

# City of Chula Vista

## Meeting Minutes - Final

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Tuesday, September 9, 2014

2:00 PM

Council Chambers  
276 4th Avenue, Building A  
Chula Vista, CA 91910

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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 2:04 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.*

#### ROLL CALL:

**Present:** Deputy Mayor Aguilar, Councilmember Bensoussan, Councilmember Ramirez, Councilmember Salas and Mayor Cox

*Councilmember Salas arrived at 2:06 p.m.*

*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

*EMS Coordinator Scott led the Pledge of Allegiance.*

#### SPECIAL ORDERS OF THE DAY

- A. [14-0506](#) OATHS OF OFFICE  
Julio Fuentes and Gabriel Gutierrez, Planning Commission

*City Clerk Norris administered the oath of office to Commissioner Fuentes, and Deputy Mayor Aguilar presented him with a certificate of appointment. Mr. Gutierrez was not present.*

- B. [14-0481](#) PRESENTATION OF A PROCLAMATION TO KRISTINE WUNDER,  
CHULA VISTA'S 2014-2015 VETERAN OF THE YEAR

*Item B was continued to a future meeting.*

- C. [14-0491](#) PRESENTATION OF A PROCLAMATION TO ALTRUSA  
INTERNATIONAL INC. COMMUNITY SERVICE COMMITTEE CHAIR  
GLENDA HOGG AND LONGTIME LITERACY VOLUNTEER TUTOR  
PAULA TSCHAUNER PROCLAIMING SEPTEMBER 2014 AS ADULT  
LITERACY AWARENESS MONTH IN CHULA VISTA

*Director of Library Waznis and Literacy Volunteer Paula Tschauner provided information regarding the literacy program. Mayor Cox read the proclamation and Councilmember Bensoussan presented it to Director of Library Waznis and Literacy program supporters. Jose Cruz, representing the San Diego Council on Literacy, congratulated the City and supporters on the literacy program.*

- D. [14-0513](#) PRESENTATION BY DEPUTY FIRE CHIEF JAMES GARCIA, OF EMPLOYEE OF THE MONTH CHRIS SCOTT, EMS COORDINATOR

*Acting Fire Chief Geering introduced employee of the month, EMS Coordinator Scott. Mayor Cox read the proclamation and Councilmember Ramirez presented it to Mr. Scott.*

- E. [14-0534](#) PRESENTATION OF TWO BEACON SPOTLIGHT AWARDS RECEIVED FROM THE LEAGUE OF CALIFORNIA CITIES

*Mayor Cox announced that two Beacon Spotlight Awards had been received: one for the City's energy savings in municipal buildings and one for the San Diego Association of Governments' (SANDAG) Energy Road Map.*

### CONSENT CALENDAR (Items 1 - 12)

*Item 8 was removed from the Consent Calendar at the request of Deputy Mayor Aguilar and Councilmember Ramirez.*

1. [14-0511](#) APPROVAL OF MINUTES of August 5, 12, and 14, 2014.  
**Recommended Action: Council approve the minutes.**
2. [14-0505](#) WRITTEN COMMUNICATIONS
  - A. Letter of resignation from Julio Fuentes, Safety Commission
  - B. Letter of resignation from Gabe Gutierrez, Safety Commission**Recommended Action: Council accept the resignations.**
3. [14-0389](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTIONS 1.04.010, 2.66.310 AND 2.66.330 DELEGATING AUTHORITY TO PARK RANGER TO ISSUE INFRACTION CITATIONS AND GENERAL UPDATES TO CHAPTER 2.66 (FIRST READING)  
**Recommended Action: Council place the ordinance on first reading.**
4. [14-0405](#) RESOLUTION NO. 2014-168 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING A DONATION FROM MACY'S "HEART YOUR PARK" PROGRAM IN THE AMOUNT OF \$250 FOR PARK IMPROVEMENTS AT MEMORIAL PARK AND \$300 FOR PARK IMPROVEMENTS AT WINDING WALK PARK AND AMENDING THE FISCAL YEAR 2014/2015 PARK MAINTENANCE BUDGET TO APPROPRIATE SAID DONATED FUNDS (4/5 VOTE REQUIRED)  
**Recommended Action: Council adopt the resolution.**

5. [14-0426](#) RESOLUTION NO. 2014-169 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A SECOND AMENDMENT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY AND INFRASTRUCTURE ENGINEERING CORPORATION (IEC) FOR TRAINING CITY STAFF ON REVISING AND EVALUATING THE HYDRAULIC MODEL USED IN THE WASTEWATER MASTER PLAN UPDATE

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

6. [14-0447](#) RESOLUTION NO. 2014-170 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND I LOVE A CLEAN SAN DIEGO FOR TWO ADDITIONAL YEARS WITH FOUR, ONE-YEAR OPTIONS

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

7. [14-0469](#) ORDINANCE OF THE CITY OF CHULA VISTA ESTABLISHING A 1-HOUR TIME LIMITED PARKING ZONE ALONG THE WEST SIDE OF SILVAS STREET IN FRONT OF 2620 MAIN STREET (FIRST READING)

**Recommended Action: Council place the ordinance on first reading.**

*Item 8 was removed from the Consent Calendar.*

9. [14-0492](#) RESOLUTION NO. 2014-172 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING COMMUNITY IDENTIFICATION CONTENT ON PALOMAR STREET BRIDGE OVER INTERSTATE 805 AND AMENDING THE MAINTENANCE AGREEMENT TO ENSURE CITY MAINTENANCE RESPONSIBILITY OF THE COMMUNITY IDENTIFICATION CONTENT

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

10. [14-0507](#) RESOLUTION NO. 2014-173 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE PARTICIPATION OF NATIONAL JOINT POWERS AUTHORITY BID NUMBER 102811 TO PURCHASE VEHICLES FROM NATIONAL AUTO FLEET GROUP

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

11. [14-0508](#) RESOLUTION NO. 2014-174 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING \$600,000 FROM AVAILABLE BALANCE OF THE TECHNOLOGY REPLACEMENT FUND FOR POLICE RADIOS (4/5 VOTE REQUIRED)

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

12. [14-0510](#) RESOLUTION NO. 2014-175 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2013/14 BUDGET TO ADJUST FOR VARIANCES AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

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

### Approval of the Consent Calendar

**ACTION:** A motion was made by Mayor Cox, 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, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

### ITEMS REMOVED FROM THE CONSENT CALENDAR

8. [14-0474](#) RESOLUTION NO. 2014-171 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FIRST AMENDMENT TO THE DESIGN BUILD AGREEMENT WITH WEBCOR BUILDERS AND TO INCORPORATE THE GUARANTEED MAXIMUM PRICE (GMP) FOR THE DESIGN AND CONSTRUCTION OF ORANGE PARK (CIP PR316) LOCATED ON FOURTH AVENUE IN WESTERN CHULA VISTA

*Councilmember Ramirez stated he would abstain from voting due to a potential property-related conflict of interest. He left the dais during discussion and voting on the item.*

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

*- Matt Johnson, representing Webcor Builders*

*- Jeff Justus, representing Schmidt Design Group, Inc.*

*Assistant Director of Public Works Quilantan and Building Project Manager Day presented additional information about the project.*

**ACTION:** A motion was made by Deputy Mayor Aguilar, seconded by Councilmember Salas, that Resolution No. 2014-171 be adopted, heading read, text waived. The motion carried by the following vote:

**Yes:** 4 - Aguilar, Bensoussan, Salas and Cox

**No:** 0

**Abstain:** 1 - Ramirez

### PUBLIC COMMENTS

*David Danciu, representing Crossroads II, announced an upcoming concert by the Opus Program on September 19, 2014. He also presented a donation to support the Starlight Parade on behalf of Crossroads II.*

*Kathleen Kohler, Chula Vista resident, expressed concern regarding issues related to barking dogs in her neighborhood.*

**PUBLIC HEARINGS**

- 13. [14-0460](#) CONSIDERATION OF THE FIRST AMENDMENT TO THE RESTATED AND AMENDED PRE-ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE OTAY LAND COMPANY, LLC AND THE CITY OF CHULA VISTA FOR PROPERTIES WITHIN THE OTAY RANCH PLANNED COMMUNITY

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING THE FIRST AMENDMENT TO THE RESTATED AND AMENDED PRE-ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE OTAY LAND COMPANY, LLC AND THE CITY OF CHULA VISTA FOR PROPERTIES WITHIN THE OTAY RANCH PLANNED COMMUNITY (FIRST READING)

*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.*

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

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

**Yes:** 5 - Aguilar, Bensoussan, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

- 14. [14-0494](#) CONSIDERATION OF A CITY-SPONSORED TECHNICAL CORRECTION AMENDMENT TO GENERAL PLAN ENVIRONMENTAL ELEMENT POLICY E6.4

RESOLUTION NO. 2014-176 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING A TECHNICAL CORRECTION AMENDMENT TO POLICY E6.4 OF THE CHULA VISTA GENERAL PLAN ENVIRONMENTAL ELEMENT

*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.*

*Planning Manager Batchelder spoke regarding the item.*

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

**ACTION:** A motion was made by Councilmember Ramirez, seconded by Councilmember Bensoussan, that Resolution No. 2014-176 be adopted, heading read, text waived. The motion carried by the following vote:

**Yes:** 5 - Aguilar, Bensoussan, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

- 15. [14-0479](#) CONSIDERATION OF ALL WRITTEN PROTESTS AGAINST THE PROPOSED RATE ADJUSTMENTS AND RATE ADJUSTMENT FORMULA FOR GENERAL SERVICE RATES FOR SOLID WASTE SERVICES AND THE MARKET ADJUSTMENT FORMULA FOR LARGE QUANTITY GENERATOR TRASH, RECYCLING AND GREEN WASTE RATES

RESOLUTION NO. 2014-177 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE RESULTS OF THE MAJORITY PUBLIC PROTEST PROCESS FOR SOLID WASTE GENERAL SERVICE RATES AND APPROVING THE SOLID WASTE SERVICE RATE ADJUSTMENTS FOR A FIVE YEAR PERIOD, BEGINNING IN 2014, PURSUANT TO THE APPROVED CONTRACT FORMULAS

*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.*

*Environmental Services Program Manager France presented information regarding the item.*

*Mayor Cox opened the public hearing.*

*David Danciu, Chula Vista resident, spoke in support of allowing protests to be submitted by email. He also expressed concern regarding the proposed rate increase.*

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

*City Clerk Norris reported that 26 written protests and one letter in support had been received.*

**ACTION: A motion was made by Councilmember Ramirez, seconded by Councilmember Bensoussan, that Resolution No. 2014-177 be adopted, heading read, text waived. The motion carried by the following vote:**

**Yes:** 5 - Aguilar, Bensoussan, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

### CITY MANAGER’S REPORTS

*Deputy City Manager Bacon spoke regarding the 2015 U.S. World Games Special Olympics and the possibility of Chula Vista participating as a host city.*

### MAYOR’S REPORTS

- 16. [14-0519](#) RATIFICATION OF APPOINTMENTS OF MARYANN HERNANDEZ TO THE BOARD OF LIBRARY TRUSTEES, AND CHERYL PEREZ AND KRISTINE WUNDER TO THE VETERANS ADVISORY COMMISSION

**ACTION: A motion was made by Mayor Cox, seconded by Councilmember Salas, to ratify the above appointments. The motion carried by the following vote:**

**Yes:** 5 - Aguilar, Bensoussan, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

**COUNCILMEMBERS' COMMENTS**

*Deputy Mayor Aguilar expressed gratitude to Crossroads II for its support of the Starlight Parade and announced that the parade would be held on December 6, 2014.*

*Councilmember Bensoussan thanked the Fire Department for its efforts in fundraising and raising awareness for breast cancer. She announced an immigration forum and health fair that would be held on September 20, 2014. She also announced South County Economic Development Council's annual economic summit, which would be held on October 10, 2014.*

*At the request of Councilmember Salas, there was consensus of the Council to add an item to the next Council agenda to allow her to present highlights from the Chula Vista Train Festival held on September 6, 2014.*

*Mayor Cox congratulated South Bay Community Services on the success of its recent fundraiser.*

*Mayor Cox paid tribute to Judge Manny Kugler and Sam Kusaka.*

**CLOSED SESSION**

17. [14-0512](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

City of El Centro, et al. v. David Lanier, et al., San Diego Superior Court, Case No. 37-2014-00003824-CU-WM-CTL.

*Item 17 was not heard.*

**ADJOURNMENT**

*At 3:36 p.m., Mayor Cox adjourned the meeting to a Special City Council Meeting on September 11, 2014, at 4:00 p.m. in the Executive Conference Room, and thence to the Regular City Council Meeting on September 23, 2014, at 2:00 p.m., in the Council Chambers.*

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Kerry K. Bigelow, Assistant City Clerk