

# City of Chula Vista

## Meeting Minutes - Draft

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Tuesday, October 28, 2014

2:00 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 2:03 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

*Councilmember Salas led the Pledge of Allegiance.*

#### SPECIAL ORDERS OF THE DAY

- \* **14-0619** PRESENTATION BY CHULA VISTA ANIMAL CARE FACILITY ANIMAL ADOPTION COUNSELOR LINDA SEPTON REGARDING LORI, A DOG AVAILABLE FOR ADOPTION, AND THE FACILITY'S ADOPTION PROGRAMS

*Animal Adoption Counselor Septon presented Lori, a Chihuahua available for adoption, and spoke regarding the Facility's adoption programs.*

- A. **14-0566** PRESENTATION BY CHULA VISTA LIBRARY DIRECTOR BETTY WAZNIS AND DIGITAL SERVICES MANAGER JODIE SAWINA REGARDING THE LIBRARY'S NEW ZINIO DIGITAL MAGAZINES

*Library Director Waznis and Library Digital Services Manager Sawina presented information on the Library's new Zinio Digital Magazine service.*

#### CONSENT CALENDAR (Items 1 - 9)

*The following items were removed from the Consent Calendar: Items 3 and 4 at the request of Councilmember Ramirez, Item 8 at the request of a member of the public, and Item 9 at the request of Councilmember Bensoussan.*

- 1. **14-0601** APPROVAL OF MINUTES of October 14, 2014.

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

- 2. **14-0593** WRITTEN COMMUNICATIONS  
Letter of resignation from Guy Chambers, Parks and Recreation Commission

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

*Items 3 and 4 were removed from the Consent Calendar.*

- 5. **14-0552** RESOLUTION NO. 2014-191 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING COUNCIL POLICY NO. 220-01, THE CITY OF CHULA VISTA INVESTMENT POLICY AND GUIDELINES

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

- 6. **14-0572** FISCAL YEAR 2013/14 ANNUAL FINANCIAL STATUS REPORT

RESOLUTION NO. 2014-192 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE CATEGORIZATION OF \$3.6 MILLION IN THE ECONOMIC CONTINGENCY RESERVE AS A COMMITTED FUND BALANCE FOR FISCAL YEAR 2013/14, IN ACCORDANCE WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 AND COUNCIL POLICY 159-04

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

- 7. **14-0564** RESOLUTION NO. 2014-193 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AGREEMENT WITH THE COUNTY OF SAN DIEGO FOR THE POLICE DEPARTMENT'S PARTICIPATION IN THE CALIFORNIA IDENTIFICATION SYSTEM REMOTE ACCESS NETWORK

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

*Items 8 and 9 were removed from the Consent Calendar.*

**ACTION: A motion was made by Mayor Cox, seconded by Councilmember Salas, 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**

- 3. **14-0535** RESOLUTION NO. 2014-189 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE VACATION OF AN IRREVOCABLE OFFER OF DEDICATION FOR HIGHER EDUCATION AND RELATED COMPATIBLE USES, ACTIVE PUBLIC RECREATION, QUASI-PUBLIC AND ALL OTHER USES INCLUDING RESIDENTIAL USES, INDUSTRIAL AND COMMERCIAL FOR OTAY RANCH VILLAGES 3, PORTION OF 4, 8 EAST, AND 10

*City Manager Halbert provided additional information on the item.*

**ACTION:** A motion was made by Councilmember Ramirez, seconded by Councilmember Salas, that Resolution No. 2014-189 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

- 4. **14-0578** RESOLUTION NO. 2014-190 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AND NO. 2014-008 OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF CHULA VISTA APPROVING A CRA ADVANCE FUNDING AGREEMENT BETWEEN THE CITY AND ROHR, INC., OPERATING AS GOODRICH AEROSTRUCTURES AND APPROPRIATING \$250,000 TO THE OTHER EXPENSES CATEGORY OF THE NON-DEPARTMENTAL BUDGET (4/5 VOTE REQUIRED)

*City Manager Halbert provided additional information on the item.*

**ACTION:** A motion was made by Councilmember Ramirez, seconded by Councilmember Salas, that City Council Resolution No. 2014-190 and Successor Agency to the Redevelopment Agency Resolution No. 2014-008 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

- 8. **14-0570** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REAL PROPERTY PURCHASE AGREEMENT FOR THE PROPERTY LOCATED AT 89 FIRST AVENUE AND APPROPRIATING \$490,000 TO THE WESTERN PARK ACQUISITION AND DEVELOPMENT FUND (4/5 VOTE REQUIRED)

*Real Property Manager Ryals presented information on the item.*

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

- David Danciu, Chula Vista resident, representing Crossroads II
- Alfredo Morales, Chula Vista resident
- Susan Luzzaro, Chula Vista resident
- Frank Luzzaro, Chula Vista resident

*In response to a question from Deputy Mayor Aguilar, Mr. Morales, Chula Vista resident, provided clarification on his comments.*

*Deputy Mayor Aguilar distributed copies of maps related to the item.*

*Council discussion ensued.*

*Councilmember Bensoussan stated she received communication from residents in support of staff's recommendation on the item.*

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*In response to questions from Councilmember Ramirez, Mrs. Luzzaro, Mr. Morales, and Mr. Luzzaro, Chula Vista residents, spoke in support of creating more open space in the City.*

*Councilmember Ramirez moved to table the item, and refer it back to staff to engage in community outreach and continue to negotiate the purchase price with the landowner.*

*Councilmember Salas offered a substitute motion to continue the item for a period of approximately six months to allow staff to engage in public outreach and provide additional information to Council.*

**ACTION:** A motion was made by Councilmember Salas, seconded by Councilmember Ramirez, to continue the item for a period of approximately six months to allow staff to engage in public outreach and provide additional information to Council. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

- 9. 14-0584** RESOLUTION NO. 2014-194 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING DONATIONS IN THE AMOUNT OF \$10,300 FOR A DOG PARK LOCATED AT EUCALYPTUS PARK AND APPROPRIATING SAID FUNDS TO THE PUBLIC WORKS' SUPPLIES AND SERVICES BUDGET (4/5 VOTE REQUIRED)

*Councilmember Bensoussan acknowledged supporters and volunteers who contributed to the dog park.*

*Councilmember Ramirez, Deputy Mayor Aguilar, and Councilmember Salas recognized Councilmember Bensoussan for her work on the project.*

**ACTION:** A motion was made by Councilmember Bensoussan, seconded by Councilmember Salas, that Resolution No. 2014-194 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

## **PUBLIC COMMENTS**

*The following members of the public expressed concern regarding illegal drug and other criminal activity in the area of the 1000 block of Corte Maria Avenue:*

- Theresa Cowan, Chula Vista resident*
- Elizabeth Spear, Chula Vista resident*
- Nora May, Chula Vista resident*
- Sam Cowan, Chula Vista resident*
- Billie Brown Siciliano, Chula Vista resident*
- Amber Rodriguez, Chula Vista resident*
- Justin Fagan, Chula Vista resident*
- Nicole Williams, Chula Vista resident*

*Mayor Cox stated that the City Attorney had distributed confidential information to the Council.*

*City Attorney Googins acknowledged the seriousness of the situation and stated that the City Attorney's office would continue to invest significant resources to address the issues.*

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*Mayor Cox recessed the meeting at 4:42 p.m. The Council reconvened at 5:06 p.m., with all members present.*

## **PUBLIC HEARINGS**

- 10. 14-0448** CONSIDERATION OF ACCEPTING A STAFF REPORT RECOMMENDING AN UPDATED TRANSPORTATION DEVELOPMENT IMPACT FEE TO MITIGATE TRANSPORTATION IMPACTS WITHIN THE CITY'S EASTERN TERRITORIES AND AMENDING CHAPTER 3.54 OF THE MUNICIPAL CODE TO MODIFY THE EXISTING TRANSPORTATION DEVELOPMENT IMPACT FEE

*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 Cox opened the public hearing and continued the item to November 18, 2014.*

- 11. 14-0449** CONSIDERATION OF UPDATING THE WESTERN TRANSPORTATION DEVELOPMENT IMPACT FEE TO MITIGATE TRANSPORTATION IMPACTS WITHIN WESTERN CHULA VISTA, AMENDING THE WESTERN TRANSPORTATION DEVELOPMENT IMPACT FEE BENEFIT AREA, AND ESTABLISHING THE BAYFRONT TRANSPORTATION DEVELOPMENT IMPACT FEE

*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 Cox opened the public hearing and continued the item to November 18, 2014.*

- 12. 14-0556** CONSIDERATION OF ACCEPTING BIDS AND AWARDING LANDSCAPE MAINTENANCE CONTRACTS FOR CERTAIN OPEN SPACE DISTRICTS TO AZTEC LANDSCAPING, INC., BLUE SKIES LANDSCAPE, INC., AND BRICKMAN GROUP; AND WAIVING IRREGULARITIES IN THE BID RECEIVED FROM BRICKMAN GROUP FOR BID GROUP 1

A. RESOLUTION NO. 2014-195 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING IRREGULARITIES, ACCEPTING BIDS AND AWARDING LANDSCAPE MAINTENANCE CONTRACTS BETWEEN THE CITY AND BRICKMAN GROUP FOR LANDSCAPE MAINTENANCE SERVICES FOR BID GROUP 1 OPEN SPACE DISTRICTS 1, 17 AND 20 (ZONE 7) IN THE AMOUNT OF \$181,728; BID GROUP 7 TELEGRAPH CANYON ROAD I-805 TO LA FITNESS AND OTAY RANCH VILLAGE 1 WEST SOUTH SLOPES (CFD 99-2) IN THE AMOUNT OF \$140,241; APPROPRIATING FUNDS THEREFOR AS SPECIFIED IN THE BODY OF THIS RESOLUTION; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT (4/5 VOTE REQUIRED)

B. RESOLUTION NO. 2014-196 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING LANDSCAPE MAINTENANCE CONTRACTS BETWEEN THE CITY AND AZTEC LANDSCAPING, INC. FOR LANDSCAPE MAINTENANCE SERVICES IN BID GROUP 3 EASTLAKE MAINTENANCE DISTRICT NO.1 ZONES A, B, AND D AND OPEN SPACE DISTRICT 31 IN THE AMOUNT OF \$192,413.76; BID GROUP 5 OPEN SPACE DISTRICTS 2, 7, 18, AND 23 IN THE AMOUNT OF \$94,829.64; BID GROUP 8 OLYMPIC PARKWAY 805 SR125, EASTLAKE LANDSWAP OLYMPIC PARKWAY SR125 HUNTE PARKWAY, OTAY RANCH VILLAGE 2 SANTA VENETIA (CFD 13M) IN THE AMOUNT OF \$226,592.16; APPROPRIATING FUNDS THEREFOR AS SPECIFIED IN THE BODY OF THIS RESOLUTION; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT (4/5 VOTE REQUIRED)

C. RESOLUTION NO. 2014-197 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING LANDSCAPE MAINTENANCE CONTRACTS BETWEEN THE CITY AND BLUE SKIES LANDSCAPE, INC. FOR LANDSCAPE MAINTENANCE SERVICES IN BID GROUP 2 OPEN SPACE DISTRICT 20 ZONES 2, 3, 4, 5 AND 6 IN THE AMOUNT OF \$517,186.99; BID GROUP 4 OPEN SPACE DISTRICTS 14, 15, AND 24 IN THE AMOUNT OF \$217,293.28; BID GROUP 6 MCMILLIN OTAY RANCH VILLAGE 6 - CFD 08M AREA 1, AND OTAY RANCH VILLAGE 6 - CFD 08M AREA 2 IN THE AMOUNT OF \$342,646.39; APPROPRIATING FUNDS THEREFOR AS SPECIFIED IN THE BODY OF THIS RESOLUTION; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT (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 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 Councilmember Ramirez, seconded by Councilmember Bensoussan, that Resolution Nos. 2014-195, 2014-196, and 2014-197 be adopted, headings read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

- 13. 14-0569** CONSIDERATION OF A MITIGATED NEGATIVE DECLARATION AND A REZONE, DESIGN REVIEW, PLANNED SIGN PROGRAM, AND A VARIANCE PERMIT FOR A 97 UNIT MULTI-FAMILY APARTMENT COMPLEX ON A 4.68 ACRE SITE LOCATED AT 3875 MAIN STREET. APPLICANT: STONE CREEK CASITAS, LLC.

A. ORDINANCE OF THE CITY OF CHULA VISTA ADOPTING MITIGATED NEGATIVE DECLARATION IS-13-006 AND AMENDING THE ZONING MAP ESTABLISHED BY CHULA VISTA MUNICIPAL CODE SECTION 19.18.010 TO REZONE A 4.68 ACRE PARCEL LOCATED AT 3875 MAIN STREET FROM LIMITED INDUSTRIAL (ILP) ZONE TO APARTMENT RESIDENTIAL (R3) ZONE (FIRST READING)

B. RESOLUTION NO. 2014-198 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A DESIGN REVIEW PERMIT, DRC-13-33 TO CONSTRUCT A 97-UNIT MULTI-FAMILY APARTMENT COMPLEX WITH CARPORTS, RECREATION BUILDING, AND ASSOCIATED OPEN SPACE ON 4.68 ACRES LOCATED AT 3875 MAIN STREET

C. RESOLUTION NO. 2014-199 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A PLANNED SIGN PROGRAM, PSP-13-09 TO APPROVE AN INCREASE IN SIGNAGE BEYOND THE MAXIMUM ALLOWABLE SQUARE-FOOTAGE, FOR A MONUMENT SIGN FOR THE 97-UNIT MULTI-FAMILY APARTMENT COMPLEX ON 4.68 ACRES LOCATED AT 3875 MAIN STREET

D. RESOLUTION NO. 2014-200 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A VARIANCE, ZAV-14-02 TO DEVIATE FROM THE MAXIMUM 3 1/2-FT. WALL HEIGHT IN THE FRONT SETBACK TO ALLOW A 6-FT. FENCE TO ENCLOSE THE SWIMMING POOL/RECREATION AREA ON A 4.68 ACRE SITE LOCATED AT 3875 MAIN STREET

*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.*

*Associate Planner Young presented information on the item.*

*Kevin O'Neill, applicant, presented information regarding the project.*

*Mayor Cox opened the public hearing.*

*Ronald Hiding, Chula Vista resident, expressed concern regarding bicyclist safety on Main Street near the proposed project.*

*Mike Spethman, Chula Vista resident, spoke in support of staff's recommendation on the item.*

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

*Development Services Director Broughton provided information regarding the analysis of bicycle and traffic safety on Main Street.*

**ACTION:** A motion was made by Deputy Mayor Aguilar, seconded by Councilmember Bensoussan, that the above ordinance be placed on first reading and that Resolution Nos. 2014-198, 2014-199, and 2014-200 be adopted, headings 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

- 14. 14-0607** Update regarding Illegal Campaign Sign Enforcement (City Attorney, Public Works and Code Enforcement)

*City Attorney Googins presented an update regarding the illegal placement of campaign signs in Chula Vista for the November 2014 election.*

## MAYOR'S REPORTS

*Mayor Cox announced the upcoming opening of the west end of H Street. She also spoke regarding the Animal Care Facility's adoption program.*

- 15. 14-0609** RATIFICATION OF APPOINTMENT OF YOANA BANDALA TO THE INTERNATIONAL FRIENDSHIP COMMISSION

**ACTION:** A motion was made by Mayor Cox, seconded by Councilmember Ramirez, to approve the ratification of appointment of Yoana Bandala to the International Friendship Commission. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

## COUNCILMEMBERS' COMMENTS

*Deputy Mayor Aguilar provided an update on the efforts to reinstate the Starlight Parade.*

*Councilmember Bensoussan commended Mayor Cox on the opening of the rabbit and cat enclosure at the Animal Care Facility.*

*Councilmember Salas left the dais at 6:04 p.m.*

*Councilmember Ramirez also commended Mayor Cox on the opening of the small animal habitat. He spoke regarding the recent Tijuana Innovadora conference and thanked City staff who participated in and supported the event. He stated he would be representing the City at the upcoming Metropolitan Transit System (MTS) meeting at which there would be discussion on the proposed bi-national rail line.*

*City Attorney Googins spoke regarding recent public outreach on the two City Council-approved measures on the November 2014 ballot.*

*Mayor Cox stated that Closed Session Items 16 and 17 would not be heard.*



**CLOSED SESSION**

- 16. 14-0592** CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a):

Name of case: Donald Sipple v. City of Hayward, et al., (including the City of Chula Vista), Los Angeles Superior Court, Case Number BC462270

**ACTION:** Item 16 was not discussed.

- 17. 14-0605** CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(c):

One Case

**ACTION:** Item 17 was not discussed.

**ADJOURNMENT**

*At 6:12 p.m., Mayor Cox adjourned the meeting to the Regular City Council Meeting on November 4, 2014, at 2:00 p.m., in the Council Chambers.*

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Kerry K. Bigelow, Assistant City Clerk