at the regular meeting of October 20, 1987.

____ Corrections

____ No corrections

MAYOR
CITY OF NATIONAL CITY, CALIFORNIA

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF NATIONAL CITY, CALIFORNIA**

OCTOBER 20, 1987

The regular meeting of the City Council of the City of National City was called to order at 4:00 p.m. by Mayor Waters.

ROLL CALL

Council members present: Cooper, Dalla, Pruitt, VanDeventer, Waters. Absent: None. Administrative officials present: Bolint, Campbell, Eiser, McCabe, Post, Stafford.

SALUTE TO THE FLAG AND INVOCATION

The meeting was opened with salute to the flag led by City Manager McCabe, followed with invocation by the Rev. Gary Craft, Lord's Harborlight Church.

APPROVAL OF MINUTES

Moved by , seconded by , the minutes of the regular meeting of October 13, 1987 be held over for two weeks (amended motion). Carried by unanimous vote.

PROCLAMATION

Moved by VanDeventer, seconded by Cooper, the Proclamation be read by title only. Carried by unanimous vote. The title was read. Moved by VanDeventer, seconded by Cooper, in favor of this Proclamation. Carried by unanimous vote.

The Proclamation declaring the week of October 18-24m 1987 to be "NATIONAL BUSINESS WOMEN'S WEEK." Mayor Waters read the Proclamation aloud in full and gave it to the City Manager to mail.

MAYOR'S PRESENTATION

Mayor Waters presented a 30-year service pin to Civil Engineering Assoc. Robert Onley, saying Mr. Onley has done a good job and has served the City well.

MAYOR'S APPOINTMENTS

LIBRARY BOARD OF TRUSTEES

RECOMMENDATION: The Mayor recommends that Gloria Bird be appointed to the Library Board of Trustees. ACTION: Moved by Cooper, seconded by Pruitt, in favor of this appointment, effective January 2, 1988. Carried by unanimous vote.

PUBLIC ORAL COMMUNICATIONS

SOLID WASTE MANAGEMENT

DOROTHY KANE, owner Happy Hollow Trailer Park, was present and said she received notice that she is in violation of the trash enclosure Ordinance; she would like Council to reconsider this violation. Planning Director Post said exemption is based on the volume of trash generated. Ms. Kane was advised to come in and discuss this matter with the Planning Director.

POLICE PROTECTION

EDWARD CHURCH, 1846 8th St., was present and said instead of building a new police facility, perhaps the City could contract with the Sheriff's Dept.; Mr. Church told of problems he has had with the police in the past.

ADOPTION OF RESOLUTIONS

CONSENT RESOLUTIONS (Resolutions Nos. 15,436 through 15,438)

Moved by VanDeventer, seconded by Cooper, the Consent Resolutions be adopted. Carried by unanimous vote.

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF NATIONAL CITY, CALIFORNIA**

NOVEMBER 10, 1987

The regular meeting of the City Council of the City of National City was called to order at 7:00 p.m. by Mayor Waters.

ROLL CALL

Council members present: Cooper, Dalla, Pruitt, VanDeventer, Waters. Absent: None. Administrative officials present: Bolint, Campbell, Eiser, McCabe, Post, Stafford.

SALUTE TO THE FLAG AND INVOCATION

The meeting was opened with salute to the flag led by City Manager McCabe, followed with invocation by Councilman Dalla.

APPROVAL OF MINUTES

Councilman Dalla said he had some corrections for the minutes of the meetings of October 13 and October 20. Moved by Dalla, seconded by Cooper, these minutes be referred to the City Clerk to make the corrections. Carried by unanimous vote.

CITY COUNCIL MINUTES

Councilman Dalla said the minutes and the agenda should include the information that tapes of the meetings are available in the Library, and are available for sale. Moved by Dalla, seconded by Waters, this be referred to next week's agenda. Carried by unanimous vote.

PROCLAMATION

Moved by VanDeventer, seconded by Dalla, in favor of the Proclamation by title only. Carried by unanimous vote. The title was read.

The Proclamation declaring the week of November 20-26, 1987 to be "FAMILY WEEK". Mayor Waters read the Proclamation aloud in full and presented it to John Printer.

**MAYOR'S APPOINTMENT
CITY COUNCIL**

SUBJECT: Appointment of Vice Mayor.

RECOMMENDATION: Mayor Waters recommended that Michael R. Dalla be appointed Vice Mayor for a term beginning November 10, 1987 through November 10, 1988.

ACTION: Moved by VanDeventer, seconded by Pruitt, in favor of the Mayor's recommendation. Carried, by the following vote, to-wit: Ayes: Cooper, Pruitt, VanDeventer, Waters. Nays: None. Abstaining: Dalla.

MAYOR'S PRESENTATION

Mayor Waters spoke of the outstanding job Councilman Cooper has done as Vice Mayor this past year, and presented him with a Certificate of Appreciation.

**PUBLIC ORAL COMMUNICATIONS
VARIANCE**

Alene Turner (representing National City Family Clinic), 4448 Caminito Fuerte, San Diego, was present and said she was told that the Planning Commission Resolution denying a Zone Variance for National City Family Clinic would be on tonight's agenda; she found out today that it was not, but there are people present who would like to address Council. Fred Sterling, 1317 'D' Ave., Alice Sterling, 1317 'D' Ave. and Brian Claussen, 3131 Valley Rd. were present to speak in favor of this variance. The City Clerk said, assuming this item is on next week's agenda and is appealed, it will be set for public hearing on December 8.

CITY FACILITY/POLICE FACILITY

HERMAN BACA, 105 S. Harbison, was present and spoke against building a new police facility until such time as fundamental changes are made in the attitude, professionalism, accountability and control in the Police Dept.; he also called for the firing of the Police Chief.

80 TO PG 24

PROCLAMATIONS

H. DONALD HUGHES, South Bay Division, Meals on Wheels, was present and said they need 100 volunteers, read a proposed Proclamation and requested that Council adopt same. Mr. Hughes was advised this would be on next week's agenda.

POLICE FACILITY - BLDG CONDEMNATION

ALFRED HLAWATSCH, 905 E. 13th St., was present and said the people he has talked to are not against a new police facility, but disagreed with the method of financing. Mr. Hlawatsch advised Council that he is representing Ms. Inez Burns who has been ordered to tear down certain structures she has built; she is guilty and her conduct was flagrant, but he will be appealing on her behalf because he thinks there is a way for the City to get what it rightfully demands without having to tear the structures down.

PUBLIC HEARINGS

COMMUNITY DEVELOPMENT/BLOCK GRANT

1. SUBJECT: Public Hearing - Grantee Performance Reports, Community Development Block Grant Programs, 1986-1986 and 1986-1987 (The U.S. Housing and Urban Development requires annual Grantee Performance Reports for the CDBG Program).

RECOMMENDATION: Executive Director, Community Development Commission recommended that the hearing be held and then closed; there is a related Resolution on this agenda.

Arnold Peterson, Executive Director, Community Development Commission, said the hearing was advertised and the report made available to the public.

TESTIMONY: None.

ACTION: Moved by VanDeventer, seconded by Pruitt, the Public Hearing be closed, we accept the report and move forward at this time. Carried by unanimous vote.

ZONE - MUNI CODE - PARKING/TRAFFIC

2. SUBJECT: Public Hearing - Amendment to Title 18 (Zoning) of the Municipal Code regarding parking requirements for shopping centers and commercial uses; Case File No. A-5-87.

RECOMMENDATION: The Planning Commission recommended approval; staff concurred with the recommendation of the Planning Commission.

The City Clerk reported the Certificates of Publication and Mailing were on file.

TESTIMONY: None.

ACTION: Moved by Cooper, seconded by VanDeventer, the Public Hearing be Closed and the amendment be approved. Carried by unanimous vote.

ZONE - MUNI CODE

3. SUBJECT: Public Hearing - Proposed amendment to Title 18 (Zoning) of the Municipal Code to increase the minimum dwelling unit size in the Multi-Family Extendable (RM-1) Zone and for new condominium units in all zones; Case File No. A-7-87.

RECOMMENDATION: The Planning Commission recommends approval; staff concurs with the Planning Commission's recommendation.

The City Clerk reported the Certificate of Publication was on file.

TESTIMONY: None.

ACTION: Moved by Cooper, seconded by VanDeventer, the Public Hearing be closed and staff's recommendations be adhered to. Carried by unanimous vote.

ADOPTION OF RESOLUTIONS

CONSENT RESOLUTIONS (Resolutions Nos. 15,439 through 15,450)

Councilman Pruitt requested that No. 5 be considered separately. Vice Mayor Dalla requested that No. 13 be considered separately. Moved by VanDeventer, seconded by Cooper, the Consent Resolutions (except Nos. 5 and 13) be adopted. Carried by unanimous vote.

DEED

- * 4. Resolution No. 15,439, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING CONVEYANCE OF REAL PROPERTY FOR STREET PURPOSES (JERRICO, INC.)." Adopted. See above.

* See Page 26(r)

DEED - STREET DEDICATION

- * Resolution No. 15,439-A, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY NAMING AND DEDICATING HIGHLAND AVENUE (JERRICO, INC.)." Adopted. See above.

ASSESSMENT DISTRICT 227

6. Resolution No. 15,441, "A RESOLUTION DIRECTING NOTICE OF FILING OF ASSESSMENT AND TIME OF HEARING THEREON, DISTRICT NO. 227." Adopted. See above.

COMMUNITY DEVELOPMENT/BLOCK GRANT

7. Resolution No. 15,442, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A GRANTEE PERFORMANCE REPORT FOR FEDERAL ENTITLEMENT COMMUNITY DEVELOPMENT BLOCK GRANT YEARS 1985-1987 AND AUTHORIZING FILING THEREOF." Adopted. See above.

ASSESSMENT DISTRICT 228

8. Resolution No. 15,443, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AWARDED CONTRACT (DISTRICT NO. 228) ALLEY 35 - CIVIC CENTER DRIVE TO 14TH/HARDING TO WILSON." Adopted. See above.

CONTRACT - SUBDIVISION

9. Resolution No. 15,444, "A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN IMPROVEMENT AGREEMENT BETWEEN E. M. STANLEY, DEVELOPER OF CITY'S PARCEL MAP NO. 1987-3-NC (1426, 1432 AND 1434 EAST 7TH STREET)." Adopted. See above.

RIGHT-OF-WAY

10. Resolution No. 15,445, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CITY ENGINEER TO EXECUTE RIGHT-OF-WAY/UTILITY CERTIFICATE." (In order to obtain Federal authorization for construction funds) Adopted. See above.

CONTRACT - PARKING/TRAFFIC SIGNALS

11. Resolution No. 15,446, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING WORK AND AUTHORIZING FILING OF NOTICE OF COMPLETION FOR TRAFFIC SIGNAL MODIFICATION AT THREE LOCATIONS IN NATIONAL CITY." Adopted. See above.

POLICE PROTECTION

12. Resolution No. 15,447, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE SERVICES DIVISION COMMANDER TO APPLY FOR AN OFFICE OF CRIMINAL JUSTICE PLANNING GRANT, AND TO RECEIVE AND ADMINISTER THE GRANT PROCEEDS." Adopted. See above.

ASSESSMENT DISTRICT 224

14. Resolution No. 15,449, "A RESOLUTION DIRECTING NOTICE OF FILING OF ASSESSMENT AND TIME OF HEARING THEREON, DISTRICT NO. 224, 22ND STREET, 'J' TO 'K' AVENUE." Adopted. See above.

CONTRACT - POLICE PROTECTION - PORT DISTRICT

15. Resolution No. 15,450, "A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE FIRST AMENDMENT OF AN AGREEMENT BETWEEN SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF NATIONAL CITY FOR POLICE PROTECTION SERVICES ON PORT DISTRICT PROPERTY IN NATIONAL CITY." Adopted. See above.

DEED

- *5. Resolution No. 15,440, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING CONVEYANCE OF REAL PROPERTY FOR STREET PURPOSES (FIRST SAMOAN METHODIST CHURCH)." Moved by Pruitt, seconded by Cooper, Resolution No. 15,440 be adopted. Carried by unanimous vote.

DEED - STREET DEDICATION

- * Resolution No. 15,440-A, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY NAMING AND DEDICATING 17TH STREET (FIRST SAMOAN METHODIST CHURCH)." Moved by Pruitt, seconded by Cooper, Resolution No. 15,440-A be adopted. Carried by unanimous vote.

HIGHWAY/FREEWAY - LANDSCAPE

13. Resolution No. 15,448, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING CHANGE ORDER NO. ONE FOR LANDSCAPE BEAUTIFICATION - PLAZA BOULEVARD AND HIGHWAY 805 (ENGINEERING SPECIFICATION NO. 1005)." Moved by Dalla, seconded by VanDeventer, Resolution No. 15,448 be filed. Ordered filed by unanimous vote.

ORDINANCE FOR ADOPTION

Moved by VanDeventer, seconded by Pruitt, the Ordinance be presented by title only. Carried by unanimous vote.

MUNI CODE - PARKING/TRAFFIC

16. Ordinance No. 1931, "AN URGENCY ORDINANCE AMENDING SECTION 11.16.010 (SPEED ZONES DESIGNATED) OF THE NATIONAL CITY MUNICIPAL CODE ESTABLISHING SPEED ZONES ON VARIOUS STREETS, AND REPEALING ORDINANCE NUMBERS 852, 1795, 1817, 1857, 1864 AND 1878." Moved by Cooper, seconded by VanDeventer, Ordinance No. 1931 be adopted. Carried by unanimous vote. The City Attorney advised that although the Ordinance is effective immediately, it will be read a second time and adopted next week.

NEW BUSINESS

FINANCE MGMT

17. SUBJECT: WARRANT REGISTER NO. 16, dated October 20, 1987, Ratification of Demands in the amount of \$217,460.43 (Warrants Nos. 98530 through 98602), and CERTIFICATION of PAYROLL for the period ending October 5, 1987, in the amount of \$358,683.04,
18. WARRANT REGISTER NO. 17, dated October 27, 1987, Ratification of Demands in the amount of \$137,968.15 (Warrants Nos. 98603 through 98675) and
19. WARRANT REGISTER NO. 18, dated November 3, 1987, Ratification of Demands in the amount of \$212,470.57 (Warrants Nos. 98676 through 98741 [except 98677-83]), and CERTIFICATION of PAYROLL for the period ending October 19, 1987, in the amount of \$348,674.53.

RECOMMENDATION: Staff recommends the warrants be ratified.

ACTION: Moved by Cooper, seconded by VanDeventer, the bills be ratified and the payroll certified. Carried, by the following vote, to-wit: Ayes: Cooper, Dalla, Pruitt, VanDeventer, Waters. Nays: None.

CLAIMS

20. SUBJECT: The Claim for Damages of Ted Bradt, dba Aaron Ambulance Service,
21. The Claim for Damages of Angela M. Sickler and
22. The Claim for Damages of Alice M. Ruehle.

RECOMMENDATION: Staff recommends these claims be denied and referred to the City Attorney.

ACTION: Moved by Cooper, seconded by Pruitt, these claims be denied and referred to the City Attorney. Carried by unanimous vote.

WRITTEN COMMUNICATIONS

CITY FACILITY/POLICE FACILITY - POST OFFICE

23. SUBJECT: A request from Warren Nielsen to address Council regarding the Police Facility and post office parking.

RECOMMENDATION: None.

TESTIMONY: Warren Nielsen, 2108 Harrison, San Diego, was present and explained why he opposed Proposition O and offered alternative suggestions. Mr. Nielsen urged Council to encourage the Post Office to make the necessary improvements to create an immediate ten additional parking spaces, and to continue negotiations to acquire the land necessary for expansion.

ACTION: None.

OTHER BUSINESS

CONDITIONAL USE PERMIT

24. SUBJECT: Notice of Decision - Planning Commission Resolution No. 34-87, approving a Conditional Use Permit Application for the expansion of a fast-food restaurant located within 300' of a residential zone at 3005 Highland Ave. (southeast corner of 30th & Highland - Kentucky Fried Chicken); Applicant: Tarlos and Assoc.; Case File No. CUP-1987-14.
RECOMMENDATION: The Planning Commission approved the application subject to six conditions; staff concurs with the Planning Commission's approval and recommends that the Notice of Decision be filed.
ACTION: Ordered filed by unanimous vote.

CONDITIONAL USE PERMIT

25. SUBJECT: Notice of Decision - Planning Commission Resolution No. 35-87, approving a Conditional Use Permit Application for outdoor vehicle storage as an incidental use to an existing self-storage facility at 430 W. 30th St.; Applicant: Arthur L. Flaming; Case File No. CUP-1987-9.
RECOMMENDATION: The Planning Commission voted to approve the application; staff concurs with the Planning Commission's decision and recommends that the Notice of Decision be filed.
ACTION: Ordered filed by unanimous vote.

PLANNED DEVELOPMENT PERMIT

26. SUBJECT: Notice of Decision - Planning Commission Resolution No. 36-87, approving a Planned Development Permit Application for construction of a 5.824 sq. ft. commercial building and establishment of a repossessed vehicle sales facility at 1800 National City Blvd.; Applicant: John Sidney Womble; Case File No. PD-8-87.
RECOMMENDATION: The Planning Commission voted to approve the application; staff concurs with the Planning Commission's decision and recommends that the Notice of Decision be filed.
ACTION: Ordered filed by unanimous vote.

ASSESSMENT DISTRICT 228

27. SUBJECT: The City Clerk's report of bid opening on Alley 35, District 228, Civic Center Dr. to 14th St., between Harding Ave. and Wilson Ave. (the following bids were received: Sapper Construction Co. - \$24,990.00; Mur-Vic Construction Co. - \$20,199.00; S. D. Equipment Rental - \$18,359.50; PDS Engineering & Construction - \$22,814.06; Live Water Systems, Inc. - \$26,801.00; Alex McLintock, Inc. - \$19,764.70)
RECOMMENDATION: Staff recommends this be filed.
ACTION: Ordered filed by unanimous vote.

HIGHWAY/FREEWAY

28. SUBJECT: The City Engineer's report on the allocation of Route 252 Mitigation Funds on the major street projects.
RECOMMENDATION: Staff recommends that this be referred to the 88-89 C.I.P. Budget Committee.
ACTION: Moved by VanDeventer, seconded by Pruitt, this be referred to the 88-89 C.I.P. Budget. Ordered filed by unanimous vote.
TESTIMONY: Warren Nielsen, 2108 Harrison, San Diego, was present and spoke on this matter

STREET

29. SUBJECT: The request from CalTrans for approval of a temporary street closure, 33rd St. from National City Blvd. to approximately 600' westerly, November 9 to December 30, 1987, to allow the planned construction of 33rd St., in conjunction with the construction of Rte. 54.
RECOMMENDATION: Staff recommends approval.
ACTION: Moved by VanDeventer, seconded by Cooper, in favor of this request. Carried by unanimous vote.

RIGHT-OF-WAY

30. SUBJECT: A request for encroachment removal agreement at 2005 Highland Ave. (Trash enclosure is approximately 4' into the right-of-way and is 8" behind the sidewalk) - Johnson.
RECOMMENDATION: Staff recommends that the request be denied.

ACTION: Moved by Waters, seconded by Pruitt, this be held over for two weeks, and staff bring back a report on the feasibility. Carried by unanimous vote.

COMMUNITY PROMOTION

31. SUBJECT: THE Administrative Assistant's report on South Bay Winterfest and Boat Parade.

RECOMMENDATION: Staff recommended that Council establish a Council Committee to find a suitable City-sponsored boat, and authorize the City Manager to coordinate local arrangements for the event, bringing back for Council consideration any funding requests or other relevant needs.

TESTIMONY: Sarah Atkinson, Operations Vice President, Chula Vista Marina and R.V. Park, 550 Tidelands Ave., Chula Vista, was present and requested a \$1,000 contribution, and answered Council's questions.

ACTION: Moved by Waters, seconded by VanDeventer, the Administrative Asst. be directed to find a local person with a boat to represent National City, and Councilmen Cooper and Pruitt to work with Mr. Garza. There was no vote on this motion. Moved by VanDeventer, seconded by Pruitt, in favor of the \$1,000 contribution. Carried by unanimous vote.

COMMUNITY PROMOTION - CENTENNIAL

32. SUBJECT: The Administrative Assistant's report on Centennial Banner ownership and related loan request by Knights of Pythias.

RECOMMENDATION: Staff requested Council direction.

ACTION: Moved by Pruitt, seconded by VanDeventer, we make the banner available to the Knights of Pythias after December 2. Carried by unanimous vote.

COMMUNITY PROMOTION - CENTENNIAL - ADVERTISING

33. SUBJECT: The Administrative Assistant's report on Centennial Ad in Sweetwater High School Yearbook.

RECOMMENDATION: Staff recommended that Council authorize staff to submit a yearbook ad for a cost of \$300.

ACTION: Moved by VanDeventer, seconded by Cooper, in favor of staff's recommendation. Carried by unanimous vote.

TEMPORARY USE PERMIT

34. SUBJECT: A request from William Montero for Temporary Use Permit to use Kimball Park to preach the Word of God for six consecutive Sundays, commencing November 15 through December 20, 1987; hours of use will be 1:00 p.m. to 3:00 p.m.; applicant is also requesting waiver of fees.

RECOMMENDATION: Staff recommends approval subject to the following condition: If donations are solicited, a no-fee business license should be applied for and both State and Federal Tax Exempt Certificates submitted.

ACTION: Moved by VanDeventer, seconded by Pruitt, in favor of this request, subject to staff's conditions, with the waiver of fees denied. Carried by unanimous vote.

CITY MANAGER - No report.

CITY ATTORNEY - No report.

OTHER STAFF - No reports.

MAYOR

Mayor Waters reported that Cox Cable has given him one-half hour to give the State of the City Address, to be shown eight times between November 14 and December 9 on Channel 24.

CITY COUNCIL MEETINGS

Mayor Waters said he would like to have Public Oral Communications placed at the end of the agenda. Moved by VanDeventer, seconded by Cooper, this be put on next week's agenda. Carried by unanimous vote.

FIRE PROTECTION

Mayor Waters said he intends to send a letter to the residents on the west side, and thanked Chief Kimble for coming up with some type of order for evacuation of the west side; plans are being set up for the entire City, but the west side has been given priority because of Scrap Disposal and the fires we have had over there.

