

# City of Chula Vista

## Meeting Minutes - Draft

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Tuesday, December 15, 2015

5:00 PM

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

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### SPECIAL MEETING OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING JOINTLY WITH THE CITY COUNCIL OF THE CITY OF CHULA VISTA

#### CALL TO ORDER

*A Special Meeting of the Successor Agency to the Redevelopment Agency meeting jointly with the City Council of the City of Chula Vista was called to order at 5:04 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 and Mayor Salas

**Absent:** Councilmember Miesen

*Also Present: City Manager Kachadoorian, City Attorney Googins, City Clerk Norris, and Deputy City Clerk Kansas*

#### PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

*Councilmember Aguilar led the Pledge of Allegiance.*

#### SPECIAL ORDERS OF THE DAY

- A. [15-0642](#) PRESENTATION OF A PLAQUE FROM KIDS 4 OUR WORLD INTERNATIONAL AMBASSADORS TO THE CITY OF CHULA VISTA IN APPRECIATION OF ITS SUPPORT OF THE CENTRAL AMERICA ENVIRONMENTAL AND CULTURAL EXCHANGE PROJECT

*Miguel Aldrete, representing Kids 4 Our World International, introduced the ambassadors and described the Central America environmental and cultural exchange project. He presented Mayor Salas with a plaque in appreciation.*

- B. [15-0670](#) PRESENTATION OF A PROCLAMATION COMMENDING ROY OSCAR FRANZEN, JR. FOR HIS OUTSTANDING AND CONTINUOUS SUPPORT OF THE CHULA VISTA FIRE DEPARTMENT

*Mayor Salas read the proclamation and Councilmember Aguilar presented it to Mr. Franzen.*

- C. [15-0663](#) EMPLOYEE SERVICE RECOGNITION HONORING STAFF WITH MILESTONE SERVICE ANNIVERSARIES

*Mayor Salas recognized employees with milestone anniversaries.*

#### CONSENT CALENDAR (Items 1 - 12.5)

*Items 3 and 7 were removed from the Consent Calendar at the request of members of the public.*

1. [15-0666](#) APPROVAL OF MINUTES of December 8, 2015.  
**Recommended Action: Council approve the minutes.**
2. [15-0665](#) ORDINANCE NO. 3358 OF THE CITY OF CHULA VISTA AMENDING TITLE 10, VEHICLES AND TRAFFIC, BY ADDING CHAPTER 10.52.495, PARKING OF RECREATIONAL VEHICLES PROHIBITED ON CITY STREETS EXCEPT BY PERMIT, TO THE CHULA VISTA MUNICIPAL CODE (SECOND READING AND ADOPTION)  
**Recommended Action: Council adopt the ordinance.**

*Item 3 was removed from the Consent Calendar.*

4. [15-0584](#) RESOLUTION NO. 2015-275 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE REPLACEMENT OF ONE (1) VEHICLE FOR THE OPEN SPACE INSPECTION PROGRAM AND APPROPRIATING \$50,000 TO THE EQUIPMENT VEHICLE REPLACEMENT FUND FOR THE PURCHASE OF SUCH A VEHICLE (4/5 VOTE REQUIRED)  
**Recommended Action: Council adopt the resolution.**
5. [15-0594](#) A. RESOLUTION NO. 2015-276 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2015/2016 CIP BUDGET TO ESTABLISH A NEW CAPITAL IMPROVEMENT PROJECT, "F STREET PROMENADE STUDY (STL-412)", AND APPROPRIATING \$491,000 IN ACTIVE TRANSPORTATION PROGRAM GRANT FUNDS AND \$27,345 IN MATCHING FUNDS FROM THE AVAILABLE BALANCE OF THE TRANSNET FUND (4/5 VOTE REQUIRED)  
  
B. RESOLUTION NO. 2015-277 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING \$30,000 FROM THE AVAILABLE BALANCE OF THE TRANSNET FUND TO CAPITAL IMPROVEMENT PROJECT "BIKE LANES ON BROADWAY FEASIBILITY STUDY (STM-384)" (4/5 VOTE REQUIRED)  
**Recommended Action: Council adopt the resolutions.**
6. [15-0422](#) A. RESOLUTION NO. 2015-278 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE COMPENSATION SCHEDULE AND CLASSIFICATION PLAN TO REFLECT THE ADDITION AND REMOVAL OF VARIOUS POSITION TITLES, AMENDING THE AUTHORIZED POSITION COUNT IN VARIOUS DEPARTMENTS WITH NO NET CHANGE IN AUTHORIZED STAFFING, AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

