

City of Chula Vista

Meeting Minutes - Final

Tuesday, January 13, 2015

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 2:13 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

Present: Councilmember Aguilar, Deputy Mayor Bensoussan, Councilmember McCann and Mayor 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

Deputy Mayor Bensoussan led the Pledge of Allegiance.

CONSENT CALENDAR (Part 1 - Item 1)

1. [14-0745](#) ORDINANCE NO. 3335 OF THE CITY OF CHULA VISTA AMENDING SECTION 2.04.020 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO TIME AND PLACE OF COUNCIL MEETINGS, CHANGING THE TIME OF REGULAR MEETINGS FROM 2:00 P.M. TO 4:00 P.M. (SECOND READING AND ADOPTION)

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, that Ordinance No. 3335 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 4 - Aguilar, Bensoussan, McCann and Salas

No: 0

Abstain: 0

ACTION ITEMS (Part 1 - Item 1.5)

- 1.5 [14-0752](#)
 - A. DELIBERATION AND APPOINTMENT TO CITY COUNCIL SEAT NO. 4
 - B. OATH OF OFFICE FOR NEWLY APPOINTED COUNCILMEMBER

Steve Arends, Chula Vista resident, spoke in support of Shirley Horton.

Scott McMillin, Coronado resident, representing the Corky McMillin Companies, spoke in support of Bill Hall.

Lisa Johnson, Bonita resident, spoke in support of Bill Hall.

Audie de Castro, San Diego resident, representing the Philippine Honorary Consul of San Diego, spoke in support of Jason Paguio.

Betsy Keller, Chula Vista resident, spoke in support of James Clark and in opposition to the City holding a special election.

Dean McGill, San Diego resident, spoke in support of Bill Hall.

Ruben Rosental, Chula Vista resident, spoke in support of Bill Hall.

Fanny Rosental, Chula Vista resident, spoke in support of Bill Hall and in opposition to the City holding a special election.

Tina Williams, Chula Vista resident, spoke in support of Bill Hall and in opposition to the City holding a special election.

Richard D'Ascoli, Chula Vista resident, spoke in support of Bill Hall.

Yolanda Ramos, Chula Vista resident, spoke in support of Shirley Horton.

Ron Bolles, Chula Vista resident, representing Bolles Arts International, spoke in support of Jason Paguio.

David Gonzalez, Chula Vista resident, submitted written documentation in support of Bill Hall and Steve Miesen, and in opposition to the City holding a special election. He was not present to speak.

Mayor Salas moved to appoint Steve Miesen. The motion died due to lack of second.

Deputy Mayor Bensoussan moved to appoint Jason Paguio. The motion died due to lack of second.

ACTION: A motion was made by Councilmember Aguilar, seconded by Mayor Salas, that Lisa Moctezuma be appointed. The motion failed by the following vote:

Yes: 2 - Aguilar and Salas

No: 2 - Bensoussan and McCann

Abstain: 0

ACTION: A motion was made by Councilmember McCann, seconded by Deputy Mayor Bensoussan, that Shirley Horton be appointed. The motion failed by the following vote:

Yes: 2 - Bensoussan and McCann

No: 2 - Aguilar and Salas

Abstain: 0

Mayor Salas moved to appoint Bill Hall. The motion died due to lack of second.

City Manager Halbert spoke regarding the cost of a special election and potential impact on the City's budget.

Mayor Salas moved to appoint Steve Miesen. The motion died due to lack of second.

Mayor Salas recessed the meeting at 2:58 p.m. The Council reconvened at 3:15 p.m., with all members present.

Mayor Salas trailed Item 1.5 and stated discussion on the item would continue following Item 11.

Mayor Salas recessed the meeting at 3:19 p.m. The Council reconvened at 4:02 p.m., with all members present.

CONSENT CALENDAR (Part 2 - Items 2-10)

2. [14-0750](#) APPROVAL OF MINUTES of January 6, 2015.
Recommended Action: Council approve the minutes.
3. [14-0744](#) WRITTEN COMMUNICATIONS
 - A. Letter of Resignation from Emmanuel Soto, Cultural Arts Commission.
 - B. Letter of Resignation from Jeffrey Scott, Parks & Recreation Commission.**Recommended Action: Council accept the resignations.**
4. [14-0716](#) RESOLUTION NO. 2015-004 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$80,000 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND APPROPRIATING SAID FUNDS TO THE FEDERAL GRANTS FUND FOR THE URBAN AREA SECURITY INITIATIVE (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the resolution.
5. [14-0717](#) RESOLUTION NO. 2015-005 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING \$95,000 TO THE SUPPLIES AND SERVICES CATEGORY OF THE ASSET SEIZURE FUND (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the resolution.
6. [14-0721](#) RESOLUTION NO. 2015-006 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS; REJECTING THE BID OF THE FIRST APPARENT LOW BIDDER AS NON-RESPONSIVE; AWARDED THE CONTRACT FOR THE "BROADWAY STREET IMPROVEMENT PROJECT BETWEEN MAIN STREET AND SOUTH CITY LIMITS IN THE CITY OF CHULA VISTA, CALIFORNIA (CIP# STM381)" TO TC CONSTRUCTION IN THE AMOUNT OF \$1,161,197; APPROPRIATING \$150,000 FROM THE AVAILABLE BALANCE OF THE TRAFFIC SIGNAL FUND TO STM381; AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$70,000 (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the resolution.

7. [14-0726](#) RESOLUTION NO. 2015-007 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS, AWARDING THE CONTRACT FOR THE "STORM DRAIN REHABILITATION FY 2013/2014 AT VARIOUS LOCATIONS IN THE CITY OF CHULA VISTA (DR193/DR196)" PROJECT TO TC CONSTRUCTION CO., IN THE AMOUNT OF \$795,373, WAIVING CITY COUNCIL POLICY 574-01, AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$80,000

Recommended Action: Council adopt the resolution.

8. [14-0688](#) RESOLUTION NO. 2015-008 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SECOND AMENDMENT TO THE LOCAL GOVERNMENT PARTNERSHIP AGREEMENT WITH SAN DIEGO GAS & ELECTRIC TO PROVIDE AN ADDITIONAL \$1,563,585 FOR ENERGY EFFICIENCY PROGRAMS AND TO EXTEND THE TERM OF THE AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT AND THE CITY MANAGER TO EXECUTE ALL OTHER DOCUMENTS NECESSARY TO IMPLEMENT THE AMENDMENT; AND APPROPRIATING \$1,563,585 TO THE ENERGY CONSERVATION FUND (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

9. **14-0731** RESOLUTION NO. 2015-009 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE METROPOLITAN TRANSIT SYSTEM (MTS) REGARDING THE CITY'S DIVESTMENT OF PUBLIC TRANSPORTATION SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

Recommended Action: Council adopt the resolution and approve the agreement.

10. [14-0727](#) RESOLUTION NO. 2015-010 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A \$185,000 AGREEMENT BETWEEN THE CITY AND THE CENTER FOR SUSTAINABLE ENERGY (CSE) FOR SUPPORT IN IMPLEMENTING THE CITY OF CHULA VISTA'S SUSTAINABLE COMMUNITIES PROGRAM

Recommended Action: Council adopt the resolution.

Approval of the Consent Calendar

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

Yes: 4 - Aguilar, Bensoussan, McCann and Salas

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

There were none.

Closed Session Item 12 was taken out of order and discussed after the Consent Calendar.

Mayor Salas announced that the Council would convene in closed session to discuss the items listed below. At 4:09 p.m., the Council convened in closed session.

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.

- 12. [14-0751](#) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9 (b)

One Case

ACTION: No reportable action.

The Council reconvened in open session at 6:05 p.m., with all members present.

PUBLIC HEARINGS

- 11. [14-0625](#) CONSIDERATION OF AMENDMENTS TO CHULA VISTA MUNICIPAL CODE CHAPTER 19.09 (GROWTH MANAGEMENT), AND APPROVAL OF THE GROWTH MANAGEMENT PROGRAM IMPLEMENTATION MANUAL AND THE GROWTH MANAGEMENT PROGRAM DOCUMENT (Continued from January 27, 2015)

A. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO CHULA VISTA MUNICIPAL CODE CHAPTER 19.09 (GROWTH MANAGEMENT) (FIRST READING)

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE GROWTH MANAGEMENT PROGRAM IMPLEMENTATION MANUAL TO REPLACE THE THRESHOLD STANDARDS AND GROWTH MANAGEMENT OVERSIGHT COMMITTEE POLICY, AND THE GROWTH MANAGEMENT PROGRAM DOCUMENT

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. The public hearing was previously opened at the City Council meeting of November 18, 2014.

