

City of Chula Vista

Meeting Minutes - Final

Tuesday, December 19, 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 5:04 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, Sr. Assistant City Attorney Miesfeld, City Clerk Bigelow, and Records Manager Turner

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Councilmember Aguilar led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [17-0550](#) PRESENTATION OF A PROCLAMATION COMMENDING BATTALION CHIEF MIKE REEVES UPON 32 YEARS OF DEDICATED SERVICE

Mayor Casillas Salas read the proclamation and Councilmember Diaz presented it to Battalion Chief Reeves.

CONSENT CALENDAR (Items 1 - 13)

Item 4 was removed from the Consent Calendar for separate consideration due to a potential property-related conflict of interest. Item 9 was removed from the Consent Calendar by Councilmember Diaz.

Sr. Assistant City Attorney Miesfeld announced that a revised Exhibit A for Item 13 had been distributed to the Council and that action on the item would be with respect to the revised document.

1. [17-0387](#) RESOLUTION 2017-237 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING \$200,000 FROM THE AVAILABLE BALANCE OF THE SEWER FACILITY REPLACEMENT FUND TO THE MAX FIELD PUMP STATION RECONSTRUCTION PROJECT (SW278) FOR CONTRACT CHANGE ORDERS WITH JUST CONSTRUCTION, INC.; RATIFYING CITY STAFF'S ACTION ON APPROVING CHANGE ORDERS FOR THE PROJECT; AND AUTHORIZING THE CITY ENGINEER TO EXPEND ALL AVAILABLE FUNDS IN THE PROJECT (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

2. [17-0491](#) RESOLUTION 2017-238 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING COUNCIL POLICY NO. 841-01 (COMMUNITY GARDENS POLICY), INCLUDING THE CONSIDERATION TO ALLOW COMMUNITY GARDENS ON ALL CITY-OWNED LAND

Recommended Action: Council adopt the resolution.

3. [17-0492](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 8.22 OF THE CHULA VISTA MUNICIPAL CODE TO EXPAND SMOKING PROHIBITIONS (FIRST READING)

Recommended Action: Council place the ordinance on first reading.

Item 4 was removed from the Consent Calendar.

5. [17-0511](#) RESOLUTION 2017-242 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE SUMMARY VACATION OF THE IRREVOCABLE OFFER OF DEDICATION OF LOTS "F" AND "G" FOR OPEN SPACE PURPOSES PER FINAL MAP NO. 15942, CHULA VISTA TRACT NO. 09-03, OTAY RANCH MILLENIA (EASTERN URBAN CENTER)

Recommended Action: Council adopt the resolution.

6. [17-0494](#) RESOLUTION 2017-243 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE CITY OF CHULA VISTA CAFETERIA BENEFITS PLAN FOR 2018

Recommended Action: Council adopt the resolution.

7. [17-0518](#) RESOLUTION 2017-244 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE PURCHASE OF VARIOUS NETWORKING HARDWARE AND SOFTWARE EQUIPMENT FROM NIC PARTNERS UTILIZING NASPO VALUEPOINT CONTRACT AR-233 (14-19) PA# 7-14-70-04; AND APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH NIC PARTNERS UTILIZING CALIFORNIA MULTIPLE AWARD SCHEDULE (CMAS) CONTRACT # 3-10-70-2473L FOR PROFESSIONAL SERVICES

Recommended Action: Council adopt the resolution.

8. [17-0522](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTION 2.04.020 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO THE TIME AND PLACE OF COUNCIL MEETINGS (FIRST READING)

Recommended Action: Council place the ordinance on first reading.

Item 9 was removed from the Consent Calendar.

10. [17-0534](#) RESOLUTION 2017-246 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING \$33,000 IN UNANTICIPATED GRANT REVENUE TO THE SUPPLIES AND SERVICES CATEGORY OF THE ANIMAL CARE FACILITY'S "OTHER GRANT FUND" BUDGET (4/5 VOTE REQUIRED)
- Recommended Action: Council adopt the resolution.**
11. [17-0538](#) RESOLUTION 2017-247 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE FEDERAL AVIATION AUTHORITY, A PARTNERSHIP AGREEMENT WITH THE CITY OF SAN DIEGO AND AGREEMENTS WITH INDUSTRY PARTNERS IN SUPPORT OF THE REGIONAL APPLICATION, BY THE CITY OF SAN DIEGO, TO THE FEDERAL AVIATION AUTHORITY'S UNMANNED AERIAL SYSTEMS INTEGRATION PILOT PROGRAM
- Recommended Action: Council adopt the resolution.**
12. [17-0476](#) RESOLUTION 2017-248 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE PURCHASE OF A 0.20 ACRE PROPERTY LOCATED AT 1095 ALPINE AVENUE FOR PUBLIC PURPOSES INCLUDING THE POTENTIAL CONSTRUCTION OF A NEW FIRE STATION TO REPLACE EXISTING STATION 9 AND APPROPRIATING FUNDS FROM THE GENERAL FUND RESERVE THEREFOR (4/5 VOTE REQUIRED)
- Recommended Action: Council adopt the resolution.**
13. [17-0402](#) RESOLUTION 2017-249 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 17-I (WESTERN CHULA VISTA DIF FINANCING PROGRAM), DECLARING THE RESULTS OF A SPECIAL ELECTION IN THAT TERRITORY DESIGNATED AS COMMUNITY FACILITIES DISTRICT NO. 17-I (WESTERN CHULA VISTA DIF FINANCING PROGRAM), ANNEXATION NO. 2017-01 (URBANA), AND ADDING SUCH TERRITORY TO THE DISTRICT
- Recommended Action: Council adopt the resolution.**

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

4. [17-0506](#) REPORT REGARDING DEVELOPMENT IMPACT FEES, THE PARKLAND ACQUISITION AND DEVELOPMENT FEE, AND TRUNK SEWER CAPITAL RESERVE FUNDS FOR THE FISCAL YEAR ENDED JUNE 30, 2017

A. RESOLUTION 2017-239 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING REQUISITE FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 66001(d) FOR DEVELOPMENT PROJECT FEES COLLECTED AND REMAINING UNEXPENDED FOR FIVE OR MORE YEARS (POGGI CANYON SEWER DEVELOPMENT IMPACT FEE, OTAY RANCH VILLAGES 1, 2, 5, & 6 PEDESTRIAN BRIDGE DEVELOPMENT IMPACT FEE, AND OTAY RANCH VILLAGE 11 PEDESTRIAN BRIDGE DEVELOPMENT IMPACT FEE)

B. RESOLUTION 2017-240 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING REQUISITE FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 66001(d) FOR DEVELOPMENT PROJECT FEES COLLECTED AND REMAINING UNEXPENDED FOR FIVE OR MORE YEARS (EASTERN TRANSPORTATION DEVELOPMENT IMPACT FEE)

C. RESOLUTION 2017-241 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING REQUISITE FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 66001(d) FOR DEVELOPMENT PROJECT FEES COLLECTED AND REMAINING UNEXPENDED FOR FIVE OR MORE YEARS (TELEGRAPH CANYON DRAINAGE DEVELOPMENT IMPACT FEE)

ACTION: A motion was made by Deputy Mayor McCann, seconded by Mayor Casillas Salas, to adopt Resolution No. 2017-239 (Item 4A), heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

Sr. Assistant City Attorney Miesfeld stated that Mayor Casillas Salas, Deputy Mayor McCann, Councilmembers Aguilar, and Padilla each had a potential property-related conflict of interest on Item 4B and that two councilmembers would be selected by random lot to participate in voting on the item.

Deputy Mayor McCann and Councilmember Padilla were selected by random lot by Records Manager Turner to participate in voting on Item 4B.

Councilmember Aguilar and Mayor Casillas Salas left the dais during the voting on Item 4B.

ACTION: A motion was made by Councilmember Padilla, seconded by Councilmember Diaz, to adopt Resolution No. 2017-240 (Item 4B) heading read, text waived. The motion carried by the following vote:

Yes: 3 - Diaz, McCann and Padilla

No: 0

Abstain: 2 - Aguilar and Casillas Salas

Mayor Casillas Salas, Deputy Mayor McCann, and Councilmember Aguilar each had a potential property-related conflict of interest on Item 4C. Deputy Mayor McCann was selected by random lot by Records Manager Turner to participate in voting on Item 4C.

Councilmember Aguilar and Mayor Casillas Salas left the dais during the voting on Item 4C.

ACTION: A motion was made by Councilmember Padilla, seconded by Councilmember Diaz, to adopt Resolution No. 2017-241 (Item 4C) heading read, text waived. The motion carried by the following vote:

Yes: 3 - Diaz, McCann and Padilla

No: 0

Abstain: 2 - Aguilar and Casillas Salas

9. [17-0531](#) RESOLUTION 2017-245 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE CITY-INITIATED TOW AND STORAGE RATE SCHEDULE AND THE TOW LICENSE FEE

ACTION: A motion was made by Deputy Mayor McCann, seconded by Mayor Salas, to adopt Resolution No. 2017-245 heading read, text waived. The motion carried by the following vote:

Yes: 4 - Aguilar, McCann, Padilla and Casillas Salas

No: 1 - Diaz

Abstain: 0

PUBLIC COMMENTS

Kathleen Lippitt, Chula Vista resident, spoke in opposition to legalizing retail marijuana sales and distributed written communication to the council.

PUBLIC HEARINGS

14. [17-0510](#) PRESENTATION AND CONSIDERATION OF ACCEPTANCE OF THE 2016/2017 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) AND SOLICITATION OF INPUT ON FUNDING PRIORITIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT (ESG) FOR THE 2018/2019 PROGRAM YEAR

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.

Senior Management Analyst Davis gave a presentation on the item.

Mayor Casillas Salas opened the public hearing.

There being no members of the public who wished to speak, Mayor Casillas Salas closed the public hearing.

ACTION: A motion was made by Councilmember Padilla, seconded by Deputy Mayor McCann, to accept the year-end report, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

ACTION ITEMS

15. [17-0521](#) PRESENTATION OF CITY OF CHULA VISTA PUBLIC SAFETY STAFFING STRATEGIES REPORT INCLUDING REVENUE OPTIONS AND PUBLIC OPINION SURVEY RESULTS

Deputy Fire Chief Muns, Police Captain Reber, and Finance Director Bilby gave a presentation on the item.

Marketing and Communications Manager Steinberger introduced Dr. Tim McLarney of True North Research, who gave a presentation on the research and feasibility study.

Darrell Roberts, representing Chula Vista International Association of Firefighters (IAFF) Local 2180, thanked staff and the Public Safety Committee for their work on the study.

Lynnette Tessitore, representing Chula Vista Mid-Managers/Professionals, thanked staff for their work, and spoke in support of developing long-term solutions that would not affect the general fund operations.

Manolo Guillen, Chula Vista resident and member of the Public Safety Advisory Committee, expressed support for public safety.

Norma Cazares, Chula Vista resident, expressed support for public safety and a potential sales tax and other funding measures.

Frank Rivera, representing Chula Vista Mid-Managers/Professionals, spoke in support of staff continuing to work with the Public Safety Advisory Committee on strategies.

Laura Terry-Glimme, Chula Vista resident, thanked the first responders and spoke in support of public safety funding.

David Oyos, representing Chula Vista Police Officers Association (POA), spoke in support of public safety funding.

Mayor Casillas Salas spoke in support of staff investigating the feasibility of a potential tax measure passing in the June election, and pursuing a tax measure, if feasible.

Councilmember Diaz spoke in support of Mayor Casillas Salas's comments. He expressed support for proactive policing and additional funding needed for the program, as well as for economic development.

Councilmember Padilla spoke in support of accepting the report, moving forward with a sales tax measure in June, if feasible, and continuing to consider other funding options.

Councilmember Aguilar spoke in support of Mayor Casillas Salas's comments and expressed concern about a sales tax measure on the June ballot if there would also be a cannabis measure. She spoke in support of looking at other options as well and considering the establishment of a community facilities district (CFD).

Deputy Mayor McCann thanked the Public Safety Committee, staff, and public speakers. He spoke in opposition to parcel taxes, but support of a long-term plan and keeping public safety a priority.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember Diaz, to direct staff to provide the Council with additional information that would allow the council to decide whether to include a half-cent sales tax measure on the ballot, either in June or November, depending on the best probability for the measure to pass; and to keep separate and apart discussion of other revenue options.

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

No: 0

Abstain: 0

16. [17-0539](#) RESOLUTION NO. 2018-018 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN EXCLUSIVE NEGOTIATING AGREEMENT WITH THE UNIVERSITY OF SAINT KATHERINE, A PRIVATE NON-PROFIT UNIVERSITY, FOR A PROPOSED UNIVERSITY DEVELOPMENT

This item was continued to the meeting of January 23, 2018.

CITY MANAGER'S REPORTS

City Manager Halbert congratulated the Housing team for receiving the High-Performing Team award from HUD. He wished happy holidays to all.

MAYOR'S REPORTS

17. [17-0530](#) APPOINTMENT OF DEPUTY MAYOR

ACTION: A motion was made by Mayor Casillas Salas, seconded by Deputy Mayor McCann, to appoint Councilmember Diaz to serve as Deputy Mayor. The motion carried by the following vote:

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

No: 0

Abstain: 0

18. [17-0527](#) APPOINTMENT OF CITY COUNCILMEMBERS TO OUTSIDE AGENCIES:

- Chula Vista Veterans Home Support Foundation - Member
- Chula Vista Veterans Home Support Foundation - Alternate
- Interagency Water Task Force - Two (2) Members
- International Council for Local Environmental Initiatives

(ICLEI) - Environmental Lead

- International Council for Local Environmental Initiatives (ICLEI) - Alternate
- League of California Cities, San Diego Division - Member
- League of California Cities, San Diego Division - Alternate
- Metropolitan Transit System Board of Directors (MTS) - 1st Member (Mayor)
- Metropolitan Transit System Board of Directors (MTS) - 2nd Member (City Council Member)
- Metropolitan Transit System Board of Directors (MTS) - Alternate
- Metropolitan Wastewater Commission (Metro) - Member
- Metropolitan Wastewater Commission (Metro) - Alternate
- Otay Valley Regional Park (OVRP) Policy Committee - Member
- Otay Valley Regional Park (OVRP) Policy Committee - Alternate
- Otay Ranch Preserve Owner Manager (POM) Policy Committee - Member
- Otay Ranch Preserve Owner Manager (POM) Policy Committee - Alternate
- San Diego Association of Governments (SANDAG) Board of Directors - Member
- San Diego Association of Governments (SANDAG) Board of Directors - 1st Alternate
- San Diego Association of Governments (SANDAG) Board of Directors - 2nd Alternate
- San Diego Association of Governments (SANDAG) Bayshore Bikeway Committee
- South County Economic Development Council (EDC) - Member
- South County Economic Development Council (EDC) - Alternate
- University Project Task Force with Southwestern College - Two (2) Members

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember Padilla, to re-appoint members to the same seats and maintain the 2017 assignments; except that Deputy Mayor Diaz would be appointed to the newly created 2nd member seat on the MTS Board and Councilmember Aguilar would be the alternate on the MTS Board. The motion carried by the following vote:

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

No: 0

Abstain: 0

- 19. [17-0552](#) CONSIDERATION OF CITY ENDORSEMENT OF THE TEDX CHULA VISTA EVENT SCHEDULED FOR MAY 19, 2018, WHICH WILL BE A LOCALLY ORGANIZED PRESENTATION DESIGNED TO SHARE IDEAS AND ENCOURAGE COMMUNITY CONVERSATION. THIS EVENT IS BEING COORDINATED BY CHULA VISTA ELEMENTARY SCHOOL DISTRICT REPRESENTATIVES IN COLLABORATION WITH SOUTHWESTERN COMMUNITY COLLEGE DISTRICT, CITY OF CHULA VISTA, AND OTHER LOCAL AND REGIONAL AGENCIES, AND IS EXPECTED TO BRING LOCAL, REGIONAL, STATE, NATIONAL, AND INTERNATIONAL RECOGNITION FOR THE CITY OF CHULA VISTA

ACTION: A motion was made by Deputy Mayor McCann, seconded by Councilmember Padilla, to approve the item, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

Mayor Casillas Salas congratulated the Chula Vista Police Foundation for their successful turkey giveaway event; and she wished happy holidays to all.

COUNCILMEMBERS' COMMENTS

Councilmembers expressed holiday greetings.

CITY ATTORNEY'S REPORTS

Sr. Assistant City Attorney Miesfeld announced that Closed Session Item 20 would not be heard.

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.

- 20. [17-0553](#) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):

One (1) Case.

This item was not discussed.

ADJOURNMENT

At 7:42 p.m., Mayor Casillas Salas adjourned the meeting to the next regular City Council meeting on January 9, 2018, at 5:00 p.m, in the Council Chambers.

Kerry K. Bigelow, MMC, City Clerk