Mayor Waters expressed concern about the ITT building being vacant, and said he, the City Manager and the City Attorney spoke with the Port District, and the Port District, along with the City are working on a deal with PSA, U.S. Air and Piedmont Airlines to get them to use that building for overhauling engines; this would bring a lot of revenue to the community.

AREA DEVELOPMENT - MARINA

Mayor Waters said he met with the Santa Fe people and they are interested in getting started on the 25 acres of property between I-5 and the ocean; the Port District is looking favorably on a marina down there; it could become a Seaport Village/Marina type combination; Chula Vista's project was turned down; he is glad we did not sell any of our property in that area to Chula Vista.

CITY COUNCIL

CITY FACILITY/POLICE FACILITY - ELECTION/NOVEMBER 3, 1987

COUNCILMAN VAN DEVENTER: Yeah, at this time I'd move that the police uh station issue would be referred to City Manager and come back with a report in January.

COUNCILMAN COOPER: Second.

MAYOR WATERS: And the idea of this is for to basically look for uh, any other avenues, alternatives—

COUNCILMAN VAN DEVENTER: Look at all al—all alternatives.

MAYOR WATERS: If they have monies available in any other areas and so forth.

COUNCILMAN COOPER: Do you think it's necessary to go til January on that? Uh, we're wasting—

COUNCILMAN VAN DEVENTER: Uh, staff—

COUNCILMAN COOPER: Another two months.

MAYOR WATERS: I, I think—

COUNCILMAN VAN DEVENTER: Well,

COUNCILMAN COOPER: Uh, what if we, if, if you would mind, wouldn't mind, leave it open, if they can do it sooner than that, then have them bring it back to us—

COUNCILMAN VAN DEVENTER: Well, I have no, I have no problem with that.

COUNCILMAN COOPER: Because if we could do it, it might, we might be able to move on this thing and get something accomplished.

MAYOR WATERS: Well, we'll have to look into the funding and, and uh—

COUNCILMAN COOPER: Yes.

MAYOR WATERS: Look into other sources and, and uh, the holidays are coming up and that's why we felt—

COUNCILMAN COOPER: Right.

MAYOR WATERS: Possibly January. Excuse me, uh Mr. Cooper.

COUNCILMAN COOPER: Don't we need to vote on this?

COUNCILMAN VAN DEVENTER: Yeah, let's vote.

MAYOR WATERS: Yeah, we have to uh direct staff to uh to look into uh—

COUNCILMAN PRUITT: Alternative means.

MAYOR WATERS: Alternatives, uh, if there is any. And of course, uh, Mr. City Manager, I'll be working close with you on that. And, and of course the Council have any ideas, feed em in. Is there any—

VICE MAYOR DALLA: Yes.

COUNCILMAN COOPER: We need to vote on this.

VICE MAYOR DALLA: Uh...

MAYOR WATERS: Uh, Mr. Dalla.

VICE MAYOR DALLA: Mr. Eiser, are we, are we okay in proceeding this way?

CITY ATTORNEY: The effect of this I think is to place it on the agenda for a report.

COUNCILMAN VAN DEVENTER: That's correct.

CITY ATTORNEY: That's permissible.

COUNCILMAN PRUITT: Direct staff.

CITY ATTORNEY: Yes.

VICE MAYOR DALLA: Thank you.

XX

ROAD
THIS
IT
Really
a
Joke

COUNCILMAN PRUITT: No action.

VICE MAYOR DALLA: I wanted to make sure because you know how people are lined up making, waiting to uh make sure that we cross the t's and dot the i's.

MAYOR WATERS: You know Mike, uh, as far as I'm concerned, this City Council was uh, I mean the people of this City — first time around you know, it passed by 56% when 7,000 people showed up at the polls. See some of us do a little mathematics; Mike and I have done some. Uh, then 7,000 people showed, that was 56%, then passed it. And here you know the Gann Initiative downtown passed by 1%, and they got her, got theirs you know. But here we got 56%, but the last time, I mean the time before last, 56% voted for it and there was 7,000 showed up. This time, around 3,500, something like that, voted for it and 52%. So if you put your mathematics together, the majority of the people still favors it.

VICE MAYOR DALLA: Yeah.

MAYOR WATERS: Am I right?

VICE MAYOR DALLA: Can I follow up on that just a little bit?

COUNCILMAN PRUITT: At this time.

VICE MAYOR DALLA: I just wanted to say that uh—

COUNCILMAN PRUITT: Both together..

MAYOR WATERS: Both of 'em together, the majority of the people still favor it.

COUNCILMAN PRUITT: He's saying 57%.

VICE MAYOR DALLA: Right, 56 1/2% when 7,000 people went to the polls, almost as many people favored it in 1986 as went to the polls in 1987. And uh, it's interesting when people talk about overwhelming defeat. When Proposition A, which is a half-cent sales tax passed in this County with 53% of the vote, our bond issue a year ago got 56 1/2%, but we're not building a police station because you need 66; you need more than a simple majority. Uh, if they applied the same thing to the Prop. A, then we wouldn't be having this half-cent sales tax. Uh, so one item gets significantly higher vote in terms of percentage and total vote and that's considered an overwhelming defeat; another item gets less and that's a victory. I just think it's important that we not lose sight that that 56 1/2% of the people, of a much larger plurality went to the polls and said yes, and that fact that 75% probably thought we were already building it, so they stayed home.

COUNCILMAN VAN DEVENTER: It's a problem trying to get the people out to vote, pro or con, I think it's a real sad case that you look at the percentage of some of the cities, we wasn't the poorest. You look at El Cajon with 21%. Uh, I don't know what we can do to encourage people to go out to the polls. I, all of you are sitting in the audience are people that go to the polls, but uh, it's that large majority that don't go to the polls, and it's a, it's a real shame, pro or con.

MAYOR WATERS: But you know uh, I, I must uh, you know this uh, the, the way the newspaper writes in this City and the way they write in Chula Vista, you know they don't think that we know or notice how they write for different cities. Uh, they didn't say the same thing about the Proposition that lost out in — all of them lost out in the County of course, but the headline wasn't the same in the Chula Vista's newspaper releases as it was ours. In other words, it wasn't said in the same manner. This was said in a different manner, our uh local issue here, and it was very obvious it uh, it was to stir up interest of the opposition to keep them going and just like, like the end of the article here the other day where we ought to, ought to have somebody as an a consultant. That was to get this Council to you know get excited about something like that, but I'm not excited; I don't pay no attention to that kind of garbage. Uh, Mr. Pruitt.

COUNCILMAN PRUITT: Yes, Your Honor, uh, I'd just like to throw my little two cents in here to go along with all the previous comments, and that is that even those persons who were in opposition to the method of funding the police facility, were in agreement of the need of a police facility, and that is where our efforts should lie, addressing that need.

COUNCILMAN VAN DEVENTER: I totally agree.

MAYOR WATERS: That's exactly what we're gonna do. Uh, call for the question. Vote please.

VICE MAYOR DALLA: What's the question?

MAYOR WATERS: Mr. Cooper. Uh, to put this on next uh, to authorize this.

COUNCILMAN COOPER: Mr. Mayor, and the people, what upsets me is the fact that the uh, no more than 35, I believe the total was about 3,700 that got out and voted and decided the fate of this City, or the fate of this issue. Uh, I'm like Mr. VanDeventer, I believe that people, it's their duty to vote. And I oftentimes think that, I wonder how these people that don't get out and vote, and if any of those of you in the audience that don't vote, this goes to you, how they would feel if they didn't have the opportunity to vote. You'd kick your heels up and down and you'd scream. I can remember in the days when I grew up, when my father had to pay a poll tax in Texas, and I've seen him cry during an election because he didn't have the money to pay the poll tax so he could vote. Now they don't have that anymore, and the people in this country have every right, and I, and along with that right goes the responsibility of voting. And it's not, it doesn't disturb me so much that the voters turned this bond issue down. What disturbs me is the majority of the people, in fact 9,000 registered voters in this City, did not get out and voice their opinion, whether it's for the police facility, the bond issue, or whether it's against it. I would prefer to have had us beaten soundly with 13,000 people voting than to have won with 3,000 people voting. I believe the message and I'll agree with the rest of what Council has said, but the message is clear. They didn't approve that method of financing, but the people really feel that we need a new police facility, and I think that this Council should be working toward it, and that's what this motion is for.

MAYOR WATERS: Thank you. Now vote please.

CITY CLERK: Carried by unanimous vote.

MAYOR WATERS: Next order of business.

ASSESSMENT DISTRICT

Councilman Cooper spoke of the alley that was put in between 18th and 22nd or 23rd Streets and Wilson Ave., saying one lady protested; the reason for her protest was because she didn't have the money to pay for the bond, and he is trying to get her a loan through Redevelopment; her son supports her and pays the taxes on her house; she cannot work and has no income; the City should have some type of fund set up for an occasion such as this; he would like the City Manager to look at this and come back with some kind of recommendation.

POLICE PROTECTION

Vice Mayor Dalla said people come in and make accusations regarding the City and the Police Dept. and even after the accusations are proved groundless, six months later, the same people come in and make the same accusations; on November 9, there was a SWAT operation involving the NCPD and the Sheriff's Dept. with a potentially dangerous situation; from the information he has, the matter was handled professionally; this probably did not make the news; in the last month or so, we have received two letters from people who do not live in National City complimenting the NCPD (See Exhibits "A" and "B" attached); the picture is not as bleak as people think. Mayor Waters said people complain about the high crime rate in the City and they complain when the Police get tough.

ADJOURNMENT

Moved by Cooper, seconded by VanDeventer, the meeting be adjourned to 4:00 p.m., November 17, 1987. Carried by unanimous vote. The meeting closed at 8:43 p.m.

CITY CLERK

The foregoing minutes were approved at the regular meeting of November 17, 1987.

____ Corrections

____ No corrections

MAYOR

CITY OF NATIONAL CITY, CALIFORNIA

*Subsequent to the meeting of November 10, 1987, Resolutions Nos. 15,439 and 15,440, both of which (1) Accepted Conveyance of land (2) Dedicated that same land for street purposes, had added Res. Nos. 15,439A and 15,440A. This reflects no change in action but allows the County Recorder to handle the transfer of land and dedication separately, thereby ensuring easy retrieval of that information in future years.

September 24, 1987

*Chief FYI
Has been put
in file } BB*

RECEIVED

OCT 01

CITY MANAGER
NATIONAL CITY

National City Police Department
1200 "A" Avenue
National City, CA 92118
Attn: Lieutenant Short

*City Mgr
pls pass copy
City Council*

File #: 87V6536 - Recovery of Stolen Vehicle

RE: C. Boegler - #257
K. Cochenour - #282

Exhibit "A"
Book 69/Page 27 (r)

Dear Lieutenant Short:

I would like to take the time to commend two of your finest Police Officers, C. Boegler #257 and K. Cochenour #282.

On Sunday, August 2, 1987 in Monterey Park (L.A. County), I was shopping at a nearby grocery store at approximately 1:25 p.m. When I had completed my shopping with my sister at approximately 2:35 p.m., we returned to the parking lot to find my vehicle gone - stolen! I was horrified! Monterey Park Police had taken their time to get there to file a report, meanwhile I had almost \$200.00 worth of perishables and 100 degrees outside. Then once they finally got there, they gave me little hope of every recovering my car.

In short, to my amaze, I received a telephone call about 12:15 a.m. on Wednesday, August 6, 1987 to hear that Officers Boegler and Cochenour had recovered my 1986 Toyota Camry (with barely 9600 miles on it at the time of theft) down in National City, San Diego. To say the least, I was surprised:

- 1) My vehicle was found
- 2) Quickly recovered, and
- 3) Located in National City.

Really, my husband and I greatly appreciate the work of two fine men who prove to be very attentive officers. I would be proud if we could have such prompt service from our L.A. County Officers but what can I say.

Once again, I would like to commend them and thank these two officers for a job well done.

Sincerely,

Margaret A. Kakuk

Mrs. Margaret A. Kakuk

cc: C. Boegler
K. Cochenour
Personnel Files

City Council Members
National City, CA

October 20, 1987

Dear Council Members,

This letter may or may not be of any significance to you but I felt that I should commend you for having such a hospitable city.

On Thursday, October 15th as I was driving on the freeway on my way to Ensenada for a few days vacation, I heard a strange noise coming from under the hood of my car. Since my car had been serviced on Wednesday I was very alarmed. I carefully exited with the noise increasing. Never having been in either National City or Chula Vista I had no idea where to turn for help and was uncertain as to how long my car would be running. Then to my immense joy I saw a building with a sign painted on the side reading, "GOODYEAR TIRES-AUTO SERVICE" I was able to move my car into this place where the owner Mr. Fred Harris and the very able Manager Mr. Robert Labastida Olachea diagnosed the problem.

The repair would require that I spend several hours in the area. Mr. Harris kindly gave my passenger and myself a ride to the shopping center and later picked us up.

I can't tell you how helpful it was to be able to immediately find a direction for me to take.

Thank you for your foresight and considering the need of travelers such as myself. Mr. Harris and his organization are, I'm sure a welcome addition to your fine community.

Gratefully,

Francis Rose Ferris
Francis Rose Ferris
325 Sprucewood Ave.,
Agoura, CA 91301
(818) 706-2557 Home
(818) 345-5353 Work

BACA
FOR YOUR
FILES

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF NATIONAL CITY, CALIFORNIA**

NOVEMBER 17, 1987

The regular meeting of the City Council of the City of National City was called to order at 4:00 p.m. by Mayor Waters.

ROLL CALL

Council members present: Cooper, Dalla, Pruitt, VanDeventer, Waters. Absent: None. Administrative officials present: Bolint, Campbell, Eiser, McCabe, Post, Stafford.

SALUTE TO THE FLAG AND INVOCATION

The meeting was opened with salute to the flag led by City Manager McCabe, followed with invocation by Vice Mayor Dalla.

APPROVAL OF MINUTES

The City Clerk requested that approval of the minutes of the regular meetings of October 13, October 20 and November 10, 1987 be held over one week. Moved by VanDeventer, seconded by Pruitt, approval of the minutes be held over one week. Carried by unanimous vote. Vice Mayor Dalla spoke of the November 10 minutes, and requested that the discussion re the police facility and the bond issue under Council Communications be done verbatim. Mayor Waters said if there was no objection, it would be done that way. There was no objection.

PROCLAMATION

Moved by VanDeventer, seconded by Cooper, the Proclamation be read by title only. Carried by unanimous vote.

The Proclamation declaring November 17-30, 1987 to be "MEALS ON WHEELS VOLUNTEER RECRUITMENT TIME" was read aloud in full by Mayor Waters. The Mayor presented the Proclamation to Marian Reese. Mayor Waters said he promised Mr. Hughes he would ask Council members to donate whatever time they could to deliver meals for Meals on Wheels.

MAYOR'S APPOINTMENTS

BD COMM

TRAFFIC SAFETY COMMITTEE

Vice Mayor Dalla presided. Jesse Ramirez, 343 E. Plaza Blvd., was interviewed by Council and stated his reasons for wanting to serve.

PUBLIC ORAL COMMUNICATIONS

H. DONALD HUGHES, was present and requested that Council members volunteer whatever time they can for Meals on Wheels.

POLICE PROTECTION

THOMAS MITCHELL, 3517 Stockman, was present and presented a signed petition to the Mayor requesting more police patrol with radar units in the Sweetwater Heights area and a replacement for the Police Chief.

ADOPTION OF RESOLUTIONS

CONSENT RESOLUTIONS (Resolutions Nos. 15,451 through 15,455)

Moved by VanDeventer, seconded by Cooper, the Consent Resolutions be adopted. Moved by Cooper, seconded by Pruitt, Section 10 of Exhibit "A" on Resolution No. 15,452 be deleted. Carried by unanimous vote. Motion to adopt Consent Resolutions carried by unanimous vote.

PARKING/TRAFFIC

1. Resolution No. 15,451, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ESTABLISHING ONE ON-STREET HANDICAPPED PARKING SPACE AT 1916 'D' AVENUE - MRS. DEANNA KAY VINYARD (HANDICAPPED PLACARD NO. K349950)." Adopted. See above.

STREET VACATION

2. Resolution No. 15,452, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ADOPTING STREET AND ALLEY VACATION PROCEDURES, PRESCRIBING REGULATIONS GOVERNING THE VACATION OF PUBLIC WAY AND ESTABLISHING A POLICY DIRECTIVE THEREFOR, AND SUPERSEDING RESOLUTION NO. 9241." Adopted (as changed). See above.

PARKING/TRAFFIC

3. Resolution No. 15,453, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ESTABLISHING ONE ON-STREET HANDICAPPED PARKING SPACE AT 1601 HOOVER AVENUE IN FRONT OF MAAC PROJECT." Adopted. See above.

DONATIONS

4. Resolution No. 15,454, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ACCEPTING ANKOR INVESTMENTS' DONATION OF MICROFILM EQUIPMENT." Adopted. See above.

COUNCIL AGENDAS

5. Resolution No. 15,455, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY ESTABLISHING PROCEDURES FOR PREPARATION AND POSTING OF THE COUNCIL AGENDA, AND FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS, AND RESCINDING RESOLUTION NO. 15,194." Adopted. See above.

ORDINANCES FOR INTRODUCTION

Moved by VanDeventer, seconded by Pruitt, the Ordinances be presented by title only. Carried by unanimous vote.

MUNI CODE - ZONE - PARKING/TRAFFIC

6. "An Ordinance of the City Council of the City of National City amending Title 18 (Zoning) of the Municipal Code regarding parking requirements for shopping centers and commercial uses."

MUNI CODE - ZONE

7. "An Ordinance of the City Council of the City of National City amending Title 18 (Zoning) of the Municipal Code to increase the minimum dwelling unit size in the Multi-Family Extendable (RM-1) Zone and for new condominium units in all zones."

ORDINANCE FOR ADOPTION

Moved by VanDeventer, seconded by Dalla, the Ordinance be presented by title only. Carried by unanimous vote.

MUNI CODE - PARKING/TRAFFIC

8. Ordinance No. 1931, "AN URGENCY ORDINANCE AMENDING SECTION 11.16.010 (SPEED ZONES DESIGNATED) OF THE NATIONAL CITY MUNICIPAL CODE ESTABLISHING SPEED ZONES ON VARIOUS STREETS, AND REPEALING ORDINANCE NUMBERS 852, 1795, 1817, 1857, 1864 AND 1878." Moved by VanDeventer, seconded by Cooper, Ordinance No. 1931 be adopted. Carried by unanimous vote.

NEW BUSINESS

FINANCE MGMT - CONFLICT OF INTEREST

9. SUBJECT: WARRANT REGISTER NO. 19, dated November 6, 1987, Ratification of Demands in the amount of \$268,313.92 (Warrants Nos. 98742 through 98846).

RECOMMENDATION: Staff recommended that the warrants be ratified.

ACTION: Moved by Cooper, seconded by Pruitt, the bills be ratified

CONFLICT OF INTEREST: Councilman VanDeventer said he would abstain on Warrant No. 98829.

Warrants (except 98829) ratified by the following vote, to-wit: Ayes: Cooper, Dalla, Pruitt, VanDeventer, Waters. Nays: None. Warrant No. 98829 ratified by the following vote, to-wit: Ayes: Cooper, Dalla, Pruitt, Waters. Nays: None. Abstaining: VanDeventer.

WRITTEN COMMUNICATIONS

PORT DISTRICT

10. SUBJECT: A letter from the Bay Users Group of San Diego requesting support in asking the Port Commission for a risk-free public examination of the Port's policies and practices as they affect users of San Diego Bay and other local taxpayers and voters.

RECOMMENDATION: None.

ACTION: Ordered filed by unanimous vote.

PERMITS AND LICENSES - FOR THE RECORD - CONFLICT OF INTEREST

11. SUBJECT: Application for Type 20, transfer of off-sale beer and wine type license, authorizing the sale of beer and wine for consumption off the premises where sold; Applicant: Su Van Ho, 1245 Highland Ave.

RECOMMENDATION: Police, Planning and Building Departments state no grounds for objection.

ACTION: Moved by Cooper, seconded by VanDeventer, in favor of this request.

FOR THE RECORD: Councilman Cooper reported this license is a transfer only.

CONFLICT OF INTEREST: Mayor Waters said he would abstain because his business is located at 1445 Highland Ave.

Motion carried by the following vote, to-wit: Ayes: Cooper, Dalla, Pruitt, VanDeventer. Nays: None. Abstaining: Waters.

OTHER BUSINESS

VARIANCE

12. SUBJECT: Notice of Decision - Planning Commission Resolution No. 38-87, denying a Zone Variance Application for expansion of a medical clinic into 1,513 square feet of existing, unused floor area at 1136 "D" Ave., with reduction in required number of off-street parking spaces from 28 to 16; Applicant: San Ysidro Health Clinic; Case File No. Z-5-87. The City Clerk reported an appeal has been filed and a public hearing will be scheduled for December 8.

RECOMMENDATION: The Planning Commission voted to deny the application; staff concurs with the Planning Commission's denial and recommends that the Notice of Decision be filed.

ACTION: Moved by Pruitt, seconded by VanDeventer, this matter be set for public hearing on December 8. Carried by unanimous vote.

PLANNED DEVELOPMENT PERMIT

13. SUBJECT: Notice of Decision - Planning Commission Resolution No. 37-87, denying a Planned Development Permit Application for construction of three detached, single-family dwellings at the south end of the 600 block of "Q" Ave., on the east side; Applicant: Rigoberto Bermudez; Case File No. PD-6-87.

RECOMMENDATION: The Planning Commission voted to deny the application; staff concurs with the decision of the Planning Commission and recommends that the Notice of Decision be filed.

ACTION: Moved by VanDeventer, seconded by Dalla, this be filed. Carried by unanimous vote.

SIGNS - CONFLICT OF INTEREST

14. SUBJECT: The Planning Director's report on mural signs at 1705 National City Blvd. (The only exception previously made has been to allow logos consisting of registered trademarks; these murals do not fall into this category; a Code Amendment would be required in order for the murals to remain).

RECOMMENDATION: Staff recommended that the City Council not initiate a Code Amendment to permit mural signs.

TESTIMONY: Steve McPherson, 1705 National City Blvd. was present and stated he has applied to the State for a trademark.

ACTION: Moved by Pruitt, seconded by Waters, we uphold staff's recommendation not to initiate a Code Amendment. Carried, by the following vote, to-wit: Ayes: Dalla, Pruitt, Waters. Nays: Cooper. Abstaining: VanDeventer.

CONFLICT OF INTEREST: Councilman VanDeventer said he abstained because he owns the building next door and there is controversy about the signs on the front of the building.

SIDEWALKS

15. SUBJECT: The Senior Civil Engineer's report on sidewalk installation on the north side of 8th St., between Harbison and Rachael Avenues.

RECOMMENDATION: Staff recommended that Council advise staff on how to proceed.

ACTION: Moved by VanDeventer, seconded by Pruitt, we proceed to cover this with asphalt and between now and budget time, we contact the property owners to see if we can get them to participate (in a permanent improvement), and at that time bring it back at budget time in the spring. Carried, by the following vote, to-wit: Ayes: Dalla, Pruitt, VanDeventer, Waters. Nays: Cooper.

STREET TREES

16. **SUBJECT:** The recommendations of the Street Tree and Parkway Committee from their meeting of October 15, 1987 (the following street tree removals: olive tree at 905 Hoover Ave., evergreen tree at 911 E. 7th St., 2 palm trees to be planted at 420 E. 20th St.).

RECOMMENDATION: The Street Tree and Parkway Committee recommended the above actions be approved by the City Council; staff recommended ratification of the Street Tree and Parkway Committee's recommendation.

ACTION: Moved by Cooper, seconded by VanDeventer, in favor of the Street Tree and Parkway Committee's recommendation. Carried by unanimous vote.

CITY MANAGER - No report.

CITY ATTORNEY - No report.

OTHER STAFF - No reports.

MAYOR

COMMUNITY PROMOTION - CENTENNIAL

17. **SUBJECT:** The Mayor's request for Centennial Committee Appreciation Dinner (January 7, 1988, 6:00 p.m., San Diego Country Club).

RECOMMENDATION: The Mayor recommended approval.

ACTION: Moved by VanDeventer, seconded by Pruitt, in favor of the Mayor's recommendation. Carried by unanimous vote.

Barbara Hunsacker, Chairman, Centennial Committee and George Webster, National City Chamber of Commerce were present and advised Council that the final Centennial activity would be on December 2 when the time capsule is buried.

CITY COUNCIL - No reports.

EXECUTIVE SESSION - LITIGATION

SUBJECT: Closed Session to discuss pending litigation (claim of Enrique Robledo) under Government Code Section 54956.9(A).

ACTION: Moved by VanDeventer, seconded by Cooper, in favor of the closed session. Carried by unanimous vote.

Council went into closed session at 5:10 p.m.

Council reconvened at 5:20 p.m.

ROLL CALL

Council members present: Cooper, Dalla, Pruitt, VanDeventer, Waters. Absent: None.

Moved by VanDeventer, seconded by Cooper, we recess until 6:00 p.m. Carried by unanimous vote.

Council reconvened at 6:00 p.m.

ROLL CALL

Council members present: Cooper, Dalla, Pruitt, VanDeventer, Waters. Absent: None.

Mayor Waters called a recess at 6:01 p.m.

JOINT MEETING - SCHOOL - NATIONAL DISTRICT

18. Council reconvened at 6:11 p.m. for a joint meeting with the Board of the National School District.

ROLL CALL

Council members present: Cooper, Dalla, Pruitt, VanDeventer, Waters. Absent: None. Also present: City Manager, City Attorney.
National School District Board present: Campbell, Perez, Reynolds, Tagle, Webster. Also present: Supt. of Schools and other members of District staff.

School Board President Larry Tagle introduced newly appointed School Board member Anne Campbell, who was present in the audience. The City Council and School Board members discussed the following items:

1. Day Care Block Grant
Dr. Croutok was present to speak.
2. Traffic around Schools and
3. Traffic Safety/Safety Patrols
Mr. Allen was present to speak.
4. Ice Cream Vendors
5. Mini Parks
6. Library Expansion - Palmer Way School

Supt. of School District Smith spoke of Assembly Bill 2191, calling for School Board Trustees to be elected by area in any district of 1000 students; the intent is to eventually include all elected officials; he urged Council to take a position on this. Mr. Perez said the California School Boards' Assoc., of which he is a delegate member lobbied against this.

ADJOURNMENT

Moved by Cooper, seconded by Pruitt, the meeting be adjourned to 7:00 p.m., November 24, 1987. Carried by unanimous vote. The meeting closed at 7:29 p.m.

CITY CLERK

The foregoing minutes were approved at the regular meeting of November 24, 1987.

____ Corrections

____ No corrections

MAYOR
CITY OF NATIONAL CITY, CALIFORNIA



City of National City
Police Department

1200 "A" Ave., National City, CA 92050-4594
Phone: (619) 336-4400

February 8, 1989

Johnny Noel
623 T Avenue Apt 903
National City, California
92050

Dear Mr Noel,

On January 17, 1989, you filed a complaint with the National City Police Department concerning your treatment by National City Police Officers on January 1, 1989. As a result of your complaint, an investigation has been conducted and that investigation is now complete.

I thank you for your concern as the National City Police Department welcomes input from the public in it's attempt to maintain high professional standards. If you have any further questions regarding this matter, please contact me at 336-4469.

Sincerely,


Sergeant Mike Iglesias
Internal Affairs



Committee on Chicano Rights, Inc

October 16, 1997

Mayor George Waters
1243 National City Blvd.
National City, CA 91950

Question, under what law or city policy does the National City Police Department have to:

- 1) Photograph and "mug shot" a person on the street for a traffic violation?
- 2) Order a person to take off their shirt for a traffic violation

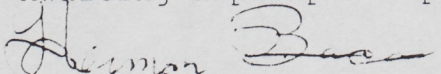
Case in point:

On tuesday, 10/14/97 at approximately 2:45-3:30 p.m a friend the president of LULAC (League of United Latin American Citizens) and myself witnessed the following: A NCPD officer (I believe it was officer White, car #284) subject a "Mexican" looking individual to a) having to take off his shirt b) search of his vehicle both inside and car trunk, c) mug shot, d) ticketed, e) and his car towed away. Said individual was set free and was not arrested

If this is the law or a city policy we would like to know what is the police department "criteria" as to who is subjected to the above treatment for a traffic violation? The mayor?, the city council?, the president of the chamber of commerce?, or is the decision left to the individual police officer?

At this time, we would appreciate if your office would provide us with a detailed response to the above concerns, and if possible a police report of the of the above incident.

Awaiting a prompt response;


Herman Baca, President

cc. NC City Council
News Media
LULAC

710 E. 3rd Street
National City CA 91950
(619) 477-3800



GEORGE H. WATERS
Mayor

CITY OF NATIONAL CITY
1243 National City Blvd.
National City, CA 91950

Telephone (619) 336-4230
Home (619) 479-8072
FAX (619) 336-4333



10/17/1997 12:58

FROM Aztec Printing Co.

TO 3364333

P.81

Skip



Committee on Chicano Rights, Inc

October 16, 1997

Mayor George Waters
National City
1243 National City Blvd.
National City, CA 91950

Mayor Waters:

Date: 10/7/97 Time: 3:50:14 PM

Question, under what law or city policy does the National City Police Department have to:

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Herman Baca
Herman Baca, President

cc. NC City Council
News Media
LULAC

shot" a person on the street
take off their shirt for a traffic
at approximately 2:45-3:
710 E. 3rd Street
National City CA 91950
(619) 477-3800

*Herman, I hope this explains what went on.
If you have any other questions, call Skip the Chief*

336-4517

Mayor Waters



Committee on Chicano Rights, Inc

October 16, 1997

Mayor George Waters
1243 National City Blvd.
National City, CA 91950

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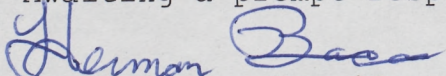
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Awaiting a prompt response;


Herman Baca, President

cc. NC City Council
News Media
LULAC

710 E. 3rd Street
National City CA 91950
(619) 477-3800

October 20, 1997

TO: Sgt. T. Darton
FROM: Officer Jim White #321
SUBJ: Response To Letter From Herman Baca, Committee on Chicano Rights

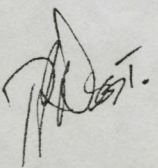
Herman Baca, President of the Committee on Chicano Rights, wrote a letter to Mayor Waters questioning my actions during a traffic stop on October 14, 1997. Below are the details of this traffic stop:

On October 14, 1997 at about 1445 hrs, I was monitoring traffic while parked in the carwash parking lot in the 200 blk of Highland Ave. I saw a blue Buick Century (California License Plate #1BQF742) drive southbound through the intersection of 2nd St and Highland Ave. There was also a pedestrian in the crosswalk traveling westbound on 2nd St at the time the Buick was beginning to enter the intersection. The pedestrian was near the center of the street, and close enough to the Buick as to pose a hazard. In other words, the driver of the Buick should have yielded the right of way to the pedestrian.

I got behind the Buick and activated my overhead lights. I eventually made a traffic stop in the 600 blk of E. 3rd St. I contacted the driver, who identified himself verbally as Juan Fonseca Martinez. He was wearing a white tank-top. Mr. Martinez did not have a driver's license, nor any other form of identification. Additionally Mr. Martinez was unable to provide proof of insurance for the car. Because Mr. Martinez did not understand English well, our conversations were in Spanish.

Next I had NCPD dispatchers check Mr. Martinez' driver's license status. Dispatchers later advised me that Mr. Martinez had never been issued a license. I then cited Mr. Martinez for 21950(a) CVC (Fail To Yield To Pedestrian In The Crosswalk), 12500(a) CVC (Unlicensed Driver) and 16028(a) CVC (No Proof Of Insurance).

Afterwards I advised him that I was going to impound his car per 14602.6(a) CVC (30-day Impound - Unlicensed Driver), and told him to step out. Once Mr. Martinez was out of the car, I told him I was going to take a photo of him which would help me to make an identification in court if necessary. Because it was so hot that day, Mr. Martinez asked if he could put on his long-sleeve shirt to cover his arms. I told him, "Of course." I took one Polaroid photograph of Mr. Martinez, then had him give his right thumb print on the back of the citation. I photograph and thumbprint all drivers who are unable to provide a photo I.D. during a traffic stop in the event I should have to go to court and prove who was actually driving. At no time did I order or request that Mr. Martinez take off his shirt.



Because I was going to impound the car, I told Mr. Martinez to open the trunk so that I could conduct an inventory of the property inside. I also advised him that he could take any of his possessions from the vehicle. Mr. Martinez' car was impounded by Moynahan's Towing.

About half-way through my contact with Mr. Martinez that day, a resident in the area, whose name I cannot recall (former employee at All American Carwash, Plaza Blvd, National City), walked up to the scene and helped me to better explain why his car was being impounded.

For additional information regarding the vehicle impound, refer to Vehicle Impound Report #9708037. For additional information on the citation, refer to NCPD Cite #N154123.

Mayor Waters



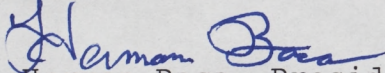
Committee on Chicano Rights, Inc

October 24, 197

Mayor George Waters
National City
1243 National City Blvd.
National City, CA 91950

Mayor Waters:

Thank you for your prompt reply to our October 16, 1997 letter. Since your letter failed to address the larger issue of whether there is a law or a city policy, we are going to assume (as per the NCPD own letter) that the only time that a person can be legally photographed for a traffic violation is when a person has no photo I.D., and the individual officer (at his discretion) feels that he might have to go to court and prove who was driving. If that is the case, we would recommend that this policy be officially spelled out by the NCPD to the individual beat officer to minimize the potential for violation of a person (s) civil and constitutional rights. On the other hand if there is a law or a city policy, we would appreciate a copy(s) of it. In closing, we are certain that you share our concerns for protecting the civil and constitutional rights of all National City residents. Awaiting your response.


Herman Baca, President

cc. Lulac
News Media

**710 E. 3rd Street
National City CA 91950
(619) 477-3800**



**City of National City
Office of the City Council**

1243 National City Boulevard, National City, CA 91950
RALPH INZUNZA-COUNCILMAN (619) 336-4231

October 30, 1997

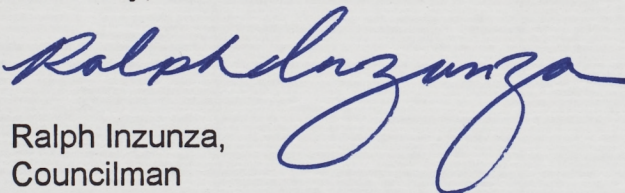
Mr. Herman Baca, President
Committee on Chicano Rights, Inc.
710 E. 3rd Street
National City, CA 91950

Dear Mr. Baca:

This letter is in response to your letter of October 16, 1997. I am sorry for the delay but I needed to obtain a copy of the report from the National City Police Department.

Attached you will find a summary of the event in question. Please look it over and call me at my office if I may be of further assistance. Thank you for your inquiry.

Sincerely,


Ralph Inzunza,
Councilman

RI:cho

October 20, 1997

TO: Sgt. T. Darton

FROM: Officer Jim White #321

SUBJ: Response To Letter From Herman Baca, Committee on Chicano Rights

Herman Baca, President of the Committee on Chicano Rights, wrote a letter to Mayor Waters questioning my actions during a traffic stop on October 14, 1997. Below are the details of this traffic stop:

On October 14, 1997 at about 1445 hrs, I was monitoring traffic while parked in the carwash parking lot in the 200 blk of Highland Ave. I saw a blue Buick Century (California License Plate #1BQF742) drive southbound through the intersection of 2nd St and Highland Ave. There was also a pedestrian in the crosswalk traveling westbound on 2nd St at the time the Buick was beginning to enter the intersection. The pedestrian was near the center of the street, and close enough to the Buick as to pose a hazard. In other words, the driver of the Buick should have yielded the right of way to the pedestrian.

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Next I had NCPD dispatchers check Mr. Martinez' driver's license status. Dispatchers later advised me that Mr. Martinez had never been issued a license. I then cited Mr. Martinez for 21950(a) CVC (Fail To Yield To Pedestrian In The Crosswalk), 12500(a) CVC (Unlicensed Driver) and 16028(a) CVC (No Proof Of Insurance).

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CCR

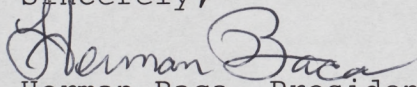
Committee on Chicano Rights, Inc

November 3, 1997

Enclosed for your information is a copy of a follow up letter (see enclosure) to Mayor George Waters, in which we are requesting a response to the larger issue raised in our 10/16/97 letter. In the 10/16 letter we raised the issue if the National City Police department was following a "law" or a "city policy" when photographing individuals on the street for traffic violations.

As we stated in our 10/24 to Mayor Waters, if the NCPD is in fact following a "law" or a "city policy" we would like to see a copy. On the other hand, if the NCPD is not, we requested that such a policy be officially spelled out, in order to minimize the potential for violating a person(s) civil and constitutional rights. To date, we are still awaiting a response from Mayor Waters.

Sincerely,


Herman Baca, President

710 E. 3rd Street
National City CA 91950
(619) 477-3800