B. RESOLUTION NO. 2015-279 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2015/2016 COMPENSATION SCHEDULE EFFECTIVE DECEMBER 25, 2015 AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

C. RESOLUTION NO. 2015-280 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2015/2016 COMPENSATION SCHEDULE EFFECTIVE JANUARY 8, 2016 AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

D. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 RELATING TO THE ESTABLISHMENT OF UNCLASSIFIED POSITIONS TO ADD CHIEF SUSTAINABILITY OFFICER (FIRST READING) (4/5 VOTE REQUIRED)

**Recommended Action:** Council adopt the resolutions and place the ordinance on first reading.

*Item 7 was removed from the Consent Calendar.*

8. [15-0627](#) RESOLUTION NO. 2015-282 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ADVANCE DEPOSIT AND REIMBURSEMENT AGREEMENT FOR COMMUNITY FACILITIES DISTRICT NO. 16-I (MILLENNIA) BETWEEN THE CITY AND SLF IV-MILLENNIA, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

**Recommended Action:** Council adopt the resolution.

9. [15-0626](#) INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2015

**Recommended Action:** Council accept the report.

10. [15-0563](#) RESOLUTION NO. 2015-283 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE MILLS ACT AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE PROPERTY OWNERS OF 88 K STREET, HISTORIC SITE #102, AND AUTHORIZING THE MAYOR TO SIGN SAID AGREEMENT

**Recommended Action:** Council adopt the resolution.

- 11. [15-0636](#) RESOLUTION NO. 2015-284 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHULA VISTA AND THE CITY OF NATIONAL CITY FOR EXPANSION OF THE FREE RESOURCE AND ENERGY BUSINESS EVALUATION PROGRAM (FREBE)

**Recommended Action:** Council adopt the resolution.

- 12. [15-0651](#) RESOLUTION NO. 2015-285 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING \$460,000 TO THE NON-DEPARTMENTAL SUPPLIES AND SERVICES BUDGET FOR UNANTICIPATED ATTORNEY SERVICES EXPENSES (4/5 VOTE REQUIRED)

**Recommended Action:** Council adopt the resolution.

- 12.5 [15-0668](#) A. RESOLUTION NO. 2015-286 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AWARDDING A CONTRACT FOR THE "ROOF REPLACEMENT AT CHULA VISTA PARKWAY GYMNASIUM AND POOL" (PR317) PROJECT TO ROOF CONSTRUCTION IN THE AMOUNT OF \$162,649 AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$24,400

B. RESOLUTION NO. 2015-287 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING \$23,400 OF HOUSING RELATED PARK GRANT FUNDS TO PR317 (4/5 VOTE REQUIRED)

**Recommended Action:** Council adopt the resolutions.

### Approval of the Consent Calendar

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

**Yes:** 4 - Aguilar, Bensoussan, McCann and Salas

**No:** 0

**Abstain:** 0

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

- 3. [15-0561](#) RESOLUTION NO. 2015-274 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A 5-YEAR LOCAL GOVERNMENT PARTNERSHIP AGREEMENT WITH SAN DIEGO GAS & ELECTRIC TO PROVIDE ENERGY EFFICIENCY PROGRAMS AND APPROPRIATING \$1,563,585 TO THE ENERGY CONSERVATION FUND (4/5 VOTE REQUIRED)

*Vanessa Mapula, representing SDG&E, expressed appreciation to the Council for over 20 years of partnership agreements with SDG&E.*

**ACTION:** A motion was made by Councilmember McCann, seconded by Deputy Mayor Bensoussan, that Resolution No. 2015-274 be adopted, heading read, text waived. The motion carried by the following vote:

**Yes:** 4 - Aguilar, Bensoussan, McCann and Salas

**No:** 0

**Abstain:** 0

- 7. [15-0549](#) RESOLUTION NO. 2015-281 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING GUIDELINES TO THE BALANCED COMMUNITIES (“INCLUSIONARY HOUSING”) POLICY

*Stephen Haase representing Baldwin & Sons expressed his support for the item.*

**ACTION:** A motion was made by Councilmember McCann, seconded by Deputy Mayor Bensoussan, that Resolution No. 2015-281 be adopted, heading read, text waived. The motion carried by the following vote:

**Yes:** 4 - Aguilar, Bensoussan, McCann and Salas

**No:** 0

**Abstain:** 0

**PUBLIC COMMENTS**

*Dean Spooner, El Cajon resident, expressed concern regarding parking on Woodlawn Ave. at the completion of the current project at 701 D St.*

*Bob Olivieri, Chula Vista resident, spoke in opposition to a permit that was issued, which allowed a living unit be added to a property in his neighborhood.*

Mayor Salas announced that the Public Hearing items were noticed to begin at a time certain of 6:30 p.m., and that Action Item No. 16 would be taken out of order at that time. Items 13 through 15 were heard following Item 16.

## ACTION ITEMS

16. [15-0619](#) CONSIDERATION OF APPROVAL OF PURCHASE AND SALE AGREEMENTS TO SELL PARCELS

A. RESOLUTION NO. 2015-003 OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF CHULA VISTA APPROVING A PURCHASE AND SALE AGREEMENT WITH MV PROPERTIES, INC. TO SELL ASSESSOR PARCEL NOS. 568-334-05, 568-334-06, 568-334-07, AND 568-334-08 FOR \$425,000.00

B. RESOLUTION NO. 2015-004 OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF CHULA VISTA APPROVING A PURCHASE AND SALE AGREEMENT WITH AMELIA, LLC TO SELL ASSESSOR PARCEL NOS. 568-351-04 AND 568-351-05 FOR \$245,000.00

*Principal Economic Development Specialist Ruiz, presented information about the sale of the properties. Director of Economic Development Crockett and Director of Development Services Broughton, answered questions regarding the property sale.*

*Councilmember Aguilar asked that the item be continued to the next City Council meeting in order to meet with members of the Third Avenue Village Association concerning any impacts.*

**ACTION:** A motion was made by Deputy Mayor Bensoussan, seconded by Mayor Salas, that Successor Agency Resolution Nos. 2015-003 and 2015-004 be adopted, headings read, text waived. The motion carried by the following vote:

**Yes:** 3 - Bensoussan, McCann and Salas

**No:** 1 - Aguilar

**Abstain:** 0

*Mayor Salas recessed the meeting at 6:24 p.m. The Council reconvened at 6:37 p.m., with all members present, except Councilmember Miesen.*

## PUBLIC HEARINGS

13. [15-0617](#) PRESENTATION OF THE 2014/2015 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) AND SOLICITATION OF INPUT ON FUNDING PRIORITIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT (ESG) 2016/2017 PROGRAM

*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.*

*Housing Manager Hines introduced the item, she and Project Coordinators Davis and Dorado were available for questions.*

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

**Yes:** 4 - Aguilar, Bensoussan, McCann and Salas

**No:** 0

**Abstain:** 0

14. [15-0417](#) CONSIDERATION OF ADOPTION OF AN ORDINANCE AMENDING ORDINANCE NO. 3064 RELATING TO THE PEDESTRIAN BRIDGE DEVELOPMENT IMPACT FEE PROGRAM FOR OTAY RANCH VILLAGES ONE, TWO, FIVE AND SIX

A. RESOLUTION NO. 2015-287 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING A REPORT PREPARED BY DEVELOPMENT PLANNING AND FINANCING GROUP RECOMMENDING AN UPDATE OF THE EXISTING PEDESTRIAN BRIDGE DEVELOPMENT IMPACT FEE FOR OTAY RANCH VILLAGES ONE, TWO, FIVE, AND SIX AND AMENDING CHAPTER 16 (DEVELOPMENT AND IN-LIEU FEES) OF THE CITY'S MASTER FEE SCHEDULE

B. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING ORDINANCE NO. 3064 RELATING TO A PEDESTRIAN BRIDGE DEVELOPMENT IMPACT FEE FOR OTAY RANCH VILLAGES ONE, TWO, FIVE, AND SIX RELATING TO THE ANNUAL REVIEW AND ADJUSTMENT OF FEES (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.*

*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 Deputy Mayor Bensoussan, that Resolution No. 2015-288 be adopted, and the above ordinance be placed on first reading, headings read, text waived. The motion carried by the following vote:

**Yes:** 4 - Aguilar, Bensoussan, McCann and Salas

**No:** 0

**Abstain:** 0

15. [15-0658](#) CONSIDERATION OF APPROVING THE DEVELOPMENT AND OPERATION OF A CHULA VISTA BMW DEALERSHIP

RESOLUTION NO. 2015-289 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN OWNER PARTICIPATION AGREEMENT BETWEEN THE CITY AND SUNROAD BCV HOLDING, INC. OR AN AFFILIATE; MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH; AND AUTHORIZING THE EXECUTION AND IMPLEMENTATION OF SAID OWNER PARTICIPATION AGREEMENT

*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.*

*Director of Economic Development Crockett presented information on the item.*

*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 Deputy Mayor Bensoussan, that the above Resolution No. 2015-289 be adopted, heading read, text waived. The motion carried by the following vote:

**Yes:** 4 - Aguilar, Bensoussan, McCann and Salas

**No:** 0

**Abstain:** 0

**CITY MANAGER’S REPORTS**

*There were none.*

**MAYOR’S REPORTS**

*Mayor Salas reported on her attendance at the COP21 Conference in Paris, and stated that she would provide a detailed report in January 2016.*

17. [15-0629](#) APPOINTMENT OF CITY COUNCILMEMBERS TO OUTSIDE AGENCIES:

· SAN DIEGO ASSOCIATION OF GOVERNMENT (SANDAG)  
BOARD OF DIRECTORS - MEMBER

· SAN DIEGO ASSOCIATION OF GOVERNMENT (SANDAG)  
BOARD OF DIRECTORS - ALTERNATE



**ACTION:** A motion was made by Councilmember McCann, seconded by Deputy Mayor Bensoussan, that Mayor Salas be appointed as the member of the San Diego Association of Government (SANDAG) Board of Directors, and Deputy Mayor Bensoussan be appointed as the alternate. The motion carried by the following vote:

**Yes:** 4 - Aguilar, Bensoussan, McCann and Salas

**No:** 0

**Abstain:** 0

18. [15-0667](#) SELECTION OF DATE AND TIME OF OPEN MEETING OR MEETINGS TO CONDUCT INTERVIEWS OF ALL APPLICANTS FOR THE GROWTH MANAGEMENT OVERSIGHT COMMISSION'S SOUTHEAST AND SOUTHWEST TERRITORY REPRESENTATIVE SEATS, AND THE APPLICANTS FOR THE GROWTH MANAGEMENT OVERSIGHT COMMISSION EDUCATION REPRESENTATIVE SEAT AND CIVIL SERVICE COMMISSION WHO RECEIVED TWO OR MORE NOMINATIONS AT THE MEETING OF NOVEMBER 10, 2015

*There was consensus of the Council to conduct the Growth Management Oversight Commission interviews after the City Council Workshop, January 14, 2016 at 6:15 p.m., and the Civil Service Commission interviews February 4, 2016 at 4:00 p.m.*

*City Clerk Norris stated that the Parks and Recreation Commission appointment to the remaining vacant seat would be heard at the January 12, 2016 City Council Meeting.*

## COUNCILMEMBERS' COMMENTS

*Councilmember McCann announced an upcoming blanket and hygiene item drive he would be hosting to benefit the Alpha Project. The Councilmembers expressed wishes for a happy holiday and new year.*

*City Attorney Googins announced that the Council would convene to Closed Session to discuss Items 19B and 20 listed below. He stated Item 19A would not be heard at that time.*

*At 7:02 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.

19. [15-0661](#) A. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Government Code Section 54956.9(d ) (4)

One case involving consideration of a petition to the State Water Resources Control Board in connection with San Diego Regional Water Quality Control Board Order R9-2015-0100 (Regional MS4 Permit).

B. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d) (4)

One case.

*Item 19A was not discussed.*

**ACTION:** Item 19B: Reportable action is pending initiation of litigation.

20. [15-0662](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

Name of case: Chris Shilling, et al. v. City of Chula Vista, San Diego Superior Court, Case No. 37-2015-00006097-CU-MC-CTL

**ACTION:** No reportable action.

**ADJOURNMENT**

*At 7:52 p.m., Mayor Salas adjourned the meeting to the Regular City Council Meeting on January 5, 2016, at 5:00 p.m.*

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Sheree Kansas, Deputy City Clerk