

City of Chula Vista

Meeting Minutes - Final

Tuesday, June 18, 2019

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 Diaz, Councilmember Galvez, Councilmember McCann, Deputy Mayor Padilla and Mayor Casillas Salas

Also Present: City Manager Halbert, City Attorney Googins, City Clerk Bigelow, and Deputy City Clerk Turner

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Councilmember Diaz led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [19-0313](#) PRESENTATION OF QUARTERLY EMPLOYEE RECOGNITION RECIPIENTS

Human Resources Director Chase recognized recipients of quarterly recognition awards.

- B. [19-0282](#) PRESENTATION BY DEL MAR FAIRGROUND MARKETING CONSULTANT AMY LAUFENBERG REGARDING THE 2019 SAN DIEGO COUNTY FAIR

Item B was not heard.

CONSENT CALENDAR (Items 1 - 8)

City Attorney Googins announced that a revised Attachment 1 for Item 4 had been distributed to the Council and that action on the item would be with respect to the revised document.

Mayor Casillas Salas stated she would abstain from voting on Item 5 due to a potential property-related conflict of interest.

Items 3 and 7 were removed from the Consent Calendar by a member of the public and Councilmember Diaz, respectively.

1. [19-0336](#) APPROVAL OF MINUTES of January 22, 2019.

Recommended Action: Council approve the minutes.

2. [19-0331](#) RESOLUTION NO. 2019-113 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING CONTRACTS WITH KARPEL SOLUTIONS FOR SOFTWARE, SUBSCRIPTION, AND LICENSING SERVICES

Recommended Action: Council adopt the resolution.

Item 3 was removed from the Consent Calendar.

4. [19-0279](#) RESOLUTION NO. 2019-115 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING CONTINUATION OF THE ELECTRICITY COMMODITY PURCHASES FROM SHELL ENERGY AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONJUNCTION WITH UPDATING THE PURCHASE RATES
(This item was continued from 5/21/2019.)

Recommended Action: Council adopt the resolution.

5. [19-0167](#) RESOLUTION NO. 2019-116 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS; AWARDED THE CONTRACT FOR THE "THIRD AVENUE STREETScape IMPROVEMENT PROJECT PHASE III (STL0406)" PROJECT TO TRI-GROUP CONSTRUCTION AND DEVELOPMENT, INC., IN THE AMOUNT OF \$3,127,680; TRANSFERRING \$110,000 IN TRANSNET APPROPRIATIONS FROM STM0398 TO STL0406; AND APPROPRIATING \$2,500,000 IN TRANSNET SMART GROWTH INCENTIVE PROGRAM (SGIP) GRANT FUNDS (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

6. [19-0315](#) RESOLUTION NO. 2019-117 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA TRANSFERRING UNCLAIMED MONIES IN THE AMOUNT OF \$149 FROM THE CASH BOND DEPOSIT FUND TO THE GENERAL FUND

Recommended Action: Council adopt the resolution.

Item 7 was removed from the Consent Calendar.

8. [19-0222](#) A. RESOLUTION NO. 2019-119 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDED A LANDSCAPE MAINTENANCE CONTRACT BETWEEN THE CITY AND AZTEC LANDSCAPING, INC. FOR OPEN SPACE LANDSCAPE MAINTENANCE SERVICES IN BID GROUPS 1 (\$844,584), 2 (\$220,956), 3 (\$474,288), 5 (\$604,596), 6 (\$1,219,728), 7 (\$434,724), AND 10 (\$428,244) IN THE TOTAL AMOUNT OF \$4,227,120

B. RESOLUTION NO. 2019-120 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING A LANDSCAPE MAINTENANCE CONTRACT BETWEEN THE CITY AND BRIGHTVIEW LANDSCAPE SERVICES FOR OPEN SPACE LANDSCAPE MAINTENANCE SERVICES IN BID GROUPS 4 (\$593,530), 8 (\$532,231), AND 11 (\$648,652) IN THE TOTAL AMOUNT OF \$1,774,413

C. RESOLUTION NO. 2019-121 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING A LANDSCAPE MAINTENANCE CONTRACT BETWEEN THE CITY AND GEOCAL ENVIRONMENTAL MANAGEMENT & LANDSCAPING FOR OPEN SPACE LANDSCAPE MAINTENANCE SERVICES IN BID GROUP 9 (OPEN SPACE DISTRICTS 5, 6, 9, 10, AND 11) IN THE AMOUNT OF \$169,861

Recommended Action: Council adopt the resolutions.

Approval of the Consent Calendar

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

Items 1, 2, 4 through 6, and 8

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

No: 0

Abstain: 0

ACTION: Item 5

Yes: 4 - Diaz, Galvez, McCann and Padilla

No: 0

Abstain: 1 - Casillas Salas

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. [19-0308](#) RESOLUTION NO. 2019-114 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE MASTER PLAN FOR A FENCED, OFF-LEASH DOG PARK AT ROHR PARK

Pam Keel, Chula Vista resident, spoke in opposition to staff's recommendation.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember McCann, to adopt Resolution No. 2019-114, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

7. [19-0327](#) RESOLUTION NO. 2019-118 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AMENDED PUBLIC SAFETY EXPENDITURE PLAN

Fire Chief Geering responded to questions from the Council.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember McCann, to adopt Resolution No. 2019-118, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

PUBLIC COMMENTS

John Acosta, Chula Vista resident, expressed concern regarding activities in District 2 and the lack of a Council aide for the district.

Angelique Williams, Chula Vista resident, commended Officer Salazar and the Chula Vista Police Department for the response to a recent incident.

Patricia Aguilar, Chula Vista resident, expressed concern regarding Salt Creek Golf Course and recommended City initiate a land use change and rezoning process for the golf course.

Pam Keel, Chula Vista resident, expressed concern regarding the Bonita Glen development.

PUBLIC HEARINGS

Item 10 was taken out of order and heard following Public Comments. Item 9 was heard following Item 10.

10. [19-0293](#) A. RESOLUTION NO. 2019-122 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CONSIDERING THE THIRD ADDENDUM (IS-17-0005) TO FEIR 02-04; APPROVING AN AMENDMENT TO THE OTAY RANCH GENERAL DEVELOPMENT PLAN TO REFLECT LAND USE CHANGES FOR APPROXIMATELY 36 ACRES WITHIN THE OTAY RANCH FREEWAY COMMERCIAL PLANNING AREA 12 PLANNED COMMUNITY, INCLUDING ASSOCIATED TEXT, MAPS AND TABLES
- B. RESOLUTION NO. 2019-123 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO THE OTAY RANCH FREEWAY COMMERCIAL SECTIONAL PLANNING AREA (SPA) PLAN, DESIGN PLAN, AND ASSOCIATED REGULATORY DOCUMENTS; AND APPROVING AN AMENDMENT TO THE OTAY RANCH FREEWAY COMMERCIAL NORTH MASTER PRECISE PLAN
- C. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO OTAY RANCH FREEWAY COMMERCIAL SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY DISTRICT REGULATIONS FOR THE NORTHERLY FC-2 PORTION

(FIRST READING)

D. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING A DEVELOPMENT AGREEMENT AMENDMENT BETWEEN THE CITY OF CHULA VISTA, VILLAGE II TOWN CENTER, LLC AND SUNRANCH CAPITAL PARTNERS, LLC FOR THE FREEWAY COMMERCIAL NORTH PORTION OF OTAY RANCH PLANNING AREA 12 (FIRST READING)

E. RESOLUTION NO. 2019-124 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A FIRST AMENDMENT TO THE AGREEMENT FOR THE PROVISION OF COMMUNITY PURPOSE FACILITY ACREAGE FOR OTAY RANCH VILLAGE TWO BETWEEN THE CITY OF CHULA VISTA AND OTAY PROJECT, L.P

F. RESOLUTION NO. 2019-125 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING TENTATIVE SUBDIVISION MAP CVT 19 -0001 FOR OTAY RANCH PLANNING AREA 12 FREEWAY COMMERCIAL NORTH

G. RESOLUTION NO. 2019-126 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A DESIGN REVIEW PERMIT DR17-0037 TO CONSTRUCT A MIXED-USE PROJECT CONSISTING OF A 578-UNIT APARTMENT COMPLEX, 15,000 SQUARE FEET OF RETAIL USE, TWO INTEGRATED PARKING STRUCTURES ON TWO LOTS CONSISTING OF 10.4 ACRES LOCATED IN THE OTAY RANCH FREEWAY COMMERCIAL NORTH, NEIGHBORHOOD PA-12

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 proceedings and recommended the Council disclose all ex parte communications regarding the item. Councilmembers reported the following ex parte communications:

- Mayor Casillas Salas stated she met with Nick Lee and Maria Miller of Baldwin & Sons to discuss the project. She also received emails about the item, including messages from Kathleen Reed and an email in opposition to the project from Benjamin Dejo.

- Councilmember McCann stated he had several conversations with Nick Lee and spoke with Kathleen Reed. He stated he received multiple emails in favor and opposed to the project.

- Deputy Mayor Padilla and Councilmember Diaz stated they received emails in favor and opposed to the project.

- Councilmember Galvez reported having met with Nick Lee and Maria Miller of Baldwin and Sons to discuss the project, and she received a flash drive with the amendment to the project. She stated she received written communications from the following: Richard Schulman of Hecht Solberg, representing Silvergate; SRA, in response to Francis Offermann; YMCA and Monica Montano in support of the project;

and Kathleen Reed, Benjamin Dejo, Theresa Acerro, Peter Watry, Francis Offermann and Doug Chermak in opposition to the project. She met and corresponded via email with Barney and Kathleen Reed, who were opposed to the project. Councilmember Galvez stated she had conversations with Peter Watry and Sharon Floyd.

Senior Planner Donn gave a presentation on the item.

Staff answered questions of the Council.

Mayor Casillas Salas opened the public hearing.

Nick Lee and Maria Miller, representing Baldwin and Sons, gave a presentation on the item.

Patricia Aguilar, Chula Vista resident, spoke regarding pedestrians in the area of the project and in support of continued consideration of pedestrian safety.

The following members of the public spoke in support of staff's recommendation on the item:

- Chris Redo, Chula Vista resident
- Sarah Cantu, Chula Vista small business owner
- Zaneta Encarnacion, Chula Vista resident
- Lisa Cohen, representing the Chamber of Commerce
- Carmen Richardson, Chula Vista resident
- Colin Parent, representing Circulate San Diego
- Rick Richardson, Chula Vista resident

The following members of the public spoke in opposition to staff's recommendation on the item:

- Douglas Chermak, representing Supporters Alliance for Environmental Responsibility
- Joanne Springer, Chula Vista resident
- Kathleen Reed, Chula Vista resident
- Theresa Acerro, Chula Vista resident, who also spoke on behalf of Joanna Ward

Pam Keel submitted written documentation in opposition to the project and was not present when called to speak.

Richard Schulman, representing the applicant, provided a rebuttal argument.

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

Principal Planner Power and Senior Planner Donn provided information in response to comments made by speakers and staff responded to questions of the Council.

Council discussion ensued.

ACTION: A motion was made by Deputy Mayor Padilla, seconded by Councilmember McCann, to adopt Resolution Nos. 2019-122 through 2019-126, and place the ordinances (Items 10C and 10D) on first reading, headings read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

9. [19-0283](#) RESOLUTION NO. 2019-127 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CONSIDERING A LAND USE AMENDMENT AND REZONING INITIATION REQUEST (IR19-0026), AND PROVIDING INPUT TO STAFF REGARDING PROCESSING A GENERAL PLAN AMENDMENT AND REZONE FOR APPROXIMATELY 50-ACRES LOCATED WEST OF I-5 AND EAST AND SOUTH OF THE MAIN OFFICE AND DISTRIBUTION BUILDINGS ON THE COLLINS AEROSPACE/UNITED TECHNOLOGY COMPANY CAMPUS

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 Manager Halbert introduced the item and announced that a revised resolution had been distributed to the Council.

Economic Development Director Crockett and Associate Planner Phelps gave a presentation on the item.

Mayor Casillas Salas opened the public hearing.

The following members of the public spoke in support of staff's recommendation of the item:

- Kyle Strong, representing Collins Aerospace and General Counsel for Rohr, Inc.
- Emil Wohl, representing Penwood Wohl Property Group
- Peter Watry, Chula Vista resident
- Patricia Aguilar, Chula Vista resident

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

Council discussion ensued.

ACTION: A motion was made by Councilmember Galvez, seconded by Councilmember McCann, to adopt Resolution No. 2019-127, as revised, and to authorize the City Attorney to make further revisions to the resolution to add reference to the Regional Technology Park in the whereas clause and to make other minor conforming changes necessary to bring the resolution into consistency with Council's intentions. The heading was read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

Mayor Casillas Salas recessed the meeting at 8:10 p.m. The Council reconvened at 8:15 p.m., with all members present.

ACTION ITEMS

11. [19-0303](#) RESOLUTION NO. 2019-128 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A REQUEST BY THE CITY'S FRANCHISED WASTE COLLECTION SERVICES PROVIDER, REPUBLIC SERVICES, TO INCREASE SERVICE FEES FOR SOLID WASTE AND RECYCLING SERVICES, BASED ON EXCEPTIONAL CIRCUMSTANCES

Environmental Services Manager Medrano gave a presentation on the item.

Michael Simonsen, Richard Brunson, and Marek Crabbs, representing Republic Services, gave a presentation on the item.

City and Republic Services staff answered questions of the Council.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember Galvez, to adopt Resolution No. 2019-128, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

12. [19-0276](#) RESOLUTION NO. 2019-129 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT BY AND BETWEEN THE CITY OF CHULA VISTA AND THE SAN DIEGO UNIFIED PORT DISTRICT FOR THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY; CONSENTING TO THE APPOINTMENT OF THE CITY ATTORNEY TO SERVE AS CO-COUNSEL TO SUCH AUTHORITY; AND APPOINTING A COUNCILMEMBER TO ITS GOVERNING BOARD

City Manager Halbert spoke regarding the item.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember McCann, to adopt Resolution No. 2019-129, and to consent to the appointment of the City Attorney as co-counsel and to appoint Deputy Mayor Padilla to serve on the governing board of the Chula Vista Bayfront Facilities Financing Authority. The heading was read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

CITY MANAGER'S REPORTS

There were none.

MAYOR'S REPORTS

Mayor Casillas Salas reported having participated in a military care package drive at Live Home San Diego. She expressed gratitude to Deputy Mayor Padilla for the invitation to Equality Awards gala. Mayor Casillas Salas announced that the Council Chambers would undergo upgrades and that the following two meetings would be held in the Civic Center Library Auditorium.

COUNCILMEMBERS' COMMENTS

Councilmember McCann expressed gratitude to the Council for approving the dog park at Rohr Park. He spoke regarding Flag Day and the proper disposal of flags, and extended Father's Day greetings.

Deputy Mayor Padilla extended Father's Day greetings.

Councilmember Diaz expressed his regret for his inability to attend a recent meeting at the Port District.

Councilmember Galvez reported on the following events: Jazz on Third fundraiser that benefitted Love Thy Neighbor, Dia De San Juan Salsa Festival, and end-of-year presentations by High Tech High School interns. She thanked current and former Councilmembers and staff for their work on the Bayfront project.

CITY ATTORNEY'S REPORTS

There were none.

CLOSED SESSION

City Attorney Googins announced that the Council would convene in closed session to discuss the items listed below.

Mayor Casillas Salas recessed the meeting at 8:52 p.m. The Council reconvened in Closed Session at 9:00 p.m., with all members present.

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.

13. [19-0322](#) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):
Three [3] Cases.

ACTION: No reportable action.

14. [19-0332](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING
LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9
(d)(1)

Name of case: City of Chula Vista v. Douglas E. Barnhart, Inc., et al., San Diego Superior Court, Case No. 37-2016-00045312-CU-CD-CTL

ACTION: No reportable action.

ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

Kerry K. Bigelow, MMC, City Clerk

Minutes prepared by: Tyshar L. Turner, Deputy City Clerk