

# City of Chula Vista

## Meeting Minutes - Draft

---

Tuesday, October 14, 2014

2:00 PM

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

---

### REGULAR MEETING OF THE CITY COUNCIL

#### CALL TO ORDER

*A Regular Meeting of the City Council of the City of Chula Vista was called to order at 2:05 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.*

#### ROLL CALL:

**Present:** Deputy Mayor Aguilar, Councilmember Bensoussan, Councilmember Ramirez, Councilmember Salas and Mayor Cox

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

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

*Jack Mitchell led the Pledge of Allegiance.*

#### SPECIAL ORDERS OF THE DAY

- A. 14-0568** PRESENTATION OF A PROCLAMATION TO CHULA VISTA POLICE DEPARTMENT SENIOR VOLUNTEER PATROL COORDINATOR JACK MITCHELL ON 20 YEARS OF SERVICE TO THE CITY OF CHULA VISTA

*Chief Bejarano introduced Senior Volunteer Patrol Coordinator Jack Mitchell. Mayor Cox read the proclamation and Councilmember Bensoussan presented it to Mr. Mitchell.*

- B. 14-0527** PRESENTATION OF A PROCLAMATION TO SAN DIEGO ASSOCIATION OF GOVERNMENTS' COMMUNITY OUTREACH COORDINATOR PAULA ZAMUDIO PROCLAIMING OCTOBER 2014 AS RIDESHARE MONTH IN THE CITY OF CHULA VISTA

*Paula Zamudio, representing the San Diego Association of Governments, spoke regarding the Rideshare Month program. Mayor Cox read the proclamation and Deputy Mayor Aguilar presented it to Ms. Zamudio.*

- C. 14-0565** ACKNOWLEDGEMENT BY CHULA VISTA PUBLIC LIBRARY FOUNDATION BOARD MEMBER CHRISTIAN DEMENT REGARDING THE FOUNDATION'S \$50,000 DONATION FOR RENOVATIONS OF "THE HUB," AN EXPANSION OF THE OTAY RANCH LIBRARY

*Library Director Waznis introduced Chula Vista Public Library Foundation Board Member Christian Dement. Mr. Dement presented information on the Board's fundraising efforts.*

- 
- D. 14-0576** UPDATE PRESENTATION BY THIRD AVENUE VILLAGE ASSOCIATION (TAVA) EXECUTIVE DIRECTOR LUANNE HULSIZER AND BOARD PRESIDENT CHRISTINE MOORE

*Luanne Hulsizer, representing the Third Avenue Village Association (TAVA), presented an update on the work of the organization, including past and upcoming events.*

### **CONSENT CALENDAR (Items 1 - 3)**

- 1. 14-0558** APPROVAL OF MINUTES of September 23, 2014.
- Recommended Action: Council approve the minutes.**
- 2. 14-0562** ORDINANCE NO. 3322 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTIONS 1.04.010, 2.66.310 AND 2.66.330 DELEGATING AUTHORITY TO PARK RANGER TO ISSUE INFRACTION CITATIONS AND GENERAL UPDATES TO CHAPTER 2.66 (SECOND READING AND ADOPTION)
- Recommended Action: Council adopt the ordinance.**
- 3. 14-0554** RESOLUTION NO. 2014-185 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS; REJECTING BIDS DECLARED NON-RESPONSIVE; AWARDED THE CONTRACT FOR THE "PHASE I - WILLOW STREET BRIDGE REPLACEMENT (WATER LINE RELOCATION) [CIP NO. STL-384, FEDERAL PROJECT NO. BHLS-5203(016)]" PROJECT, INCLUDING ADDITIVE ALTERNATE BID ITEMS, TO TECHCOM INTERNATIONAL, CORPORATION IN THE AMOUNT OF \$3,520,358.40; APPROPRIATING \$534,900 OF NON-DEPARTMENTAL CIP FUNDS BASED ON UNANTICIPATED REVENUE ASSOCIATED WITH UTILITY AGREEMENT WITH CITY OF SAN DIEGO TO CIP NO. STL-384; REDUCING THE BUDGET FOR CIP NO. STL-261 BY \$58,740 IN TRANSPORTATION DEVELOPMENT IMPACT FEE FUNDS (TDIF) AND APPROPRIATING THE EQUIVALENT AMOUNT TO CIP NO. STL-384; WAIVING CITY COUNCIL POLICY NO. 574-01; AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$356,388 (4/5 VOTE REQUIRED)

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

### **Approval of the Consent Calendar**

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

**Yes:** 5 - Aguilar, Bensoussan, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

*There were none.*

**PUBLIC COMMENTS**

*Robert Solomon, Chula Vista resident, expressed concern regarding the placement of political signs on public property in Chula Vista. Mayor Cox stated that the issue would be discussed at the Council meeting of October 28, 2014.*

*David Danciu, Chula Vista resident, spoke regarding the upcoming City election, community engagement, and the San Diego Youth Symphony's Community Opus Project.*

*Theresa Cowan, Chula Vista resident, expressed concern regarding illegal drug activity near her residence.*

*Sam Cowan, Chula Vista resident, thanked the Police Department for its response to Ms. Cowan's concerns.*

*Anna Alejo and Aracely Harris, representing the American Lung Association, spoke regarding the organization's activities and announced the Lung Force Walk on November 9, 2014.*

