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MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL AND A SPECIAL MEETING OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF CHULA VISTA

November 19, 2013

2:00 p.m.

A Regular Meeting of the City Council and Special Meeting of the Successor Agency to the Redevelopment Agency of the City of Chula Vista were called to order at 2:06 p.m. in the Community Room, located in the in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista.

ROLL CALL

PRESENT: Councilmembers Aguilar (arrived at 2:06 p.m.), Bensoussan (arrived at 3:11 p.m.), Ramirez and Salas, and Mayor Cox

ABSENT: None

ALSO PRESENT: Assistant City Manager Halbert, City Attorney Googins, City Clerk Norris, and Assistant City Clerk Bigelow

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Mayor Cox paid tribute to President John F. Kennedy and led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

▪ OATHS OF OFFICE

Board of Library Trustees:
William Canedo
Stephen Kalaluhi

Charter Review:
Mike Spethman

Safety Commission:
Ronald Hidinger

City Clerk Norris administered the Oath of Office to Commissioners Canedo, Kalaluhi, Spethman, and Hidinger, and Councilmember Ramirez presented them with certificates of appointment.

▪ INTRODUCTION BY MARIYA ANTON, ANIMAL CARE FACILITY ADMINISTRATOR, OF EMPLOYEE OF THE MONTH EILEEN HOWARD, ANIMAL CARE ASSISTANT

Animal Care Facility Administrator Anton introduced employee of the month, Animal Care Assistant Howard. Mayor Cox read the proclamation and Councilmember Aguilar presented it to Ms. Howard.

DRAFT

- RECOGNITION OF VETERANS ELEMENTARY SCHOOL FIFTH GRADERS MIKAELA GONZALEZ AND KATIE RUST, WINNERS OF THE LADIES AUXILIARY, MILITARY ORDER OF THE PURPLE HEART, UNIT 49 AND CHULA VISTA MARINE CORPS LEAGUE DETACHMENT 1207'S CHULA VISTA ELEMENTARY SCHOOL DISTRICT'S ANNUAL FIFTH GRADE ESSAY CONTEST: "WHY IT'S IMPORTANT TO THANK OUR VETERANS"

Miss Gonzales and Miss Rust read their award-winning essays titled "Why It's Important to Thank Our Veterans."

- PRESENTATION OF A PROCLAMATION TO CHULA VISTA POLICE DEPARTMENT AGENT MANNY MENDOZA COMMENDING HIM ON 24 YEARS OF SERVICE TO THE CITY OF CHULA VISTA

Police Chief Bejarano recognized Agent Mendoza for 24 years of service to the City of Chula Vista. Mayor Cox read the proclamation and Councilmember Salas presented it to Mr. Mendoza.

- PRESENTATION OF A PROCLAMATION TO STEVEN "SHAYON" THOMAS-WELCH IN RECOGNITION FOR HIS ACTS OF COURAGE FOLLOWING A TRAFFIC ACCIDENT

Deputy Fire Chief Davidson recognized Steven Thomas-Welch for his courage following a traffic accident. Mayor Cox read the proclamation and Councilmember Ramirez presented it to Mr. Thomas-Welch.

- UPDATE ON CITY NOW, THE CITY'S CONTINUOUS IMPROVEMENT PROGRAM

Administrative Services Manager Chew presented an update on City Now and provided examples of continuous improvement projects in the City, as well as efforts to train additional staff members. Accountant Apar presented a continuous improvement project completed in the Finance Department. Assistant to the City Manager Mills recognized current trainees and announced the recent production of City Now-branded shirts to further raise awareness of the program.

CONSENT CALENDAR (Items 1-15)

Item 4 was removed from the Consent Calendar at the request of Councilmember Ramirez.

1. APPROVAL OF MINUTES of October 15 and 16, 2013.

Staff recommendation: Council approve the minutes.

2. WRITTEN COMMUNICATIONS

- A. Letter of resignation from Pat Moriarty, Safety Commission.
- B. Letter of resignation from Russ Hall, Growth Management Oversight Commission.
- C. Resignation from Marshall "Dawes" Hamilt, Housing Advisory Commission.

Recommendation: Council accept the resignations.

DRAFT

3. ORDINANCE NO. 3278 OF THE CITY OF CHULA VISTA AMENDING AND RESTATING IN ITS ENTIRETY CHULA VISTA MUNICIPAL CODE CHAPTER 9.06, SECURITY ALARM SYSTEMS, WITH THE NEW TITLE “SECURITY ALARMS” (SECOND READING AND ADOPTION – This ordinance was introduced 5/28/13) (Police Chief)

Staff recommendation: Council adopt the ordinance.

4. Item removed from the Consent Calendar.

5. ORDINANCE NO. 3280 OF THE CITY OF CHULA VISTA AMENDING CITY OF CHULA VISTA ORDINANCE TO EXTEND THE TERM OF THE FEE DEFERRAL PROGRAM WHICH ALLOWS FOR CERTAIN DEVELOPMENT FEES TO BE PAID PRIOR TO BUILDING PERMIT FINAL INSPECTION INSTEAD OF AT BUILDING PERMIT ISSUANCE (SECOND READING AND ADOPTION) (Director of Development Services)

Staff recommendation: Council adopt the ordinance.

6. ORDINANCE NO. 3281 OF THE CITY OF CHULA VISTA AMENDING MUNICIPAL CODE SECTION 8.24.180 – PAYMENT OF SOLID WASTE COLLECTION CHARGES (SECOND READING AND ADOPTION) (Director of Public Works)

Staff recommendation: Council adopt the ordinance.

7. ORDINANCE NO. 3282 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 12.24.130 RELATING TO THE INSTALLATION OF PUBLIC IMPROVEMENTS – DEFERRAL OF REQUIREMENTS (SECOND READING AND ADOPTION) (Director of Public Works)

Staff recommendation: Council adopt the ordinance.

8. RESOLUTION NO. 2013-235 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA TO APPROPRIATE FIRE DEPARTMENT ALS START UP FUNDS AND TO TRANSFER FUNDS BETWEEN CATEGORIES WITHIN THE FIRE DEPARTMENT AND TO TRANSFER FUNDS BETWEEN CATEGORIES WITHIN THE ADVANCED LIFE SUPPORT FUND TO PROVIDE FOR PARAMEDIC TRAINING PROGRAM COSTS (4/5 VOTE REQUIRED) (Fire Chief)

Staff recommendation: Council adopt the resolution.

9. RESOLUTION NO. 2013-236 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$150,008 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND APPROPRIATING SAID FUNDS TO THE FEDERAL GRANTS FUND FOR THE STATE HOMELAND SECURITY PROGRAM (4/5 VOTE REQUIRED) (Police Chief)

Staff recommendation: Council adopt the resolution.

DRAFT

10. RESOLUTION NO. 2013-237 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ADDITION OF TWO COMMUNITY SERVICE OFFICERS TO THE AUTHORIZED POSITION COUNT FOR THE POLICE DEPARTMENT (Police Chief)

Staff recommendation: Council adopt the resolution.

11. RESOLUTION NO. 2013-238 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING A CONTRACT FOR THE “SEWER REHABILITATION PROGRAM, FISCAL YEAR 2011/2012 AT VARIOUS LOCATIONS IN THE CITY OF CHULA VISTA, CALIFORNIA (SW271)” PROJECT TO BLUE PACIFIC ENGINEERING & CONSTRUCTION OF SAN DIEGO, CALIFORNIA IN THE AMOUNT OF \$410,350, WAIVING CITY COUNCIL POLICY NO. 574-01 AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$60,000 (Director of Public Works)

Staff recommendation: Council adopt the resolution.

12. A. RESOLUTION NO. 2013-239 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AGREEMENT TO PROVIDE ASSET MANAGEMENT INVENTORY AND CONDITION ASSESSMENT CONSULTANT SERVICES BETWEEN THE CITY AND GHD INC. AND APPROPRIATING \$55,000 TO THE PUBLIC WORKS DEPARTMENT FUNDED BY SAN DIEGO SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE) FUNDS FOR STREET SIGN REFLECTIVITY MEASUREMENT SERVICES (4/5 VOTE REQUIRED) (Director of Public Works)
- B. RESOLUTION NO. 2013-240 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AGREEMENT TO PROVIDE ASSET MANAGEMENT INVENTORY AND CONDITION ASSESSMENT CONSULTANT SERVICES BETWEEN THE CITY AND WEST COAST ARBORISTS, INC. (Director of Public Works)

Staff recommendation: Council adopt the resolutions.

13. A. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.06 OF THE CHULA VISTA MUNICIPAL CODE, ADMINISTRATIVE PROVISIONS FOR THE TECHNICAL BUILDING CODES (FIRST READING) (Director of Development Services and Fire Chief)
- B. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.08 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA BUILDING CODE, 2013 EDITION (FIRST READING) (Director of Development Services and Fire Chief)

DRAFT

- C. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.09 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION (FIRST READING) (Director of Development Services and Fire Chief)
- D. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.10 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA REFERENCED STANDARDS CODE, 2013 EDITION (FIRST READING) (Director of Development Services and Fire Chief)
- E. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.12 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 EDITION (FIRST READING) (Director of Development Services and Fire Chief)
- F. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.16 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA MECHANICAL CODE, 2013 EDITION (FIRST READING) (Director of Development Services and Fire Chief)
- G. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.24 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA ELECTRICAL CODE, 2013 EDITION (FIRST READING) (Director of Development Services and Fire Chief)
- H. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.26 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA ENERGY CODE, 2013 EDITION (FIRST READING) (Director of Development Services and Fire Chief)
- I. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.28 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA PLUMBING CODE, 2013 EDITION (FIRST READING) (Director of Development Services and Fire Chief)
- J. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.36 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA FIRE CODE, 2013 EDITION (FIRST READING) (Director of Development Services and Fire Chief)

Staff recommendation: Council place the ordinances on first reading.

- 14. RESOLUTION NO. 2013-241 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR DESIGNATION OF A CHULA VISTA PROMISE ZONE FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND, IF SELECTED, TO AUTHORIZE THE DIRECTOR OF DEVELOPMENT SERVICES OR HIS DESIGNEE TO EXECUTE ANY NECESSARY OR REQUIRED DOCUMENTS TO SECURE SAID DESIGNATION (Director of Development Services)

Staff recommendation: Council adopt the resolution.

DRAFT

15. RESOLUTION NO. 2013-242 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A LEASE FOR ADDITIONAL SPACE FOR THE OTAY RANCH BRANCH LIBRARY LOCATED AT OTAY RANCH TOWN CENTER AND APPROPRIATING \$110,000 TO THE CALIFORNIA LIBRARY SERVICES ACT FUND (4/5 VOTE REQUIRED) (Director of Library)

Staff recommendation: Council adopt the resolution.

ACTION: Mayor Cox moved to approve staff's recommendations and offered Consent Calendar Items 1 through 3 and 5 through 15, headings read, text waived. Councilmember Ramirez seconded the motion, and it carried by the following vote:

Yes: 4 – Aguilar, Ramirez, Salas, and Cox
No: 0
Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

4. ORDINANCE NO. 3279 OF THE CITY OF CHULA VISTA AMENDING CERTAIN SECTIONS OF TITLE 19 (ZONING ORDINANCE) OF THE CHULA VISTA MUNICIPAL CODE ESTABLISHING REQUIREMENTS AND REGULATIONS FOR THE SITING OF ELECTRICAL GENERATING FACILITIES WITHIN THE CITY OF CHULA VISTA (SECOND READING AND ADOPTION) (Director of Development Services)

Staff recommendation: Council adopt the ordinance.

ACTION: Mayor Cox moved to adopt Ordinance No. 3279, heading read, text waived. Councilmember Salas seconded the motion, and it carried by the following vote:

Yes: 3 – Aguilar, Salas, and Cox
No: 1 – Ramirez
Abstain: 0

PUBLIC COMMENTS

Terri Wyatt, San Diego resident, introduced herself to the Council and stated she would be running for District Attorney in June 2014.

Jason Paguio, representing the Parade Band Foundation, thanked the City for its support of the recent parade at Otay Ranch Town Center.

Steve Padilla and John Moot, both representing Inland Berg LLC, spoke in support of the relocation of the South Bay power substation and asked the Council to support a petition to modify the project to support a complete undergrounding of the substation components.

PUBLIC HEARINGS

16. CONSIDERATION OF AMENDING A ZONING MAP TO REZONE TWO PARCELS TO A MIXED-USE ZONE AND APPROVING A TENTATIVE MAP AND DESIGN REVIEW PERMIT (Director of Development Services)

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 Project Coordinator Kluth presented information on the item and staff's recommendation.

Mayor Cox opened the public hearing.

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

- Mike Spethman, Chula Vista resident
- Daniel Rosenberg, representing Mountain West/Urbana
- Deacon Greg Smyth, representing the Third Avenue Village Association (TAVA)
- Kevin O'Neill, Chula Vista resident
- Luanne Hulsizer, representing the Third Avenue Village Association (TAVA)

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

- Julia Keys, Chula Vista resident
- Jerry Thomas, Chula Vista resident

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

ACTION: Deputy Mayor Bensoussan moved to place the following ordinance on first reading and adopt the following Resolution Nos. 2013-243 and 2013-244, headings read, text waived. Councilmember Salas seconded the motion, and it carried by the following vote:

Yes: 5 – Aguilar, Bensoussan, Ramirez, Salas, and Cox
No: 0
Abstain: 0

- A. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING THE ZONING MAP ESTABLISHED BY CHULA VISTA MUNICIPAL CODE SECTION 19.18.010 TO REZONE TWO (2) PARCELS, TOTALING 0.38 ACRES, LOCATED ON THE NORTH SIDE OF ALVARADO STREET, FROM A MULTI-FAMILY RESIDENTIAL ZONE (R-3) TO A MIXED-USE ZONE (UC-1) (FIRST READING)
- B. RESOLUTION NO. 2013-243 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A DESIGN REVIEW PERMIT SUBJECT TO THE CONDITIONS CONTAINED HEREIN FOR THE COLONY MIXED-USE PROJECT IN THE UC-1 ZONE OF THE URBAN CORE SPECIFIC PLAN AREA, CONSISTING OF 162 RESIDENTIAL UNITS AND 3,000 SQUARE- FEET OF COMMERCIAL SPACE ON APPROXIMATELY 2.61 ACRES LOCATED AT 435 THIRD AVENUE

DRAFT

- C. RESOLUTION NO. 2013-244 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A TENTATIVE MAP SUBJECT TO THE CONDITIONS CONTAINED HEREIN FOR THE COLONY MIXED-USE PROJECT IN THE UC-1 ZONE OF THE URBAN CORE SPECIFIC PLAN AREA, TO COMBINE MULTIPLE PARCELS INTO ONE FOR 162 CONDOMINIUM UNITS AND ONE COMMERCIAL UNIT ON APPROXIMATELY 2.61 ACRES LOCATED AT 435 THIRD AVENUE

ACTION ITEMS

17. CONSIDERATION OF AMENDING CHAPTER VI OF THE CITY OF CHULA VISTA MASTER FEE SCHEDULE (Police Chief)

Administrative Services Manager Chew and Captain Ficacci presented background and staff's recommendation on the item.

ACTION: Councilmember Aguilar moved to adopt the following Resolution No. 2013-245, heading read, text waived. Councilmember Ramirez seconded the motion, and it carried by the following vote:

Yes: 5 – Aguilar, Bensoussan, Ramirez, Salas, and Cox
No: 0
Abstain: 0

RESOLUTION NO. 2013-245 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER VI, GENERAL POLICE FEES, ALARMS, OF THE CITY OF CHULA VISTA MASTER FEE SCHEDULE

18. CONSIDERATION OF APPROVING THE IMPLEMENTATION PLAN FOR THE CHULA VISTA BUSINESS CLUSTER ANALYSIS (Director of Economic Development)

Director of Economic Development Meacham and Principal Economic Development Specialist Ruiz presented information on the Chula Vista business cluster analysis and staff's recommended implementation plan.

ACTION: Councilmember Ramirez moved to adopt the following Resolution No. 2013-246, heading read, text waived. Deputy Mayor Bensoussan seconded the motion, and it carried by the following vote:

Yes: 5 – Aguilar, Bensoussan, Ramirez, Salas, and Cox
No: 0
Abstain: 0

RESOLUTION NO. 2013-246 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE IMPLEMENTATION PLAN FOR THE CHULA VISTA BUSINESS CLUSTER ANALYSIS AND AN APPROPRIATION OF \$128,000 TO THE ADMINISTRATION DEPARTMENT (4/5 VOTE REQUIRED)

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Successor Agency to the Redevelopment Agency Item:

19. CONSIDERATION OF APPROVING A PURCHASE AND SALE AGREEMENT (Director of Development Services)

Assistant Director of Development Services Crockett distributed revised documents to the Council related to the item which included the addition of a grant deed with restrictive covenants and also extended the effective date to December 2, 2013 to allow adequate time to get the document signed.

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

- Phil Reyes, representing Land Developer Associates
- Lisa Cohen, representing the Chula Vista Chamber of Commerce

RESOLUTION NO. 2013-021 OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF CHULA VISTA APPROVING A PURCHASE AND SALE AGREEMENT WITH LAND DEVELOPMENT ASSOCIATES TO SELL ASSESSOR PARCEL NOS. 565-310-09 AND 565-310-25 FOR \$315,000 PLUS DUE DILIGENCE AND CLOSING COSTS

OTHER BUSINESS

20. CITY MANAGER'S REPORTS

Assistant City Manager Halbert provided an update regarding the South Bay power substation relocation and stated staff planned to provide a report on the subject at the Council meeting of December 17, 2013.

21. MAYOR'S REPORTS

Ratification of appointment of Gloria Ciriza to the Commission on Aging.

Mayor Cox moved approval of the appointment of Gloria Ciriza to the Commission on Aging, and the motion carried by the following vote:

Yes: 5 – Aguilar, Bensoussan, Ramirez, Salas, and Cox
No: 0
Abstain: 0

Mayor Cox reported on the San Diego Robotics Team and stated the team would participate in the Macy's Thanksgiving Day Parade.

22. COUNCILMEMBERS' COMMENTS

Councilmember Ramirez spoke in support of a discussion at the Council meeting of December 17, 2013 on the topic of undergrounding the South Bay substation lines. He also reported on his recent public office hours and presentations made to Castle Park High School students on the topic of See Click Fix.

DRAFT

Councilmember Aguilar stated she would be holding public office hours on November 21, 2013, on the topic of the proposed sewer rate increase and proposed change in the billing for sewer services. She also spoke in support of discussing the South Bay substation at an upcoming meeting.

Councilmember Salas spoke in support of providing an opportunity for the public to speak at an early point in the discussion regarding the South Bay substation at the meeting of December 17, 2013. She also paid tribute to Mike Sole of the Senior Volunteer Patrol.

Mayor Cox stated the meeting would be adjourned in memory of Megan Suzanne Thomas and Mike Sole of Chula Vista.

City Attorney Googins announced that the City Attorney's office would make a presentation and conduct a discussion on the topics of California open meeting laws (the Brown Act), and State and local ethics rules at the Council workshop of December 5, 2013.

CLOSED SESSION

Mayor Cox announced that the Council would convene in closed session to discuss Item 23 listed below. She stated Item 24 would not be discussed.

Mayor Cox recessed the meeting at 5:58 p.m. The Council reconvened in Closed Session at 6:07 p.m., with all members present.

23. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION Initiation of litigation pursuant to Government Code Section 54956.9(c)

Two Cases

There was no reportable action for Item 23.

24. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

Eric Harris v. City of Chula Vista, et al., United States District Court, Case No. 09-cv-2239-JAH(DHB)

Item 24 was not discussed.

ADJOURNMENT

At 6:20 p.m., Mayor Cox adjourned the meeting in memory of Megan Suzanne Thomas and Mike Sole of Chula Vista to the meeting to the next Regular City Council Workshop on December 5, 2013, at 4:00 p.m., in the Police Department Community Room.

Kerry K. Bigelow, Assistant City Clerk