

# City of Chula Vista

## Meeting Minutes - Final

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Tuesday, February 2, 2016

5:00 PM

Council Chambers  
276 Fourth Avenue, Bldg. A  
Chula Vista, CA 91910  
Teleconferencing location:  
1152 Alcyon Place, Uniondale, NY 11553

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### 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 5:04 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.*

#### ROLL CALL:

**Present:** Councilmember Aguilar, Councilmember Bensoussan, Councilmember McCann, Deputy Mayor Miesen and Mayor Casillas Salas

*City Clerk Norris announced that Councilmember Aguilar was participating via videoconference from the following location: 1152 Alcyon Place, Uniondale, NY 11553; and that all votes would be taken by roll call.*

*Councilmember Aguilar stated she complied with all requirements of the Brown Act, including posting the agenda and assuring public accessibility to the location. She stated no members of the public were present at her location.*

*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 Bensoussan led the Pledge of Allegiance.*

#### CONSENT CALENDAR (Items 1 - 4)

1. [16-0060](#) APPROVAL OF MINUTES of January 26, 2016.  
**Recommended Action: Council approve the minutes.**
2. [16-0059](#) ORDINANCE NO. 3362 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 19.02 OF THE CHULA VISTA MUNICIPAL CODE TO AFFIRM PERMISSIVE ZONING PRINCIPLES AND TO CLARIFY THAT USES PROHIBITED ELSEWHERE IN THE MUNICIPAL CODE ARE ALSO PROHIBITED LAND USES (SECOND READING AND ADOPTION)  
**Recommended Action: Council adopt the ordinance.**

- 3. [16-0058](#) ORDINANCE NO. 3363 OF THE CITY OF CHULA VISTA AMENDING MUNICIPAL CODE SECTION 20.04.50 - "BUSINESS RESOURCE AND ENERGY EVALUATIONS," STREAMLINING BUSINESSES' REQUIREMENTS FOR PARTICIPATION IN RESOURCE AND ENERGY EVALUATIONS (SECOND READING AND ADOPTION)

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

- 4. [16-0049](#) RESOLUTION NO. 2016-011 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A GRANT APPLICATION FROM THE CITY OF CHULA VISTA TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR "BEYOND TRAFFIC: THE SMART CITY CHALLENGE"

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

*Approval of the Consent Calendar*

**ACTION:** A motion was made by Councilmember McCann, 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, McCann, Miesen and Casillas Salas

**No:** 0

**Abstain:** 0

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

*There were none.*

**PUBLIC COMMENTS**

*There were none.*

**PUBLIC HEARINGS**

- 5. [15-0683](#) CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S DECISION REGARDING DESIGN REVIEW PERMIT DR15-003

RESOLUTION NO. 2016-012 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION DECISION GRANTING APPROVAL OF DR15-0003 FOR AN 87-UNIT MULTI-FAMILY RESIDENTIAL PROJECT AT 701 "D" STREET

*Deputy Mayor Miesen stated he would abstain from participating and voting on the item due to a potential conflict of interest related to a business entity in which he had a financial interest. He left the dais at 5:09 p.m.*

*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 Steichen gave a presentation on the item.*

*Mayor Casillas Salas stated that the Council would be required to disclose ex-parte communications due to the quasi-judicial nature of the item.*

*Mayor Casillas Salas stated she had visited the project site. She also stated that she had a meeting with Laura Hunter of the Environmental Health Coalition who provided her the Environmental Health Perspectives study, Vol. 124, No. 2, dated February 2016, which would be provided to the City Clerk.*

*Councilmember Bensoussan stated she had also received the study, Environmental Health Perspectives study and had provided it to the City Clerk to be included in the record, along with some other documents she received from the Environmental Health Coalition. She stated she spoke with the representative of the project. She said she was very familiar with the site and had not visited it recently.*

*Councilmember McCann stated he independently visited the site. He said he had read the email from the Environmental Health Coalition and had spoken with the applicant of the project.*

*In response to a question from Councilmember Aguilar, City Attorney Googins stated he had advised the Council to disclose ex-parte communications related to the item to ensure due process.*

*Councilmember Aguilar stated she met with the appellant, Mr. Spooner, at the site. She said she met with the applicant, Mr. Gerber, in her office, and had a phone conversation with Laura Hunter of the Environmental Health Coalition.*

*Development Services Director Broughton provided information on the findings made by the Planning Commission.*

*Mayor Casillas Salas opened the public hearing.*

*Dean Spooner, appellant, El Cajon resident, spoke in opposition to staff's recommendation. He spoke in support of maximizing parking on D Street and ensuring a safe entrance and exit to the project.*

*Jose Zepeda, Chula Vista resident, submitted a request, but declined to speak.*

*Laura Hunter, representing the Environmental Health Coalition, spoke in opposition to staff's recommendation.*

*Lisa Cohen, representing the Chula Vista Chamber of Commerce, spoke in support of staff's recommendation.*

*Planning Manager Batchelder responded to questions from the Council.*

*Valorie Thompson, Consultant, representing Scientific Resources Associated (SRA), answered questions from the Council regarding the health risk assessment.*

*Planning Manager Batchelder, City Manager Halbert, and Director of Development Services Broughton responded to additional questions from the Council.*

*Andy Gerber, representing City Ventures, consultant to the applicant, responded to questions from the Council regarding the filters that would be used for the project's ventilation systems.*

*Bill Maddux, representing Recon Environmental, consultant to the applicant, provided additional information regarding the health risk assessment that was performed.*

*Mr. Gerber responded to questions from the Council regarding potential changes to the project design.*

*Staff responded to additional questions from the Council regarding the proposed project.*

*At the request of Councilmember Bensoussan, there was consensus of a majority of the Council to direct staff to review current health risk standards and policies to determine if better methods existed for assessing, understanding, and mitigating potential risks for future projects.*

*Mayor Casillas Salas closed the public hearing.*

*City Attorney Googins recommended that the proposed resolution be amended to include a finding that the project met the requirements of the City's land use policies and the Design Review Manual.*

**ACTION: A motion was made by Councilmember McCann, seconded by Mayor Casillas Salas, that Resolution No. 2016-012 be adopted, as amended to include the finding that the project met the requirements of the City's land use policies and the Design Review Manual. The heading was read, text waived. The motion carried by the following vote:**

**Yes:** 4 - Aguilar, Bensoussan, McCann and Casillas Salas

**No:** 0

**Abstain:** 1 - Miesen

## **CITY MANAGER'S REPORTS**

*There were none.*

## **MAYOR'S REPORTS**

*Mayor Casillas Salas spoke regarding the following events: opening of the new Bikeway Village in Imperial Beach, the groundbreaking of the Crown Point Development project, the opening of the Heritage Museum exhibit on the anniversary of the Great Flood of 1916, and Olympic View Elementary School's 20th anniversary celebration. She also spoke regarding the One for All project in the San Diego area, related to addressing mental illness in the homeless community. She spoke regarding a non-profit services resource fair at Chula Vista High School. She recognized Public Works staff members for their work to clean up downed trees and branches following the recent storm.*

*Deputy Mayor Miesen returned to the dais at 6:39 p.m.*

## **COUNCILMEMBERS' COMMENTS**

*Deputy Mayor Miesen and Mayor Casillas Salas spoke regarding the recent homeless count event.*

*Councilmember McCann spoke regarding the Olympic View Elementary School's 20th anniversary. He also announced the upcoming Go Red for Women event to support heart disease and stroke.*

*Councilmember Bensoussan spoke regarding the recently opened restaurant, 277 Cocina Artesanal. Chefs Rodrigo Martinez and Dante Ferrero, representing 277 Cocina Artesanal, spoke regarding the restaurant and upcoming event.*

*Councilmember Bensoussan announced the upcoming opening of the Civic Center Library auditorium renovation.*

*At the request of Councilmember Bensoussan, there was consensus of the Council to add an item to the next Council agenda to consider City endorsement of the Community Opus Project event, Viva Musica.*

Councilmember Aguilar thanked the Council for allowing her to participate remotely. She spoke in support of Councilmember Bensoussan's referral to staff to review policies related to the health impacts of future projects.

City Attorney Googins announced that the Council would convene in closed session to discuss the items listed below. He stated Deputy Mayor Miesen would abstain from participation on Item 6A, since he had been appointed to the Council and the matter was related to the appointment process.

At 6:57 p.m., the Council convened in Closed Session with Councilmembers Bensoussan and McCann, and Mayor Casillas Salas 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.

6. [16-0061](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(1)

Names of cases:

(A) Chris Shilling, et al. v. City of Chula Vista, et al., San Diego Superior Court, Case No. 37-2015-00006097-CU-MC-CTL;

(B) Diamantina Mackedsy v. City of Chula Vista, San Diego Superior Court, Case No. 37-2015-00007251, CU-PO-CTL

**ACTION: Item 6A: No reportable action.**

**Item 6B: Reportable action is pending the finalization of the settlement.**

## ADJOURNMENT

At 7:55 p.m., Mayor Casillas Salas adjourned the meeting to the Special City Council Meeting on February 4, 2016, at 4:00 p.m., in the Executive Conference Room, Building A; and thence to the Regular City Council Meeting on February 9, 2016, at 5:00 p.m., in the Council Chambers.

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Kerry K. Bigelow, Assistant City Clerk