*Item 7 was taken out of order. Item 4 was heard following Item 7.*

**COUNCILMEMBERS' COMMENTS (Part 1 of 2)**

- 7. **14-0560** DEPUTY MAYOR AGUILAR  
Consideration of City endorsement of the Veterans Day parade and ceremony to be held at Veterans Elementary School in Chula Vista on November 7, 2014

*Froylán Villanueva, Principal, representing Veterans Elementary School, spoke regarding the upcoming Veterans Day parade and ceremony.*

**ACTION:** A motion was made by Deputy Mayor Aguilar, seconded by Councilmember Salas, to approve City endorsement of the Veterans Day parade and ceremony at Veterans Elementary School on November 7, 2014. The motion carried by the following vote:

**Yes:** 5 - Aguilar, Bensoussan, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

**PUBLIC HEARINGS**

- 4. **14-0544** CONSIDERATION OF WAIVING A MINOR MATHEMATICAL ERROR IN THE BID RECEIVED FOR THE “MOSS STREET CORRIDOR IMPROVEMENTS BETWEEN THIRD AVENUE AND FOURTH AVENUE IN THE CITY OF CHULA VISTA, CALIFORNIA CIP #STL394 FEDERAL NO. HSIPL 5203(037)” PROJECT PER CITY CHARTER SECTION 1009

RESOLUTION NO. 2014-186 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING A MINOR MATHEMATICAL ERROR; ACCEPTING BIDS; AWARDING A CONTRACT FOR THE “MOSS STREET CORRIDOR IMPROVEMENTS BETWEEN THIRD AVENUE AND FOURTH AVENUE IN THE CITY OF CHULA VISTA, CALIFORNIA CIP #STL394 FEDERAL NO. HSIPL 5203(037)” PROJECT TO T&M ELECTRIC, INC., DBA PERRY ELECTRIC, IN THE AMOUNT OF \$242,644; AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AMOUNT NOT TO EXCEED \$17,132

*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.*

*City Attorney Googins stated that, although the staff report identified Councilmember Bensoussan as having a potential property-related conflict of interest on Item 4, an exception under the Political Reform Act allowed her to vote because the item was solely related to repairs, replacement or maintenance of existing infrastructure.*

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

**ACTION: A motion was made by Mayor Cox, seconded by Councilmember Bensoussan, that Resolution No. 2014-186 be adopted, heading read, text waived. The motion carried by the following vote:**

**Yes:** 5 - Aguilar, Bensoussan, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

**CITY MANAGER'S REPORTS**

5. **14-0573** Employee Engagement Committee: Request concurrence to use modified City logo and budgeted funds for the purchase of employee pins for November event

*City Manager Halbert introduced Peace Officer Coleman, who spoke regarding the Employee Engagement Committee's upcoming Movember event, which would be held in November to promote men's health awareness.*

**ACTION:** A motion was made by Mayor Cox, seconded by Councilmember Salas, to approve the use of a modified City logo and budgeted funds for the purchase of employee pins for the Employee Engagement Committee's upcoming Movember event, to be held in November 2014 (Minutes Resolution No. 2014-187). The motion carried by the following vote:

**Yes:** 5 - Aguilar, Bensoussan, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

**MAYOR'S REPORTS**

*Mayor Cox acknowledged the volunteers who supported the recent Beautify Chula Vista event.*

6. **14-0559** RESOLUTION NO. 2014-188 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA OPPOSING PROPOSITION 47 ON CALIFORNIA'S NOVEMBER 2014 BALLOT AND SUPPORTING LAW ENFORCEMENT'S EFFORTS TO PREVENT THE EARLY RELEASE OF UP TO 10,000 FELONS FROM STATE PRISON; FELONS WHO HAVE COMMITTED SERIOUS OR VIOLENT CRIMES

Mayor's Recommendation: Council adopt the resolution.

*Chief Bejarano spoke regarding Proposition 47 and its potential impacts.*

*Mayor Cox stated that one letter in opposition to the item had been received. She provided additional information on the proposed resolution.*

**ACTION:** A motion was made by Mayor Cox, seconded by Councilmember Salas, that Resolution No. 2014-188 be adopted, heading read, text waived. The motion carried by the following vote:

**Yes:** 5 - Aguilar, Bensoussan, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

*Mayor Cox announced that the Port of San Diego had approved a contract with Rida Development Corporation as the Port's Bayfront developer.*

**COUNCILMEMBERS' COMMENTS (Part 2 of 2)**

*Councilmember Ramirez spoke regarding a potential trail around the San Diego Country Club.*

*City Attorney Googins provided additional information regarding the concerns expressed by public speaker Theresa Cowan and recognized Deputy City Attorney Trujillo, who had worked on the case. He stated the Council would receive a confidential report on the issue.*

*Mayor Cox announced that the Council would convene in closed session to discuss the items listed below.*

*Mayor Cox recessed the meeting at 3:38 p.m. The Council reconvened in Closed Session at 3:46 p.m., with all members present.*

**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.

- 8. 14-0583** CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a):

Name of case: Rosie Pena v. City of Chula Vista, San Diego Superior Court, case number 37-2012-00074915-CU-PO-SC

**ACTION:** Settlement pending; details to be reported upon finalization.

**ADJOURNMENT**

*At 4:00 p.m., Mayor Cox adjourned the meeting to the Special City Council Meeting on October 20, 2014, at 6:00 p.m. at the Chula Vista Public Library, Otay Ranch Town Center Branch, and then to the Regular City Council Meeting on October 28, 2014, at 2:00 p.m., in the Council Chambers.*

---

Kerry K. Bigelow, Assistant City Clerk