

City of Chula Vista

Meeting Minutes - Draft

Tuesday, April 4, 2017

5:00 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 5:02 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

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

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

Councilmember Aguilar led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [17-0071](#) PRESENTATION ON THE “ASPIRE AFTER-SCHOOL PROGRAMS AT YOUR NEIGHBORHOOD RECREATION CENTER” BY GIL CONTRERAS, PRINCIPAL RECREATION MANAGER

Principal Recreation Manager Contreras and Recreation Supervisor Kovar gave a presentation on the item.

- B. [17-0118](#) PRESENTATION OF A PROCLAMATION TO ASSISTANT DIRECTOR OF PUBLIC WORKS IRACSEMA QUILANTAN PROCLAIMING APRIL 2017 AS ALTRUSA INTERNATIONAL MONTH IN RECOGNITION OF THEIR CENTENNIAL CELEBRATION IN THE CITY OF CHULA VISTA

Mayor Casillas Salas read the proclamation and Councilmember Diaz presented it to Assistant Director of Public Works Quilantan.

- C. [17-0119](#) PRESENTATION OF A PROCLAMATION TO ENVIRONMENTAL SERVICES MANAGER LYNN FRANCE PROCLAIMING APRIL AS EARTH MONTH IN THE CITY OF CHULA VISTA

Mayor Casillas Salas read the proclamation and Councilmember Padilla presented it to Environmental Services Manager France and staff members of the Office of Sustainability.

- D. [17-0130](#) PRESENTATION OF A PROCLAMATION TO SOUTH BAYFRONT SAILING ASSOCIATION PROCLAIMING APRIL 17 THROUGH APRIL 23, 2017 AS CHULA VISTA MARITIME WEEK

Mayor Casillas Salas read the proclamation and Deputy Mayor McCann presented it to Susan Johnson. Ms. Johnson gave a presentation on Maritime Week.

CONSENT CALENDAR (Items 1 - 5)

Item 5 was removed from the Consent Calendar for separate consideration by Councilmember Aguilar and a member of the public.

1. [17-0132](#) WRITTEN COMMUNICATIONS
Memorandum from Councilmember Padilla requesting an excused absence from the March 21, 2017 City Council meeting.

Recommended Action: Council excuse the absence.
2. [17-0122](#) ORDINANCE NO. 3398 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 1.41.140 TO SPECIFY THAT ATTORNEYS' FEES MAY BE RECOVERED BY THE PREVAILING PARTY IN NUISANCE ABATEMENT PROCEEDINGS WHEN THE CITY, AT THE OUTSET OF AN ACTION OR PROCEEDING, ELECTS TO RECOVER ITS OWN FEES (SECOND READING AND ADOPTION)

Recommended Action: Council adopt the ordinance.
3. [17-0123](#) ORDINANCE NO. 3399 OF THE CITY OF CHULA VISTA AMENDING VARIOUS SECTIONS OF CHULA VISTA MUNICIPAL CODE CHAPTER 2.52 TO ADJUST THE CAMPAIGN CONTRIBUTION LIMIT FOR ANY ELECTION HELD ON OR AFTER JANUARY 1, 2018 (SECOND READING AND ADOPTION)

Recommended Action: Council adopt the ordinance.
4. [16-0540](#) RESOLUTION NO. 2017-046 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE COMPETITIVE FORMAL BID REQUIREMENT, APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND GRANICUS, INC. TO PROVIDE STREAMING VIDEO AND AGENDA MANAGEMENT SOFTWARE SERVICES, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS TO THE AGREEMENT NOT TO EXCEED A TOTAL OF \$150,250

Recommended Action: Council adopt the resolution.

Item 5 was removed from the Consent Calendar.

Approval of the Consent Calendar

ACTION: A motion was made by Deputy Mayor 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 vote:

Yes: 5 - Aguilar, Diaz, McCann, Padilla and Casillas Salas

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

5. [17-0034](#) RESOLUTION NO. 2017-047 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND ACE PARKING FOR PARKING MANAGEMENT AND ENFORCEMENT SERVICES AND APPROPRIATING FUNDS ACCORDINGLY (4/5 VOTE REQUIRED) (This item was continued from 2/7 and 3/21/2017.)

Mayor Casillas Salas stated she would abstain from voting on Item 5 due to a potential property-related conflict of interest. She left the dais at 5:26 p.m.

Steven Pavka, Chula Vista resident, spoke in opposition to staff's recommendation.

ACTION: A motion was made by Councilmember Aguilar, seconded by Councilmember Padilla, that Resolution No. 2017-047 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 4 - Aguilar, Diaz, McCann and Padilla

No: 0

Abstain: 1 - Casillas Salas

Mayor Casillas Salas returned to the dais at 5:34 p.m.

PUBLIC COMMENTS

Sandy Sato, Chula Vista resident, expressed concern regarding marijuana dispensaries in the City and spoke in support of making Emerson Street a one-way street.

ACTION ITEMS

6. [17-0121](#) CONSIDERATION OF DESIGNATING AUTHORIZED AGENTS TO ACT ON BEHALF OF THE CITY TO OBTAIN STATE OR FEDERAL ASSISTANCE FOR DISASTER RELIEF AND EMERGENCY ASSISTANCE

RESOLUTION NO. 2017-048 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DESIGNATING AUTHORIZED AGENTS TO ACT ON BEHALF OF THE CITY FOR PURPOSES OF OBTAINING STATE OR FEDERAL ASSISTANCE (4/5 VOTE REQUIRED)

ACTION: Review staff's report, take public testimony, and provide direction to staff on what, if any, additional action is desired.

Yes: 5 - Aguilar, Diaz, McCann, Padilla and Casillas Salas

No: 0

Abstain: 0

Mayor Casillas Salas recessed the meeting at 5:41 p.m. The Council reconvened at 6:04 p.m., with all members present.

7. [17-0116](#) REPORT REGARDING CURRENT CITY POLICIES ON IMMIGRATION ENFORCEMENT, THE STATE OF THE LAW SURROUNDING SANCTUARY CITIES, CITY COUNCIL OPTIONS IN THESE AREAS AND RELATED MATTERS

City Manager Halbert, Police Chief Kennedy, and City Attorney Googins presented information on the item.

The following members of the public spoke in opposition to the City supporting Senate Bill (SB) 54 and/or becoming designated as a "sanctuary city":

- Antonio Castro , Sr., Bonita resident*
- Delia Dominguez Cervantes, Chula Vista resident*
- Kevin Hancock, Chula Vista resident*
- Gary Hunter, Chula Vista resident*
- Matthew Hunter, Chula Vista resident*
- Maggie Vinson, Chula Vista resident*
- Steve Bowman, Chula Vista resident*

The following members of the public spoke in support of the City supporting SB 54 and/or becoming designated as a "sanctuary city":

- Jorge Alexis Del Castillo, Chula Vista resident*
- Claire Pratt, Bonita resident*
- Bertha Gutierrez, Chula Vista resident*
- Alberto Osornio, San Ysidro resident*
- Monica Santos, Chula Vista resident*
- Karina Perez, Chula Vista resident*
- Pedro Rios, Chula Vista resident, representing the American Friends Service Committee (AFSC)*
- Jorge Patrick McFarland, Chula Vista resident*
- Sophie Wolfram, representing Climate Action Campaign*
- Ken Brucker, Bonita resident*
- Paula Hall, Imperial Beach resident, representing Sweetwater Union High School District*
- David Trujillo, San Diego resident, representing American Civil Liberties Union (ACLU), and he also spoke in support of California Senate Bills SB31 and SB54*
- Paola Martinez Montes, Chula Vista resident, representing ACCE*
- Lileana Robles, Chula Vista resident, representing ACCE*
- Ana Carillo, Chula Vista resident, representing ACCE*
- David Garcias, representing SEIU Local 221*
- Julie Schauble-Nguyen, Chula Vista resident*
- Myleen Abuan, Chula Vista resident, representing SEIU Local 221*
- Judy Walsh-Jackson, Chula Vista resident*
- Matthew Kotrinsky, representing United Domestic Workers of America*
- Esthela Garza, Chula Vista resident*
- Rev. Cheri Metier, representing Interfaith Worker Justice of San Diego County*
- Mickey Kasparian, representing San Diego Labor Council*
- Margaret Baker, Chula Vista resident*
- Brenda Arnold, Chula Vista resident*
- Kathy Cappos Hardy, Chula Vista resident*
- Todd Glanz, Chula Vista resident, and he also spoke in support of creating a citizen oversight committee for law enforcement and in immigration reform*
- Jim Scofield, Chula Vista resident*
- Carolyn Schofield, Chula Vista resident*
- Vivian Dunbar, San Ysidro resident*
- Nicholas Paul, Chula Vista resident*
- Jennifer Carbuccia, Chula Vista resident, representing Sweetwater Union High School District*
- Marco Briones, San Diego resident, representing Center on Policy Initiatives*

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- Jerome Torres, Chula Vista resident
 - Norma Cazares, Chula Vista resident
 - Jose Franco Garcia, Chula Vista resident, representing the Environmental Health Coalition
 - Paulina Olvera Canes, Espacio Migrante
 - Mario Salzmman, Chula Vista resident
 - Michelle Krug
 - Roberto Alcantar

Chris Constantivides, Chula Vista resident, spoke regarding potential public safety concerns following the Council's action on the item.

Mayor Casillas Salas recessed the meeting at 8:08 p.m. The Council reconvened at 8:20 p.m., with all members present.

The following members of the public submitted a request to speak but were not present at the time their names were called:

- Nick Aguilar, Chula Vista resident
- Alex, Chula Vista resident
- Kevin Malone, Bonita resident

Maribel McKinze submitted written documentation in support of the item.

Esperanza Hunter, Chula Vista resident, submitted written documentation in opposition to the item.

Council discussion ensued regarding the item.

At the request of Deputy Mayor McCann, City Clerk Norris distributed written communications to the Council that Deputy Mayor McCann had received from Sandra Terry in opposition to the City becoming a sanctuary city.

Council discussion continued regarding the item.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember Padilla, that the City Manager and City Attorney be directed to place a resolution on the agenda for the meeting of April 25, 2017 for Council consideration that would include the following points:

1. Express support for the principles outlined in Policy 428 of the Chula Vista Police Department manual, that all Chula Vista residents will be treated equally, with dignity and respect;
2. That Chula Vista Police Department contacts and arrests will not be based on race, ethnicity, gender, sexual orientation, religion, socioeconomic or immigration status;
3. That City of Chula Vista Police will not enforce immigration laws;
4. That it is the responsibility of the federal government to enforce the immigration laws;
5. That the City better communicate existing City policies to the public to allay community concerns and take additional actions to provide information to the public and to connect immigrants with City services, amended by Councilmember Aguilar to also direct staff to return with specific actions that staff would take to communicate the existing policies to residents;
6. That the City of Chula Vista join the "Welcoming America" network to demonstrate that we value our immigrant and refugee neighbors and to help them to become a vital part of our economic and civic society; and
7. That the City actively support or oppose federal or state legislation to advance the City interests and policies on immigration.

The motion carried by the following vote:

Yes: 5 - Aguilar, Diaz, McCann, Padilla and Casillas Salas

No: 0

Abstain: 0

ACTION: A motion was made by Councilmember Padilla, seconded by Councilmember Aguilar, that the City Manager and City Attorney be directed to present for Council consideration at the first meeting in May, a draft resolution in support of Senate Bill (SB) 54; that the City Attorney be directed to provide the Council an update at the next meeting of the City Council, if possible, on the Santa Clara case and information regarding whether or not the City could meet the deadline to sign onto the amicus brief in that case; and that the City Attorney be directed to identify for the Council other litigation that was similarly situated that would affect the interests of the City of Chula Vista that the City could sign onto.

The motion carried by the following vote:

Yes: 3 - Aguilar, Padilla and Casillas Salas

No: 2 - Diaz and McCann

Abstain: 0

CITY MANAGER'S REPORTS

There were none.

MAYOR'S REPORTS

8. [17-0124](#) RESOLUTION NO. 2017-049 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA SUPPORTING A COMPREHENSIVE APPROACH TO IMMIGRATION REFORM

Kevin Hancock, Chula Vista resident, was not present to speak but he submitted written documentation in opposition to the item.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Deputy Mayor McCann, that Resolution No. 2017-049 be adopted, heading read, text waived.

The motion carried by the following vote:

Yes: 5 - Aguilar, Diaz, McCann, Padilla and Casillas Salas

No: 0

Abstain: 0

COUNCILMEMBERS' COMMENTS

Councilmember Padilla announced an upcoming community meeting he would be holding.

City Attorney Googins announced that the Council would convene in closed session to discuss Item #10 listed below. He stated Item 9 would be continued to the meeting of April 25.

Mayor Casillas Salas recessed the meeting at 10:55 p.m. The Council reconvened in Closed Session at 11:03 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.

9. [17-0089](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(1)

(1) City of Chula Vista v. Lexington Insurance Co.

A) United States District Court,
Case No. 16cv1105-BTM-BGS; and

B) San Diego Superior Court,
Case No. 37-2016-45312-CU-BC-CTL

(2) John Hess v. Dave Hanneman, United States District Court, Case No. 14cv2271CAB(JMA)

Item 9 was continued to the meeting of April 25, 2017.

10. [17-0133](#) CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Agency designated representatives: Gary Halbert, Glen Googins, Kelley Bacon, Courtney Chase, Maria Kachadoorian, Simon Silva, and David Bilby

Employee organizations: International Association of Firefighters (IAFF)

ACTION: No reportable action.

ADJOURNMENT

At 11:07 p.m., Mayor Casillas Salas adjourned the meeting to the Regular City Council Meeting on April 11, 2017, at 5:00 p.m., in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk