

# City of Chula Vista

## Meeting Minutes - Draft

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Tuesday, April 21, 2020

5:00 PM

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

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### REGULAR MEETING OF THE CITY COUNCIL

*Pursuant to the Governor of the State of California's Executive Order N-29-20, and in the interest of public health and safety during the COVID-19 pandemic, members of the City Council and staff participated in this meeting via teleconference. Members of the public participated remotely and were not present in Council Chambers. All votes were taken by roll call and public comments were submitted electronically or otherwise in writing.*

*The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda items may be taken out of order during the meeting.*

*The agenda items were considered in the order presented.*

### CALL TO ORDER

*A regular meeting of the City Council of the City of Chula Vista was called to order at 5:04 p.m. via teleconference and in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, CA.*

### ROLL CALL:

**Present:** Councilmember Diaz, Deputy Mayor Galvez, Councilmember McCann, Councilmember Padilla and Mayor Casillas Salas

*Also Present: City Manager Halbert, City Attorney Googins, City Clerk Bigelow, and Assistant City Clerk Turner*

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

*Councilmember Padilla led the Pledge of Allegiance.*

### CONSENT CALENDAR (Items 1 - 9)

*Items 5 and 7 were removed from the Consent Calendar at the request of Mayor Casillas Salas. City Attorney Googins announced that the resolution for Item 3 had been distributed to Council and that action on the item would be with respect to the distributed document.*

*Theresa Acerro, Chula Vista resident, submitted comments on Item 6 regarding the timing of the Audited Comprehensive Annual Financial Report for Fiscal Year 2019.*

1. [20-0149](#) APPROVAL OF MINUTES of October 8, 2019.

**Recommended Action: Council approve the minutes.**

2. [20-0142](#) WRITTEN COMMUNICATIONS

Memorandum from Councilmember Padilla requesting excused absences from the March 17 and April 7, 2020 City Council meetings.

**Recommended Action: Council excuse the absences.**

3. [20-0151](#) RESOLUTION NO. 2020-078 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA INCREASING THE PUBLIC EDUCATION GRANT FUND (PEG) BUDGET AND APPROVING AN AGREEMENT WITH T-MOBILE AND POTENTIALLY OTHER TELECOMMUNICATION PROVIDERS FOR A TOTAL AMOUNT OF \$650,000 TO PURCHASE WIFI HOTSPOT DEVICES AND SERVICES FOR DISADVANTAGED FAMILIES (4/5 VOTE REQUIRED)

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

4. [20-0137](#) ORDINANCE NO. 3487 OF THE CITY OF CHULA VISTA AMENDING VARIOUS SECTIONS OF CHULA VISTA MUNICIPAL CODE CHAPTER 2.51, "DISTRICTING COMMISSION," TO CHANGE THE NAME OF THE COMMISSION TO THE "REDISTRICTING COMMISSION," MODERNIZE LANGUAGE, AND SET THE TARGET ADOPTION DATE OF THE FINAL DISTRICTING PLAN TO IMPLEMENT NEW DISTRICTS IN THE ELECTION YEAR FOLLOWING THE RELEASE OF THE FEDERAL DECENNIAL CENSUS RESULTS (SECOND READING AND ADOPTION)

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

*Item 5 was removed from the Consent Calendar.*

6. [20-0131](#) ACCEPTANCE OF AUDITED COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR ENDED JUNE 30, 2019

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

*Item 7 was removed from the Consent Calendar.*

8. [20-0143](#) RESOLUTION NO. 2020-081 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE INFRASTRUCTURE, FACILITIES, AND EQUIPMENT EXPENDITURE PLAN AND TRANSFERRING \$331,000 IN MEASURE P APPROPRIATIONS FROM STL0430 TO DRN0211, STORM DRAIN (CMP) REHABILITATION OUTSIDE THE RIGHT OF WAY (PHASE II) PROJECT, FOR EMERGENCY CONTRACT CHANGE ORDERS (4/5 VOTE REQUIRED)

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

9. [20-0147](#) RESOLUTION NO. 2020-082 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN ASSIGNMENT AND ASSUMPTION OF INVESTMENT BANKING AND BOND UNDERWRITING SERVICES AGREEMENT BETWEEN THE CITY AND THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY

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

## Approval of the Consent Calendar

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

**Yes:** 5 - Diaz, Galvez, McCann, Padilla and Casillas Salas

**No:** 0

**Abstain:** 0

## ITEMS REMOVED FROM THE CONSENT CALENDAR

5. [20-0130](#) RESOLUTION NO. 2020-079 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 4 (GENERAL BUSINESS FEES) OF THE CITY'S MASTER FEE SCHEDULE TO MODIFY VARIOUS CANNABIS-RELATED FEES

*City Manager Halbert and City Attorney Googins answered questions of the Council. Council discussion ensued.*

*At the request of Mayor Casillas Salas, there was consensus of the Council to make a referral to staff to reexamine the possibility of additional retail spaces in the districts and analyze both the sales in neighboring jurisdictions and the loss of tax dollars as a result.*

**ACTION:** A motion was made by Mayor Casillas Salas, seconded by Councilmember Padilla, to adopt Resolution No. 2020-079, heading read, text waived. The motion carried by the following roll call vote:

**Yes:** 5 - Diaz, Galvez, McCann, Padilla and Casillas Salas

**No:** 0

**Abstain:** 0

7. [20-0136](#) RESOLUTION NO. 2020-080 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RATIFYING AND CONFIRMING EMERGENCY ORDER 002-2020 AND EMERGENCY ORDER 002-A-2020 (EFFECTIVE APRIL 11, 2020) OF THE CHULA VISTA DIRECTOR OF EMERGENCY SERVICES

*At the request of Mayor Casillas Salas, there was consensus of the Council to make a referral to staff to expand the use of masks to include customers.*

*City Manager Halbert informed the Council that a process was being developed to make it mandatory for customers to wear a mask in essential and non-essential business as well as areas of public gathering, and to review business protocols for social distancing and sanitization with a follow-up inspection.*

*Councilmember Diaz spoke in support of boards and commissions meeting virtually.*

*Mayor Casillas Salas spoke regarding the critical need for boards and commissions to meet and staff time necessary to support the meetings.*

*City Manager Halbert spoke regarding the possibility of holding board and commission meetings if virtual meeting set up was simplified or if there were changes to the Brown Act.*

*Council discussion ensued.*

**ACTION:** A motion was made by Mayor Casillas Salas, seconded by Deputy Mayor Galvez, to adopt Resolution No. 2020-080, heading read, text waived. The motion carried by the following roll call vote:

**Yes:** 5 - Diaz, Galvez, McCann, Padilla and Casillas Salas

**No:** 0

**Abstain:** 0

## PUBLIC COMMENTS

### 10. [20-0144](#) PUBLIC COMMENTS RECEIVED for April 21, 2020

*The following individuals submitted comments regarding the necessity of housing and utilities and in support of rent and mortgage cancellation during COVID-19:*

*-Daniel Robledo*

*-Willow Lark*

*-Jordan Mills*

*-William Schneider*

*Giselle Pikes submitted comments regarding the creation of a mandatory mask policy.*

*The following individuals submitted comments in support of the Council adopting a balanced and reasonable approach in the Chula Vista Eviction and Foreclosure Moratorium Emergency Ordinance:*

*-Robert Cromer, representing Pacific Southwest Association of Realtors*

*-Eric Johnson, representing the Chula Vista Chamber of Commerce*

*-Mitch Thompson, Chula Vista resident*

*Lillie Hebert, Chula Vista resident, submitted comments in opposition to the Drag Queen Story Time program.*

*Leonard A. Comma, representing Jack in the Box, submitted comments regarding the Eviction and Foreclosure Moratorium Emergency Ordinance.*

*Kathleen Lippitt submitted comments regarding individuals with weakened immune systems and lungs weakened or damaged by smoking and vaping marijuana, and the increased risk of COVID-19.*

*Barbara Gordon submitted comments regarding marijuana smokers and COVID-19, and asked the Council to postpone the cannabis application process.*

*Jeff Shelton submitted comments in opposition to 5G towers.*

## ACTION ITEMS

### 11. [20-0108](#) PRESENTATION AND DISCUSSION OF THE CITY'S PRELIMINARY FISCAL YEAR 2020 - 2021 GENERAL FUND BUDGET

*Budget and Analysis Manager Prendell and Finance Director Bilby gave a presentation on the item.*

*Council discussion ensued.*

*City Engineer Valle gave a presentation on gas tax and the Capital Improvement Projects program.*

*Theresa Acerro, Chula Vista resident, submitted comments regarding the preliminary budget availability to the public, opposing cuts in services, and the use of reserve funds.*

## CITY MANAGER'S REPORTS

*City Manager Halbert provided updates regarding timing of reopening the City. He spoke regarding an upcoming digital equity and inclusion plan that would be brought to Council for consideration.*

## MAYOR'S REPORTS

*Mayor Casillas Salas spoke regarding the increasing number of positive cases of COVID-19 in Chula Vista and the importance of taking precautions. She reported on a meeting with South Bay representatives, City of San Diego Councilmember Vivian Moreno, Imperial Beach Mayor Serge Dedina, and National City Mayor Alejandra Sotelo-Solis regarding their request for an individual briefing with Supervisor Cox and Supervisor Fletcher. She provided information about the support and resources the City was providing, thanked City volunteers and the following individuals for their contributions: Yolanda Garcia, Sandy Scheller, Tracey and Alicia Lamb, and Jim Mumford. Mayor Casillas Salas also encouraged donations to the food bank and expressed gratitude for first responders and essential workers.*

## COUNCILMEMBERS' COMMENTS

*Councilmember Padilla spoke regarding his experience with COVID-19, expressed gratitude to all of those who reached out to him and his family, and spoke regarding the importance of being conservative about re-opening the City.*

*Councilmember Diaz spoke regarding the importance of continuing to educate and communicate with the public about COVID-19 and the resources and services the City was offering.*

*Deputy Mayor Galvez reported on her attendance serving food at Southwestern College, shared information for food bank services, expressed gratitude for City staff who distributed phones with WIFI hot spots to students for distance learning, asked for ideas to help schools and students celebrate their achievements, encouraged residents to stay healthy physically and mentally, and thanked City staff and first responders.*

*Councilmember McCann expressed gratitude for first responders and essential workers.*

## CITY ATTORNEY'S REPORTS

*There were none.*

## CLOSED SESSION

*City Attorney Googins announced that the Council would convene in closed session to discuss the items listed below.*

*Mayor Casillas Salas recessed the meeting at 6:46 p.m.. The Council reconvened in Closed Session at 7:32 p.m., with all members present.*

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.

12. [20-0133](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(1)

Name of case: City of Imperial Beach, et al. v. The International Boundary and Water Commission-United States Section, et al., United States District Court, Case No. 18cv457-JM-LL

**ACTION:** No reportable action.

13. [20-0141](#) PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957(b)

Title: City Manager

**ACTION:** No reportable action.

## ADJOURNMENT

*The meeting was adjourned at 8:12 p.m.*

*Minutes prepared by: Leah Larrarte, Deputy City Clerk*

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Kerry K. Bigelow, MMC, City Clerk