Planning Manager Batchelder and Associate Planner Vander Bie presented information on the item.

Armida Torres, Chula Vista resident and member of the Growth Management Oversight Commission, spoke in support of staff's recommendation.

There being no other members of the public who wished to speak, Mayor Salas stated that the item would be continued to the meeting of January 27, 2015.

1.5 [14-0752](#) A. DELIBERATION AND APPOINTMENT TO CITY COUNCIL SEAT NO. 4

B. OATH OF OFFICE FOR NEWLY APPOINTED COUNCILMEMBER

Discussion on Item 1.5 continued.

Jill Galvez, Chula Vista resident, spoke in support of Lisa Moctezuma.

Michael Gorski, Chula Vista resident, spoke in support of Shirley Horton.

Linda Wagner, Chula Vista resident, requested to be considered for the appointment, spoke in opposition to the City holding a special election, and spoke in support of Lisa Moctezuma.

Michelle Krug, Chula Vista resident, spoke in opposition to the City holding a special election and spoke in support of Lisa Moctezuma.

Lisa Cohen, representing the Chula Vista Chamber of Commerce, spoke in opposition to the City holding a special election and spoke in support of Bill Hall and Steve Miesen.

Zilema Maldonado, Chula Vista resident, spoke in opposition to the City holding a special election and spoke in support of Bill Hall and Steve Miesen.

Virginia Jensen, Coronado resident, spoke in opposition to the City holding a special election and spoke in support of Shirley Horton and Steve Miesen.

David Gonzalez, Chula Vista resident, spoke in support of Steve Miesen and Bill Hall.

City Attorney Googins spoke regarding potential conflict of interest issues for councilmembers and the analysis the City Attorney's office had performed on the information submitted by the Council candidate finalists.

ACTION: A motion was made by Mayor Salas, seconded by Councilmember Aguilar, that Steve Miesen be appointed. The motion failed by the following vote:

Yes: 2 - Aguilar and Salas

No: 2 - Bensoussan and McCann

Abstain: 0

City Manager Halbert spoke regarding the budget impact of a potential special election and stated that City staff would recommend budget cuts to the Council, should it be unable to appoint a member to fill the vacant seat.

ACTION: A motion was made by Deputy Mayor Bensoussan, seconded by Mayor Salas, that Jason Paguio be appointed. The motion failed by the following vote:

Yes: 2 - Bensoussan and Salas

No: 2 - Aguilar and McCann

Abstain: 0

ACTION: A motion was made by Councilmember Aguilar, seconded by Mayor Salas, that James Clark be appointed. The motion failed by the following vote:

Yes: 2 - Aguilar and Salas

No: 2 - Bensoussan and McCann

Abstain: 0

ACTION: A motion was made by Councilmember McCann, seconded by Deputy Mayor Bensoussan, that Shirley Horton be appointed. The motion failed by the following vote:

Yes: 2 - Bensoussan and McCann

No: 2 - Aguilar and Salas

Abstain: 0

ACTION: A motion was made by Mayor Salas, seconded by Councilmember Aguilar, that Mark Liuag be appointed. The motion failed by the following vote:

Yes: 2 - Aguilar and Salas

No: 2 - Bensoussan and McCann

Abstain: 0

ACTION: A motion was made by Deputy Mayor Bensoussan, seconded by Mayor Salas, that Steve Miesen be appointed. The motion carried by the following vote:

Yes: 4 - Aguilar, Bensoussan, McCann and Salas

No: 0

Abstain: 0

City Clerk Norris administered the oath of office to Councilmember Miesen.

CITY MANAGER'S REPORTS

City Manager Halbert congratulated newly appointed Councilmember Miesen.

MAYOR'S REPORTS

Mayor Salas recognized the members of the Council for coming to consensus on appointing Councilmember Miesen.

COUNCILMEMBERS' COMMENTS

Councilmember Miesen expressed appreciation for his appointment to the City Council.

Councilmember Aguilar spoke regarding the freedoms afforded to American citizens and recent attacks in France related to freedom of self-expression.

Councilmember McCann congratulated Councilmember Miesen on his appointment.

CLOSED SESSION

Item 12 was taken out of order and discussed following the Consent Calendar.

ADJOURNMENT

At 7:50 p.m., Mayor Salas adjourned the meeting to the City Council Meeting on January 27, 2015, at 4:00 p.m., in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk