

City of Chula Vista

Meeting Minutes - Draft

Tuesday, April 25, 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 5:10 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 Padilla led the Pledge of Allegiance.

Mayor Casillas Salas called for a moment of silence in honor of the victims of the Holocaust and present-day refugees.

SPECIAL ORDERS OF THE DAY

- A. [17-0072](#) PRESENTATION BY BEN VALLEJOS, EXECUTIVE DIRECTOR OF THE LIVING COAST DISCOVERY CENTER (LCDC), REGARDING AN UPDATE ON THE LCDC AND ITS 30TH ANNIVERSARY

Ben Vallejos, representing the Living Coast Discovery Center (LCDC), gave a presentation on the LCDC.

- B. [17-0097](#) PRESENTATION OF A PROCLAMATION TO THE PROMISE NEIGHBORHOOD'S RESIDENT LEADERSHIP ACADEMY PROCLAIMING SATURDAY, MAY 6, 2017 AS NEIGHBOR DAY IN THE CITY OF CHULA VISTA

Mayor Casillas Salas read the proclamation and Councilmember Diaz presented it to members of the Resident Leadership Academy, who spoke regarding Neighbor Day.

- C. [17-0145](#) PRESENTATION OF QUARTERLY EMPLOYEE RECOGNITION RECIPIENTS

Director of Human Resources Chase recognized recipients of quarterly employee awards.

- D. [17-0146](#) PRESENTATION OF THE CLEAN CHAMPION AWARDS BY THE CHULA VISTA SUSTAINABILITY COMMISSION

Members of the Sustainability Commission presented the Clean Champion Awards.

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- E. [17-0147](#) PRESENTATION OF A PROCLAMATION TO RUTH GOLDSCHMIEDOVA SAX IN RECOGNITION OF APRIL 23-24, 2017 AS DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST IN THE CITY OF CHULA VISTA

Mayor Casillas Salas read the proclamation and she and the Members of the City Council presented it to Holocaust survivors.

Mario Salzmann, Chula Vista resident, spoke regarding his parents' experience living in Germany and expressed concern regarding prejudicial treatment of U.S. citizens.

- F. [17-0149](#) PRESENTATION BY LUANNE HULSIZER, EXECUTIVE DIRECTOR OF THIRD AVENUE VILLAGE ASSOCIATION (TAVA), REGARDING THE SUCCESS OF PARTNERSHIPS AND COLLABORATIONS WITH THE CITY OF CHULA VISTA AND THE COMMUNITY, AND AN OVERVIEW OF TAVA'S PAST-YEAR ACTIVITIES AND EVENTS

Luanne Hulsizer, representing the Third Avenue Village Association, spoke regarding the item.

- G. [17-0159](#) RECOGNITION OF CHRISTINE MOORE FOR HER SERVICE TO THE CITY OF CHULA VISTA

Mayor Casillas Salas recognized Christine Moore for her service. Mayor Casillas Salas and the Members of the City Council presented Ms. Moore with a key to the City.

- H. [17-0165](#) PRESENTATION OF A PROCLAMATION TO CITY ATTORNEY GLEN GOOGINS PROCLAIMING MONDAY, MAY 1, 2017 AS LAW DAY IN THE CITY OF CHULA VISTA

City Attorney Googins and Carlos Varela, representing the San Diego County District Attorney's office, spoke regarding Law Day.

CONSENT CALENDAR (Items 1 - 4)

Mayor Casillas Salas announced that Items 1 and 3 would be removed from the Consent Calendar and would not be heard at that time.

Item 1 was removed from the Consent Calendar.

2. [17-0148](#) RESOLUTION NO. 2017-058 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA REAUTHORIZING CHULA VISTA MUNICIPAL CODE CHAPTER 5.53, "STATE VIDEO FRANCHISES"

Recommended Action: Council adopt the resolution.

Item 3 was removed from the Consent Calendar.

4. [17-0160](#) A. RESOLUTION NO. 2017-059 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT (LETTER OF UNDERSTANDING) TO THE 2014-2017 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHULA VISTA AND LOCAL 2180 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AFL-CIO (IAFF)

B. RESOLUTION NO. 2017-060 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING EMPLOYER PAID MEMBER CONTRIBUTIONS FOR TIER 1 EMPLOYEES IN CLASSIFICATIONS REPRESENTED BY LOCAL 2180 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AFL-CIO (IAFF) EFFECTIVE MARCH 15, 2019

C. RESOLUTION NO. 2017-061 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING CESSATION OF PAYMENT, ON EMPLOYER SIDE, FOR OPTIONAL BENEFITS BY TIER 1 EMPLOYEES IN CLASSIFICATIONS REPRESENTED BY LOCAL 2180 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AFL-CIO (IAFF) AS A RESULT OF TERMINATION OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR SAID EMPLOYEES EFFECTIVE MARCH 15, 2019

D. RESOLUTION NO. 2017-062 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2016-2017 COMPENSATION SCHEDULE EFFECTIVE APRIL 28, 2017 AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

Recommended Action: Council adopt the resolutions.

Approval of the Consent Calendar

ACTION: A motion was made by Deputy Mayor McCann, seconded by Councilmember Aguilar, 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

1. [17-0164](#) APPROVAL OF MINUTES of April 11, 25, and 27, and May 2 and 4, 2017.

Item 1 was not discussed and was continued to a future meeting of the Council at the request of staff.

3. [17-0142](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDS TO THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY THROUGH URBAN CORPS OF SAN DIEGO COUNTY FOR THE URBAN GREENING PROGRAM GRANT FUNDED BY CALIFORNIA CLIMATE INVESTMENTS

Item 3 was not discussed and was withdrawn by staff.

PUBLIC COMMENTS

Kathleen Lippitt, representing San Diegans for Safe Neighborhoods, expressed concern regarding marijuana-related activities in the City.

Robert Soloman, Chula Vista resident, spoke regarding his experiences as his family members became citizens of the United States.

Item 6 was taken out of order and heard following Public Comments.

ACTION ITEMS (Part 1 of 2)

6. [17-0054](#) CONSIDERATION OF AMENDING CHAPTER 2.56 OF THE CHULA VISTA MUNICIPAL CODE - "PURCHASING SYSTEM" - REGARDING CONTRACT LIMITS AND AUTHORITIES ASSOCIATED WITH CITY PROCUREMENT PRACTICES

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 2.56 OF THE CHULA VISTA MUNICIPAL CODE - "PURCHASING SYSTEM" - REGARDING CONTRACT LIMITS AND AUTHORITIES ASSOCIATED WITH CITY PROCUREMENT PRACTICES (FIRST READING)

ACTION: A motion was made by Councilmember Padilla, seconded by Councilmember Aguilar, that the above ordinance be placed on first reading, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

BOARD AND COMMISSION REPORTS

5. [17-0127](#) REPORT BY CHARTER REVIEW COMMISSION ON THE COMMISSION'S PROPOSED WORK PLAN FOR THE UPCOMING YEAR

Charter Review Commission Chair Rhamy gave a presentation on the item.

At the request of Mayor Casillas Salas, there was consensus of a majority of the Council to hold a joint public workshop with the Charter Review Commission to discuss the Commission's work.

Councilmember Aguilar recommended the Commission focus on draft amendments to the Charter on the topics of councilmember eligibility and terms, and councilmember vacancies. She spoke in support of mail ballot elections.

ACTION ITEMS (Part 2 of 2)

7. [17-0136](#) CONSIDERATION OF NOMINATIONS OF APPLICANTS TO BE INTERVIEWED AND SELECTION OF A DATE AND TIME OF A MEETING TO CONDUCT INTERVIEWS TO FILL A VACANCY ON THE CULTURAL ARTS COMMISSION

A. DELIBERATION AND NOMINATIONS OF APPLICANTS TO BE INTERVIEWED FOR ONE VACANCY ON THE CULTURAL ARTS COMMISSION (ARTS PROFESSIONAL SEAT)

APPLICANTS: Rosie Duran, Omar Firestone, Abel Herrera, Matthew A. Lowery, Lorise Maynard, John Milburn, Lisa Moctezuma, Rachel Morineau, Anwar Nash, Mireya Olais, Rosalba Ponce, and Michael Tactay

B. DISCUSSION OF INTERVIEW PROCESS AND SELECTION OF DATE AND TIME OF OPEN MEETING OR MEETINGS TO CONDUCT INTERVIEWS OF APPLICANTS RECEIVING TWO OR MORE NOMINATIONS FOR THE VACANCY ON THE CULTURAL ARTS COMMISSION

There was consensus of the Council to continue Item 7 to the meeting of May 9, 2017.

8. [17-0139](#) CONSIDERATION OF AMENDING THE CHULA VISTA MUNICIPAL CODE TO INCREASE THE MAXIMUM DAILY CIVIL PENALTY AMOUNT TO \$2,500; TO SPECIFY THAT ALL COMMERCIAL MARIJUANA ACTIVITY, BOTH RECREATIONAL AND MEDICAL, IS PROHIBITED UNDER CHAPTER 5.66; AND TO ADD MARIJUANA AND OTHER CONTROLLED SUBSTANCES TO THE EXISTING SOCIAL HOST REGULATIONS

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 1.41.110 TO INCREASE THE MAXIMUM DAILY CIVIL PENALTY AMOUNT; AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 5.66 TO SPECIFY THAT ALL COMMERCIAL MARIJUANA ACTIVITY IN THE CITY OF CHULA VISTA IS PROHIBITED; AND AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 9.14 TO ADD MARIJUANA AND OTHER CONTROLLED SUBSTANCES TO THE EXISTING SOCIAL HOST REGULATIONS (FIRST READING)

Mayor Casillas Salas stated that Item 8 would be continued to the meeting of May 9, 2017.

9. [17-0153](#) RESOLUTION NO. 2017-063 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AFFIRMING CITY POLICIES REGARDING IMMIGRATION ENFORCEMENT, APPROVING A PROGRAM FOR BETTER COMMUNICATION OF CITY POLICIES AND SERVICES TO THE CITY'S IMMIGRANT COMMUNITY, JOINING THE "WELCOMING AMERICA" NETWORK, AND DIRECTING STAFF TO TRACK AND PROVIDE THE CITY COUNCIL WITH OPPORTUNITIES TO ACTIVELY SUPPORT OR OPPOSE LAWS TO ADVANCE CITY INTERESTS AND POLICIES ON IMMIGRATION ENFORCEMENT

City Attorney Googins, Police Chief Kennedy, and Marketing and Communications Manager Steinberger provided information on the item.

The following members of the public spoke in opposition to the item:

- Robert Soloman, Chula Vista resident
- Kevin Hancock, Chula Vista resident
- Maggie Vinson, Chula Vista resident

The following members of the public spoke in support of the item:

- Mark Lane, National City resident
- Mickey Kasparian, representing the San Diego and Imperial Counties Labor Council
- Andrea Beth Damsky, La Mesa resident
- Erin Tsoromoto Grassi, San Diego resident, representing Alliance San Diego
- Jim Scofield, Chula Vista resident
- Vivian Dunbar, San Ysidro resident, representing South Bay People Power
- Becky Thimm, Chula Vista resident
- Patti Hoffman
- Bertha Gutierrez, Chula Vista resident
- Margaret Baker, Chula Vista resident
- Carolyn Scofield, Chula Vista resident, representing Courage Campaign
- Pedro Rios, representing American Friends Service Committee
- Lisa Cuestas, Chula Vista resident, representing Casa Familiar
- Roberto Alcantar, representing ACLU of San Diego and Imperial Counties
- Anthony Ortiz, Chula Vista resident, representing ACCE
- Jorge Patrick MacFarland, Chula Vista resident
- Paola Martinez-Montes, representing ACCE
- Jason Prater, Chula Vista resident
- Ricardo Montano, Chula Vista resident
- Jorge Alexis Del Castillo, Chula Vista resident
- Ivan Penetrante, Chula Vista resident, representing Anakbayan and Filipino Migrant Center
- Leah Chavarria, representing San Diego Immigrant Rights Consortium
- Joshua Montes, Chula Vista resident
- Jose Rodriguez, representing San Diego Organizing Project

The following members of the public submitted written documentation in support of the item and declined to speak:

- Liliana Robles, Chula Vista resident, representing ACCE
- Kirin Macapugay, Chula Vista resident
- Judy Walsh-Jackson, Chula Vista resident

B. Clowers, Chula Vista resident, submitted written documentation in opposition to the item and declined to speak.

City Attorney Googins stated that no statement or policy in the proposed resolution was intended to cause the City to be in violation of federal or state law. He stated that his advice was to remain in compliance with federal and state law as the resolution was implemented, and that, if at a future date the City were to be out of compliance, he would advise the Council accordingly.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember Aguilar, that Resolution No. 2017-063 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

CITY MANAGER'S REPORTS**10. [17-0161](#) STATUS OF AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND OTAY WATER DISTRICT**

City Manager Halbert provided information regarding a past agreement between the City and Otay Water District.

James Elia submitted a request to speak but declined to speak when his name was called.

There was consensus of a majority of the Council to consider the item regarding Senate Bill 54 at the meeting of May 16, 2017, instead of May 9, as originally decided.

MAYOR'S REPORTS**11. [17-0152](#) A. DISCUSSION AND POSSIBLE ACTION REGARDING HECTOR GASTELUM, INCLUDING CONSIDERATION OF POTENTIALLY CALLING FOR HIS RESIGNATION FROM THE OTAY WATER DISTRICT BOARD AND FORMALLY REQUESTING THE OTAY WATER DISTRICT BOARD REMOVE HIM AS ITS REPRESENTATIVE ON THE CITY'S SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OVERSIGHT BOARD****B. DISCUSSION AND POSSIBLE ACTION REGARDING THE REORGANIZATION OF THE CITY'S HUMAN RELATIONS COMMISSION OR THE CREATION OF A SIMILAR COMMISSION**

Mayor Casillas Salas stated that the Otay Water District board censured Mr. Gastelum and stated that he was removed as the Otay Water District's representative on the City's Successor Agency to the Redevelopment Agency Oversight Board.

City Attorney Googins provided information on the City's authority to take action regarding Mr. Gastelum's position on the Otay Water District board.

The following members of the public spoke in support of the Council calling for Hector Gastelum's resignation from the Otay Water District board:

- *Mark Lane, National City resident*
- *Edgar Hopida, Chula Vista resident*
- *James Elia*
- *Mohamed Abdallah, San Diego resident*
- *Fayaz Nawabi, and he also spoke in support of a Muslim being appointed to the Human Relations Commission if the commission is reorganized.*
- *Andrea Beth Damsky, La Mesa resident*
- *Kathy Cappos Hardy, Chula Vista resident*
- *Margaret Baker, Chula Vista resident*
- *Jorge Alexis Del Castillo, Chula Vista resident*
- *Ricardo Montano, Chula Vista resident*
- *Wendy Batterson, San Diego resident*
- *Cesar Fernandez, Chula Vista resident*

The following members of the public expressed support for freedom of speech and freedom of religion, and concern regarding terrorist groups:

- *Maggie Vinson, Chula Vista resident*
- *Maria Lane, Chula Vista resident*

Hector Gastelum, Chula Vista resident, spoke regarding the recent statements he made.

Jorge Patrick McFarland, Chula Vista resident, submitted written documentation in support of the Council calling for Hector Gastelum's resignation from the Otay Water District board and declined to speak.

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

- *Becca Taylor, representing Interfaith Worker Justice of San Diego County*
- *Marya Fani, Rancho San Diego resident*

ACTION: A motion was made by Councilmember Padilla, seconded by Mayor Casillas Salas, that Minutes Resolution No. 2017-064, calling for the resignation of Hector Gastelum from the Otay Water District board, be adopted. The motion carried by the following vote:

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

No: 0

Abstain: 0

At the request of Mayor Casillas Salas, there was consensus of the Council to direct staff to present the Council with a draft update to the Human Relations Commission ordinance for consideration at a future meeting of the Council.

COUNCILMEMBERS' COMMENTS

Deputy Mayor McCann thanked Mayor Casillas Salas for recognizing the Holocaust survivors. He wished everyone a happy Easter and Passover. He reported on his attendance at the recent Filipino-American Military Officers Association event and the annual Day of the Child fair. He announced the upcoming LakeFest community event.

City Attorney Googins announced that the Council would convene in closed session to discuss Items 12-2 and 12-3. He stated that the Council would not discuss Item 12-1.

Mayor Casillas Salas recessed the meeting at 10:26 p.m. The Council reconvened in Closed Session at 10:40 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.

12. [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)

(3) James Garcia v. City of Chula Vista, San Diego Superior Court, Case No. 37-2015-00016408-CU-OE-CTL

Item 12-1 was not discussed.

ACTION: Items 12-2 and 12-3: No reportable action.

ADJOURNMENT

At 11:32 p.m., Mayor Casillas Salas adjourned the meeting to the City Council/ Planning Commission/ Growth Management Oversight Commission Workshop on April 27, 2017, at 6:00 p.m., in the Council Chambers; and thence to the Mayor's State of the City Address on May 2, 2017, at 6:00 p.m., in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk