

City of Chula Vista

Meeting Minutes - Final

Tuesday, August 5, 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 2:03 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 Deputy City Clerk Kansas

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Mayor Cox led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [14-0456](#) OATH OF OFFICE
Maria Garcia-Lopez, Parks & Recreation Commission

City Clerk Norris administered the oath of office to Commissioner Garcia-Lopez, and Deputy Mayor Aguilar presented her with a certificate of appointment.

- B. [14-0379](#) INTRODUCTION BY FIRE CHIEF DAVE HANNEMAN AND THE VETERANS OF FOREIGN WARS (VFW) POST 2111 RECOGNIZING BATTALION CHIEF DARRELL ROBERTS

Chief Hanneman recognized Battalion Chief Roberts. Representatives from VFW Post 2111 presented awards on behalf of the VFW to Battalion Chief Roberts and Sergeant Oyos.

- C. [14-0441](#) PRESENTATION OF PROCLAMATIONS TO CHULA VISTA POLICE DEPARTMENT AGENT GLENN ISAAKS ON 37 YEARS OF SERVICE, OFFICER OLIVER DEMERY ON 20 YEARS OF SERVICE, AND AGENT ROBERT HINKLEDIRE ON 19 YEARS OF SERVICE TO THE CITY OF CHULA VISTA

Chief Bejarano introduced Agent Isaaks, Officer Demery, and Agent Hinkledire. Mayor Cox read the proclamations and Councilmembers Bensoussan, Ramirez, and Salas presented them to Mr. Isaaks, Mr. Demery, and Mr. Hinkledire.

- D. [14-0442](#) INTRODUCTION BY SWEETWATER UNION HIGH SCHOOL DISTRICT ACADEMIC & CULTURAL EVENT PROGRAM COORDINATOR LILIA MEZA OF EXCHANGE STUDENTS FROM SPAIN HOSTED BY BONITA VISTA, EASTLAKE, OTAY RANCH AND OLYMPIAN HIGH SCHOOLS

Lilia Meza, Cultural Arts Commissioner, representing Sweetwater Union High School District, introduced the exchange student program. Program participants from Spain introduced themselves.

- E. [14-0471](#) PRESENTATION BY OTAY WATER DISTRICT GENERAL MANAGER MARK WATTON AND SWEETWATER AUTHORITY GENERAL MANAGER JIM SMYTH REGARDING LOCAL WATER SUPPLY IMPACTS RESULTING FROM RECENT STATE MANDATED CHANGES

Mark Watton, representing Otay Water District, and Jim Smyth, representing Sweetwater Authority gave a presentation regarding local water issues.

CONSENT CALENDAR (Items 1 - 5)

1. [14-0458](#) APPROVAL OF MINUTES of July 17, 22, and 24, 2014.
Recommended Action: Council approve the minutes.
2. [14-0452](#) ORDINANCE NO. 3317 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 RELATING TO THE ESTABLISHMENT OF UNCLASSIFIED POSITIONS TO REMOVE ASSISTANT TO THE CITY MANAGER/CONTINUOUS IMPROVEMENT MANAGER AND ADD PERFORMANCE AND ORGANIZATIONAL DEVELOPMENT MANAGER (SECOND READING AND ADOPTION) (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the ordinance.
3. [14-0431](#) RESOLUTION NO. 2014-154 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO THE TWO-PARTY SOFTWARE LICENSE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE WORLD ADVANCEMENT OF TECHNOLOGY FOR EMS AND RESCUE (W.A.T.E.R) TO CREATE A SERVER BASED STORAGE SOLUTION THAT WILL INTEGRATE REAL-TIME ZOLL MONITOR DATA WITH THE ONSCENE PATIENT MEDICAL CHART AND AUTHORIZING AN APPROPRIATION OF \$214,000 IN THE ADVANCED LIFE SUPPORT FUND FOR THE PROCUREMENT AND ACQUISITION OF REAL-TIME ZOLL MONITOR INTEGRATION FROM W.A.T.E.R AND PROCUREMENT AND ACQUISITION OF CARDIAC MONITOR/DEFIBRILLATORS AND AUTOPULSE CPR DEVICES MANUFACTURED BY ZOLL MEDICAL CORPORATION (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the resolution.

- 4. [14-0445](#) RESOLUTION NO. 2014-155 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING \$155,451 TO THE POLICE GRANT FUND FOR THE PUBLIC SAFETY REALIGNMENT (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

- 5. [14-0461](#) RESOLUTION NO. 2014-156 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE CITY MANAGER AND THE DEPUTY CITY MANAGER TO SIGN THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE COUNTY OF SAN DIEGO FOR A \$10,000 COMMUNITY ENHANCEMENT GRANT FOR CHULA VISTA HARBORFEST 2014, AND RELATED DOCUMENTS; AND APPROVING THE REQUISITE RESOLUTION PROVIDED BY THE COUNTY

Recommended Action: Council adopt the resolution.

Approval of 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

There were none.

PUBLIC COMMENTS

There were none.

PUBLIC HEARINGS

- 6. [14-0439](#) CONSIDERATION OF AN AMENDMENT TO CHAPTER 3.44 OF THE CHULA VISTA MUNICIPAL CODE REGARDING THE CITY'S TELEPHONE USERS TAX

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 3.44 OF THE CHULA VISTA MUNICIPAL CODE TO FORMALIZE A RATE REDUCTION IN THE CITY'S TELEPHONE USERS TAX ("TUT") FROM 5% TO 4.75%, TO CLARIFY THAT THE TUT APPLIES TO WIRELESS TELEPHONE USAGE, AND TO ADD STATE LAW VALIDATION PROVISIONS (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.

City Attorney Googins provided information on the item.

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 the above ordinance be placed on first reading, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

ACTION ITEMS

- 7. [14-0466](#) CONSIDERATION OF PROPOSED BALLOT MEASURE TO AMEND CITY CHARTER, SECTIONS 1009, 1010 AND 1011

RESOLUTION NO. 2014-157 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA 1) AMENDING RESOLUTION 2014-120 CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014, 2) ORDERING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE TO AMEND CHULA VISTA CHARTER SECTIONS 1009 (REGARDING PUBLIC WORKS CONTRACTING), AND 1010 AND 1011 (REGARDING CITY CONTRACTING GENERALLY) IN ORDER TO ENHANCE EFFICIENCY AND FLEXIBILITY IN CITY PROCUREMENT PRACTICES WHILE PRESERVING CHECKS AND BALANCES, AND 3) APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

City Attorney Googins provided information on the item. He and Director of Finance Kachadoorian answered Councilmembers' questions.

ACTION: A motion was made by Councilmember Ramirez, seconded by Councilmember Bensoussan, that Resolution No. 2014-157 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. [14-0462](#) CONSIDERATION OF PROPOSED BALLOT MEASURE TO AMEND CITY CHARTER SECTIONS 300 AND 303 TO ELIMINATE THE CURRENT MANDATORY RUN-OFF REQUIREMENT AND EXPAND CITY COUNCIL AUTHORITY TO FILL VACANCIES BY APPOINTMENT

RESOLUTION NO. 2014-158 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (1) WAIVING CITY COUNCIL POLICY NO. 103-02; (2) AMENDING RESOLUTION 2014-120 CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 TO ORDER SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE TO AMEND CHULA VISTA CITY CHARTER SECTIONS 300 AND 303 TO: (A) ELIMINATE THE MANDATORY RUN-OFF REQUIREMENT FOR GENERAL MUNICIPAL ELECTIONS, AND FOR SPECIAL ELECTIONS TO FILL A VACANCY, IN WHICH ONE CANDIDATE RECEIVES MORE THAN FIFTY PERCENT OF THE VOTE; AND (B) ALLOW THE COUNCIL TO FILL A CITY COUNCIL VACANCY BY APPOINTMENT, OR BY CALLING A SPECIAL ELECTION, IF THE REMAINING TERM IS MORE THAN ONE YEAR BUT LESS THAN TWENTY FIVE MONTHS; AND (3) APPROPRIATING FUNDS THEREFOR

Assistant City Attorney Maland and City Attorney Googins provided information on the item.

Mayor Cox spoke in support of a ballot measure to eliminate mandatory runoff elections for general municipal elections and special elections, and allow the Council to fill a vacancy by appointment when the vacant seat has a remaining term of more than one year but less than 25 months.

At the request of Councilmember Salas, the language of Proposition B from 2012, related to transitioning to district elections and runoff elections, and the impartial analysis of the ballot measure was distributed to the Council. Councilmember Salas spoke in support of eliminating mandatory runoff elections for special elections and the suggested language for the appointment process for filling vacancies. She spoke in opposition to eliminating the mandatory runoff elections for general municipal elections.

Robert Ross, Chula Vista resident, spoke in favor of eliminating the runoff requirement for special elections, in opposition to eliminating the runoff for general municipal elections, and spoke in support of allowing the Charter Review Commission additional time to discuss the recommended appointment process for the filling of vacancies.

Deputy Mayor Aguilar and Councilmember Ramirez also spoke in support of eliminating mandatory runoff elections for special elections and the suggested language for the appointment process for filling vacancies. They spoke in opposition to eliminating the mandatory runoff elections for general municipal elections.

Councilmember Bensoussan spoke in support of eliminating mandatory runoff elections for general municipal elections and special elections, as well as the suggested language for the appointment process for filling vacancies.

Deputy Mayor Aguilar spoke in support of repeating in Charter section 303 the language in Charter section 300, regarding the restriction of an appointed Councilmember or Mayor from seeking nomination at a future election for a period of one year following the expiration of his or her appointed term.

In response to a request for clarification by City Attorney Googins, Councilmember Salas stated that for a term of one year or less, if an appointment to fill a vacancy would result in the majority of the council being appointed, the seat should remain vacant. For a term with 12 to 25 months remaining, if appointment to fill a vacancy would result in the majority of the council being appointed, there should be a mandatory election.

Mayor Cox recessed the meeting at 4:44 p.m. The Council reconvened at 5:04 p.m., with all members present.

Consideration of Item 8 continued after Councilmembers' Comments.

CITY MANAGER'S REPORTS

City Manager Halbert announced that Maria Kachadoorian was promoted to Deputy City Manager, and would also retain her position as Director of Finance. Deputy City Manager Kachadoorian thanked City Manager Halbert and spoke regarding her history. She and Deputy City Manager Bacon spoke regarding the departments they would oversee.

MAYOR'S REPORTS

9. [14-0468](#) RATIFICATION OF APPOINTMENT OF NIMPA AKANA TO THE INTERNATIONAL FRIENDSHIP COMMISSION AND MARY JOHNSON TO THE COMMISSION ON AGING

ACTION: A motion was made by Mayor Cox, seconded by Councilmember Bensoussan, to ratify the appointments of Nimpa Akana to the International Friendship Commission and Mary Johnson to the Commission on Aging. The motion carried by the following vote:

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

No: 0

Abstain: 0

COUNCILMEMBERS' COMMENTS

Councilmember Bensoussan announced that the Living Coast Discovery Center raised over \$90,000 at its Farm to Bay fundraiser held on August 2, 2014, and encouraged the public to visit and support the organization. She also announced the upcoming HarborFest event on August 16, 2014.

Councilmember Ramirez spoke in support of managing issues related to homelessness in Chula Vista to lessen impacts on surrounding neighborhoods. He announced his upcoming public office hours on Monday, August 11, 2014, at the Olympic Training Center. He also spoke in support of developing a public-interest vision for the binational rail line, Desert Line, a project of the Metropolitan Transit System (MTS).

Councilmember Salas provided additional information regarding the MTS Desert Line. She announced the upcoming Train Festival on August 30, 2014.

Deputy Mayor Aguilar spoke regarding maintenance and repairs needed at the Chula Vista Women's Club.

Councilmember Ramirez reported on the efforts of the taskforce working on reinstating the Starlight parade.

Mayor Cox announced that evening's National Night Out event, being held at the Police Department.

Consideration of Item 8 continued after Councilmembers' Comments.

8. [14-0462](#) CONSIDERATION OF PROPOSED BALLOT MEASURE TO AMEND CITY CHARTER SECTIONS 300 AND 303 TO ELIMINATE THE CURRENT MANDATORY RUN-OFF REQUIREMENT AND EXPAND CITY COUNCIL AUTHORITY TO FILL VACANCIES BY APPOINTMENT

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City Attorney Googins distributed proposed changes to the Charter to include provisions prohibiting 1) appointment of a majority of the City Council, and 2) appointees from seeking nomination and election to the office of Mayor or Member of the City Council to which they were appointed for a period of one year following the expiration of their appointed term.

ACTION: A motion was made by Mayor Cox, seconded by Councilmember Bensoussan, to approve a ballot measure to eliminate the requirement of a run-off election when a candidate receives a majority of the votes cast in a special election to fill a vacancy and to allow Council to choose to appoint to fill a vacant seat or call a special election to fill the vacancy if more than one year but less than 25 months remains in the newly vacated term, with the condition that an appointment does not result in a majority of the Council being appointed rather than elected, heading read. The motion carried by the following vote:

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

No: 0

Abstain: 0

ACTION: A motion was made by Mayor Cox, seconded by Councilmember Bensoussan, to approve a ballot measure to eliminate the requirement of a run-off election when a candidate receives a majority of the votes cast in a general (June) election, heading read. The motion failed by the following vote:

Yes: 2 - Bensoussan and Cox

No: 3 - Aguilar, Ramirez and Salas

Abstain: 0

Assistant City Attorney Maland distributed a proposed revised resolution, which included the amended ballot language.

Assistant City Attorney Maland read the proposed ballot question language in the revised resolution: "Shall the City Charter be amended so that if a City Council seat becomes vacant with more than 12 months and less than 25 months remaining in the term, the Council may fill the seat by appointment or call a special election, and so that in any special election to fill a vacancy, the candidate that receives over 50 percent of the votes cast is deemed the winner with no runoff required?"

Councilmember Ramirez suggested eliminating the language, "and so that in any special election to fill a vacancy, the candidate that receives over 50 percent of the votes cast is deemed the winner with no runoff required" since the inclination of a council would be to appoint rather than hold a special election. Deputy Mayor Aguilar suggested only eliminating the language, "no runoff required." Discussion ensued and it was the consensus of the Council to leave the language as presented by Assistant City Attorney Maland.

ACTION: A motion was made by Mayor Cox, seconded by Councilmember Bensoussan, that Resolution No. 2014-158 be adopted, as amended, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

CLOSED SESSION

10. [14-0475](#) CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Agency designated representatives: Gary Halbert, Glen Googins, Kelley Bacon, Maria Kachadoorian, Simon Silva, Gary Ficacci

Employee organization: POA

Item 10 was not heard.

ADJOURNMENT

Mayor Cox paid tribute to Charles Smith, Dr. G. Gordon Browning, and Michele Torrance Tarbet.

At 6:02 p.m., Mayor Cox adjourned the meeting to the Regular City Council Meeting on August 12, 2014, at 2:00 p.m., in the Council Chambers.

Donna R. Norris, CMC, City Clerk