

City of Chula Vista

Meeting Minutes - Draft

Tuesday, May 26, 2015

5:00 PM

Council Chambers
276 4th Avenue, Building A
Chula Vista, CA 91910

SPECIAL MEETING OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY MEETING JOINTLY WITH THE CITY COUNCIL OF THE CITY OF CHULA VISTA

CALL TO ORDER

A Regular Meeting of the City Council and Special Meetings of the Successor Agency to the Redevelopment Agency and Housing Authority of the City of Chula Vista were called to order at 5:07 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

Present: Councilmember Aguilar, Deputy Mayor Bensoussan, Councilmember McCann, Councilmember Miesen and Mayor Salas

Councilmember Aguilar arrived at 5:18 p.m.

Also Present: City Manager Halbert, City Attorney Googins, Assistant City Clerk Bigelow, and Deputy City Clerk Kansas.

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Councilmember McCann led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [15-0221](#) PRESENTATION OF A PROCLAMATION TO ASIAN AMERICAN PACIFIC ISLANDER DEMOCRATIC CLUB PRESIDENT MATTHEW YAGYAGAN, PROCLAIMING MAY 2015 AS ASIAN PACIFIC AMERICAN HERITAGE MONTH IN THE CITY OF CHULA VISTA

Mayor Salas read the proclamation and Deputy Mayor Bensoussan presented it to Mr. Yagyagan and Kirin Macapugay.

Mayor Salas announced, pursuant to AB 23, that she and each Councilmember would receive \$50 for their attendance at this Housing Authority meeting, being held simultaneously with the City Council meeting.

CONSENT CALENDAR (Items 1 - 8)

City Attorney Googins stated that Councilmembers McCann and Aguilar would abstain from voting on Item 8A and Mayor Salas would abstain from voting on Item 8B due to potential property-related conflicts of interest.

1. [15-0223](#) APPROVAL OF MINUTES OF APRIL 21, 23 AND MAY 5, 2015.

Recommended Action: Council approve the minutes.

2. [15-0217](#) WRITTEN COMMUNICATIONS

Memorandum from Councilmember Miesen requesting an excused absence from the May 12, 2015 City Council meeting.

Recommended Action: Council excuse the absence.

3. [15-0197](#) RESOLUTION NO. 2015-105 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE COMPETITIVE FORMAL BID REQUIREMENT AND APPROVING AN AGREEMENT WITH NBS GOVERNMENT FINANCE GROUP IN THE AMOUNT OF \$96,000 TO PERFORM DISCLOSURE SERVICES IN PREPARATION FOR THE REFUNDING OF SEVERAL EXISTING COMMUNITY FACILITIES DISTRICTS

Recommended Action: Council adopt the resolution.

4. [15-0201](#) RESOLUTION NO. 2015-106 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2014/2015 BUDGET TO ADJUST FOR VARIANCES AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

Recommended Action: Council accept the report and adopt the resolution.

5. [15-0176](#) RESOLUTION NO. 2015-107 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE PERFORMING AND VISUAL ARTS GRANT TASK FORCE'S SELECTION OF THE FISCAL YEAR 2015 PERFORMING AND VISUAL ARTS GRANTS RECIPIENTS AND MONETARY GRANT AWARDS TOTALING \$82,800

Recommended Action: Council adopt the resolution.

6. [15-0158](#) RESOLUTION NO. 2015-108 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE COMPETITIVE FORMAL BID REQUIREMENT AND AUTHORIZING THE POLICE DEPARTMENT TO RECEIVE CANINE TRAINING, KENNELING, AND CERTIFICATION SERVICES FROM MAN K9

Recommended Action: Council adopt the resolution.

7. [15-0198](#) RESOLUTION NO. 2015-109 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A LEASE AGREEMENT WITH SAN YSIDRO HEALTH CENTER FOR A PORTION OF A CITY-OWNED BUILDING AND APPURTENANCES LOCATED AT 1800 MAXWELL ROAD AND AMENDING THE FISCAL YEAR 2014-2015 BUDGET FOR PAYMENT OF THE BROKER COMMISSION, RELOCATION COSTS AND MINOR CONSTRUCTION COSTS (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

8. [15-0199](#) CONSIDERATION OF ACCEPTING BIDS AND AWARDING LANDSCAPE MAINTENANCE CONTRACTS FOR CERTAIN OPEN SPACE DISTRICTS TO BLUE SKIES LANDSCAPE MAINTENANCE, INC. AND AZTEC LANDSCAPING, INC.

A. RESOLUTION NO. 2015-110 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING LANDSCAPE MAINTENANCE CONTRACTS BETWEEN THE CITY OF CHULA VISTA AND BLUE SKIES LANDSCAPE MAINTENANCE, INC. FOR LANDSCAPE MAINTENANCE SERVICES IN BID GROUP 1 (OPEN SPACE DISTRICTS 3, 4, 8, ROLLING HILLS RANCH, AND EASTLAKE WOODS AND VISTA) IN THE AMOUNT OF \$320,258, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT

B. RESOLUTION NO. 2015-111 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING LANDSCAPE MAINTENANCE CONTRACTS BETWEEN THE CITY OF CHULA VISTA AND AZTEC LANDSCAPING, INC. FOR LANDSCAPE MAINTENANCE SERVICES IN BID GROUP 2 (OPEN SPACE DISTRICTS 5, 6, 9, 10, 11, AND 26) IN THE AMOUNT OF \$190,252, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT

C. RESOLUTION NO. 2015-112 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING LANDSCAPE MAINTENANCE CONTRACTS BETWEEN THE CITY OF CHULA VISTA AND BLUE SKIES LANDSCAPE MAINTENANCE, INC. FOR LANDSCAPE MAINTENANCE SERVICES IN BID GROUP 3 (COMMUNITY FACILITIES DISTRICT VILLAGE 11, PHASE 3) IN THE AMOUNT OF \$193,413, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT

Approval of the Consent Calendar

ACTION: A motion was made by Mayor Salas, seconded by Councilmember McCann, to approve staff's recommendations on the Consent Calendar items, headings read, text waived. The motion carried by the following vote:

Items 1 through 7, and 8C:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Salas

No: 0

Abstain: 0

ACTION: Item 8A:

Yes: 3 - Bensoussan, Miesen and Salas

No: 0

Abstain: 2 - Aguilar and McCann

ACTION: Item 8B:

Yes: 4 - Aguilar, Bensoussan, McCann and Miesen

No: 0

Abstain: 1 - Salas

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

There were none.

PUBLIC HEARINGS

- 9. [15-0188](#) CONSIDERATION OF AN AMENDMENT TO CHULA VISTA'S PORTION OF THE 2014 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM

RESOLUTION NO. 2015-113 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE AMENDMENT OF THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2014/2015 THROUGH 2018/2019 FOR INCLUSION IN THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM, REDUCING THE STM383 CIP BUDGET BY \$200,000 IN TRANSNET FUNDS AND APPROPRIATING THE EQUIVALENT AMOUNT TO STM361 (\$125,000) AND STL394 (\$75,000), AND PROVIDING THE CERTIFICATION AND INDEMNITY STATEMENTS NECESSARY TO OBTAIN TRANSNET FUNDS (4/5 VOTE REQUIRED)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and no earlier than the time specified in the notice.

Mayor Salas opened the public hearing.

There being no members of the public who wished to speak, Mayor Salas closed the public hearing.

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, that Resolution No. 2015-113 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Salas

No: 0

Abstain: 0

10. [15-0206](#) CONSIDERATION OF AMENDMENTS TO THE CITY'S GENERAL PLAN AND THE OTAY RANCH GENERAL DEVELOPMENT PLAN, INCLUDING A NEW DEVELOPMENT AGREEMENT INVOLVING PORTIONS OF THE OTAY RANCH FREEWAY COMMERCIAL PLANNING AREA 12 (This item is continued from May 12, 2015.)

A. RESOLUTION NO. 2015-114 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CONSIDERING THE ADDENDUM (IS-12-03) TO FEIR 02-04; APPROVING AMENDMENTS TO THE CITY'S GENERAL PLAN AND THE OTAY RANCH GENERAL DEVELOPMENT PLAN TO REFLECT LAND USE AND POLICY CHANGES FOR APPROXIMATELY 35 ACRES WITHIN THE OTAY RANCH PLANNED COMMUNITY, INCLUDING ASSOCIATED TEXT, MAPS, AND TABLES

B. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHULA VISTA, VILLAGE II TOWN CENTER, LLC, AND SUNRANCH CAPITAL PARTNERS, LLC, FOR THE FREEWAY COMMERCIAL NORTH PORTION OF OTAY RANCH PLANNING AREA 12 (FIRST READING)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and no earlier than the time specified in the notice.

Councilmember Miesen stated he would abstain from voting on the item due to a potential financial-related conflict of interest. He left the dais at 5:25 p.m.

Development Services Director Broughton provided information on Council-directed edits to the development agreement. He also stated that a memorandum had been distributed to the Council in response to some of the matters discussed at the meeting of May 12, 2015.

Mayor Salas noted that she had previously opened the public hearing at the meeting of May 12, 2015.

Joanne Springer, Chula Vista resident, spoke in opposition to staff's recommendation.

Nick Lee, representing Baldwin and Sons, spoke regarding the proposed development agreement.

City Manager Halbert responded to Mr. Lee's comments.

The following members of the public spoke in opposition to staff's recommendation:

- Ernest Jackson, Chula Vista resident*
- Barney Reed, Chula Vista resident, and, in response to a question from Deputy Mayor Bensoussan, stated he was not a professional traffic engineer*
- Peter Watry, Chula Vista resident*
- Kathleen Reed, Chula Vista resident*
- Mark Liuag, Chula Vista resident, and he also distributed written communications to the Council*

Council discussion ensued. Principal Planner Power and Planning Manager Batchelder responded to questions from the Council.

Deputy Mayor Bensoussan stated that she had no potential for a financial conflict of interest related to the project.

There being no other members of the public who wished to speak, Mayor Salas closed the public hearing.

Council discussion continued on the item.

In response to questions from Councilmember McCann, Monique Chen, Principal, representing Chen Ryan Associates, spoke regarding the traffic study performed for the proposed project.

In response to questions from Councilmember McCann, Nick Lee, representing Baldwin and Sons, spoke regarding the participation in the community facilities districts related to the proposed project.

At the request of City Attorney Googins, Principal Planner Power, and Planning Manager Batchelder provided information regarding the California Environmental Quality Act (CEQA) and the proposed addendum to the Environmental Impact Report (EIR) for the proposed project, as well as impacts on library and other public services, and traffic. City Attorney Googins stated that an addendum to the EIR would be appropriate when there were no new significant impacts created by the project.

City Attorney Googins spoke regarding potential amendments to the development agreement, including stipulations for a commitment to build the second hotel, the obligation to make an In Lieu Hotel Payment if the second hotel was not commenced prior to the issuance of the 451st building permit for the residential portion of the project, security for the payment, and implications for failure to make the payment. He also stated that the City could not pre-commit to providing support for a future hotel, but that a condition could be included in the development agreement to allow City staff to meet and confer with the developer in the future regarding potential assistance for the hotel and submit a proposal to the Council for consideration at that time. He stated that the Council could approve the item with the condition that the development agreement would be amended prior to the second reading of the ordinance.

Nick Lee, representing Baldwin and Sons, confirmed the developer would be in agreement with the discussed amendments.

In response to questions from Councilmember Aguilar, Principal Planner Power and City Attorney Googins provided information regarding the length of time an EIR may be used.

ACTION: A motion was made by Deputy Mayor Bensoussan, seconded by Mayor Salas, that Resolution No. 2015-114 be adopted and the above ordinance be placed on first reading as amended to include stipulations for a commitment to build the second hotel, the obligation to make an In Lieu Hotel Payment if the second hotel was not commenced prior to the issuance of the 451st building permit for the residential portion of the project, security for the payment, and implications for failure to make the payment; and a condition in the development agreement to allow City staff and the developer to negotiate in the future regarding potential assistance for the hotel, contingent on Council approval of the agreed upon assistance. The headings were read, text waived. The motion carried by the following vote:

Yes: 3 - Bensoussan, McCann and Salas

No: 1 - Aguilar

Abstain: 1 - Miesen

Mayor Salas recessed the meeting at 7:30 p.m. The Council reconvened at 7:42 p.m., with all members present.

At the request of Mayor Salas, there was consensus of the Council to discuss Item 12 before Item 11.

ACTION ITEMS

12. [15-0215](#) REPORT ON THE CITY OF CHULA VISTA CULTURAL ARTS WORK PROGRAM

Associate Planner Tessitore-Lopez gave a presentation on the City's Cultural Arts Work Program.

ACTION: A motion was made by Deputy Mayor Bensoussan, seconded by Mayor Salas, that the report be accepted, heading read, text waived. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Salas

No: 0

Abstain: 0

11. [15-0192](#) PRESENTATION OF THE CITY MANAGER'S PROPOSED BUDGET FOR FISCAL YEAR 2015/2016 (Continued from May 26, 2015.)

RESOLUTION NO. 2015-118 OF THE CITY COUNCIL / NO. 2015-001 SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY / NO. 2015-003 HOUSING AUTHORITY OF THE CITY OF CHULA VISTA ACCEPTING THE OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR THE CITY OF CHULA VISTA FOR FISCAL YEAR 2015/2016 AS THEIR PROPOSED BUDGETS, RESPECTIVELY, AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON THE BUDGET AND THEIR FINAL CONSIDERATION AND BUDGET ADOPTION

Deputy City Manager Kachadoorian and Budget & Analysis Manager Aguilar gave a presentation on the proposed budget.

Administrative Services Manager Beamon gave a presentation on the proposed budget for the capital improvement program.

Assistant Director of Finance Davis gave a presentation on the Long-Term Financial Plan.

City Attorney Googins provided information on the process required to adopt the budget.

Shauna Stokes, Chula Vista resident, representing the Friends of the Chula Vista Library, thanked the Council for its support of the Library and spoke in support of the proposed addition of the Senior Librarian I position.

Dave Kaplan, representing the Western Council of Engineers, spoke in opposition to the elimination of the Employer-Paid Member Contribution employee benefit.

David Garcias, Chula Vista resident, representing SEIU Local 221, the Chula Vista Employees Association, and the Mid-Managers/Professional Association, spoke in opposition to reducing employee benefits.

Kim Vander Bie, representing the Chula Vista Employees Association, spoke in opposition to the elimination of the Employer-Paid Member Contribution employee benefit and in support of cost-of-living increases for employees.

Frank Rivera, representing the Mid-Managers/Professional Association, spoke in opposition to the reduction of employee benefits and in support of cost-of-living increases for employees.

Mayor Salas proposed making the Cultural Arts Manager position a full-time position and reducing the Legislative Counsel Fund.

Deputy Mayor Bensoussan commended staff on the presentation of the budget document. She spoke in support of Mayor Salas' proposal to make the Cultural Arts Manager a full-time position and reducing the Legislative Counsel Fund. She recommended investigating seeking membership in the Local Government Commission.

Councilmember Aguilar spoke in support of exploring various ways to invest to optimize return on the City's investments.

Councilmember McCann spoke in support of restoring services, increasing revenue, and supporting local businesses.

Deputy Mayor Bensoussan spoke in support of staff giving a presentation on projected budget deficits and potential strategies to address them.

There was consensus of the Council to continue the item to the meeting of June 2, 2015.

Item 12 was discussed following Item 10.

CITY MANAGER'S REPORTS

City Manager Halbert congratulated Economic Development Director Crockett on earning a Master's degree in Public Administration.

MAYOR'S REPORTS

Mayor Salas reported on the following recent events: Smart Growth Coalition meeting on May 14, 2015, the Community Fun Run, and the Fleet Reserve Memorial Day services.

13. [15-0222](#) RATIFICATION OF APPOINTMENTS TO THE FOLLOWING BOARDS & COMMISSIONS:

- Gregory Hall, Board of Appeals And Advisors
- Jose R. Doria, Board of Appeals And Advisors
- Monica Allan, Commission on Aging
- Karen Ann Daniels, Cultural Arts Commission
- Timothy Demarco, Safety Commission
- Hugo Mora, Resource Conservation Commission

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, that the above appointments be ratified. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Salas

No: 0

Abstain: 0

COUNCILMEMBERS' COMMENTS

Councilmember Miesen spoke regarding Community Fun Run and the recently published editorial on a potential California State University campus site in Chula Vista.

Councilmember Aguilar thanked Mayor Salas for her outreach efforts in Mexico.

At the request of Councilmember Aguilar, there was consensus of the Council to make a referral to staff to propose a policy, or propose changes to an existing policy, regarding outreach to community members concerning large development and other potentially controversial projects under consideration.

Councilmember McCann spoke regarding the Community Fun Run and thanked the Mayor for attending the Fleet Reserve Memorial service.

At the request of Councilmember McCann, there was consensus of the Council to add an item to a future agenda to consider working with developers to name some new streets after deceased war veterans who had served in Iraq and Afghanistan.

Mayor Salas stated the meeting would be adjourned in memory of Hank Wylie.

Mayor Salas announced that the Council would convene in closed session to discuss the item listed below.

At 9:44 p.m., the Council convened in Closed Session.

CLOSED SESSION

Pursuant to Resolution No. 13706 and Council Policy No. 346-03, Official Minutes and records of action taken during Closed Sessions are maintained by the City Attorney.

14. [15-0205](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

Name of case: Samuel Escalante, et al. v. City of Chula Vista, WCAB, Case Number ADJ9571086

ACTION: Action will be reported with the finalization of the settlement agreement.

ADJOURNMENT

At 10:07 p.m., Mayor Salas adjourned the meeting to the Regular City Council Meeting on June 2, 2015, at 5:00 p.m., in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk