

City of Chula Vista

Meeting Minutes - Final

Tuesday, November 19, 2019

5:00 PM

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

REGULAR MEETING OF THE CITY COUNCIL

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda items may be taken out of order during the meeting. The agenda items at this meeting were considered in the order presented.

CALL TO ORDER

A regular meeting of the City Council of the City of Chula Vista was called to order at 5:00 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 Assistant City Clerk Turner

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Councilmember Galvez led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [19-0520](#) PRESENTATION AND SPECIAL RECOGNITION OF EASTLAKE CHURCH FOR ITS "I HEART CHULA VISTA" COMMUNITY SERVICE WEEKEND IN THE CITY OF CHULA VISTA

Public Works Director Quinlantan gave a presentation on the item. She and Councilmember McCann recognized Eastlake Church. Pastor Freddy Vargas accepted the recognition on behalf of Eastlake Church.

- B. [19-0539](#) PRESENTATION OF A PROCLAMATION PROCLAIMING NOVEMBER 30, 2019 AS SMALL BUSINESS SATURDAY IN THE CITY OF CHULA VISTA

Mayor Casillas Salas read the proclamation. Deputy Mayor Padilla and Councilmember Diaz presented the proclamation to Luanne Hulsizer, representing the Third Ave Village Association, and Lisa Cohen, representing the Chula Vista Chamber of Commerce.

CONSENT CALENDAR (Items 1 - 3)

1. [19-0541](#)
 - A. ORDINANCE NO. 3467 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.08 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA BUILDING CODE, 2019 EDITION (SECOND READING AND ADOPTION)
 - B. ORDINANCE NO. 3468 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.09 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA RESIDENTIAL CODE, 2019 EDITION (SECOND READING AND ADOPTION)
 - C. ORDINANCE NO. 3469 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.10 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA REFERENCED STANDARDS CODE, 2019 EDITION (SECOND READING AND ADOPTION)
 - D. ORDINANCE NO. 3470 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.12 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2019 EDITION (SECOND READING AND ADOPTION)
 - E. ORDINANCE NO. 3471 OF THE CITY OF CHULA VISTA ADOPTING CHAPTER 15.14 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA EXISTING BUILDING CODE, 2019 EDITION (SECOND READING AND ADOPTION)
 - F. ORDINANCE NO. 3472 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.16 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA MECHANICAL CODE, 2019 EDITION (SECOND READING AND ADOPTION)
 - G. ORDINANCE NO. 3473 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.24 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA ELECTRICAL CODE, 2019 EDITION (SECOND READING AND ADOPTION)
 - H. ORDINANCE NO. 3474 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.26 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA ENERGY CODE, 2019 EDITION (SECOND READING AND ADOPTION)
 - I. ORDINANCE NO. 3475 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.28 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA PLUMBING CODE, 2019 EDITION (SECOND

 READING AND ADOPTION)

J. ORDINANCE NO. 3476 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.36 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA FIRE CODE, 2019 EDITION (SECOND READING AND ADOPTION)

2. [19-0458](#) RESOLUTION NO. 2019-210 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A FIRST AMENDMENT TO THE TREE MAINTENANCE SERVICES AGREEMENT BETWEEN THE CITY AND WEST COAST ARBORIST, INC FOR ADDITIONAL CITY-WIDE TREE MAINTENANCE SERVICES
3. [19-0507](#) RESOLUTION NO. 2019-211 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS, WAIVING BID IRREGULARITIES, AND AWARDING THE CONTRACT FOR THE COMBINED ADVERTISEMENT OF THE "RMRA MAJOR PAVEMENT REHABILITATION FISCAL YEAR 2018/19 (STM0396)" AND "ORANGE PARK PARKING LOT IMPROVEMENTS (PRK0335)" PROJECTS TO EAGLE PAVING COMPANY INC.

Approval of the Consent Calendar

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

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

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

The following individuals expressed concern regarding the traffic caused by the Soapy Joe's Car Wash in the area of Lynwood Dr. and Bonita Rd.:

-Mr. Shinn, Chula Vista resident

-Larry Williams, Chula Vista resident, submitted written documentation and he also spoke on behalf of Sue Williams and Steve Balboni

-Cliff Bell, Chula Vista resident

Steve Hicks, National City resident, spoke in opposition to the Drag Queen Story Time Program.

The following members of the public submitted written documentation in opposition to the Drag Queen Story Time program, but declined or were not present to speak:

-Tony Mendiola, San Diego resident

-Sheila Lujan, Chula Vista resident

-Irene Geyer, Chula Vista resident

-Trevor Averell

- Pat Bradley
- William Steffy, Chula Vista resident
- Eli Komai, San Diego resident
- Matt Hardy
- Hector Gastelum, Chula Vista resident

Sandy Soto, Chula Vista resident, submitted written documentation and declined to speak.

Becky Rapp expressed concern regarding youth use of marijuana and she spoke in support of enforcement of marijuana advertising regulations.

Adam Sparks, Chula Vista resident, spoke regarding street vendor compliance with health and safety laws.

PUBLIC HEARINGS

- 4. [19-0385](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING MUNICIPAL CODE CHAPTER 14.18, FLOODPLAIN REGULATIONS, TO INCORPORATE VARIOUS ADMINISTRATIVE REVISIONS NECESSARY FOR THE CITY TO REMAIN IN COMPLIANCE WITH THE CODE OF FEDERAL REGULATIONS AND REMAIN IN THE NATIONAL FLOOD INSURANCE PROGRAM (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 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 McCann, seconded by Deputy Mayor Padilla, to place the above ordinance on first reading, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

- 5. [19-0512](#) RESOLUTION NO. 2019-212 OF NECESSITY OF THE CITY OF CHULA VISTA TO ACQUIRE CERTAIN REAL PROPERTY OR INTEREST IN REAL PROPERTY BY EMINENT DOMAIN FOR E STREET EXTENSION AND TEMPORARY ACCESS FOR CONSTRUCTION OF ROAD AND WALL (4/5 VOTE REQUIRED)

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.

Real Property Manager Ryals gave a presentation on the item.

Mayor Casillas Salas opened the public hearing.

Dinah Willier, representing SDG&E, spoke in opposition to the terms presented and submitted a written statement for the record.

City Attorney Googins, Deputy City Attorney McDonnell, and Director of Economic Development Crockett clarified the findings and answered questions from the Council.

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

ACTION: A motion was made by Councilmember McCann, seconded by Deputy Mayor Padilla, to adopt Resolution No. 2019-212, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

6. [19-0440](#) CONSIDERATION OF DESIGNATING AND SETTING ASIDE CERTAIN CITY-OWNED REAL PROPERTY CURRENTLY KNOWN AS MOSS STREET, ALPINE AVENUE, AND NAPLES STREET FOR FIRE STATION PURPOSES
- A. RESOLUTION NO. 2019-213 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DESIGNATING AND SETTING ASIDE CERTAIN CITY-OWNED REAL PROPERTY CURRENTLY KNOWN AS MOSS STREET FOR FIRE STATION PURPOSES
- B. RESOLUTION NO. 2019-214 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DESIGNATING AND SETTING ASIDE CERTAIN CITY-OWNED REAL PROPERTY CURRENTLY KNOWN AS ALPINE AVENUE FOR FIRE STATION PURPOSES
- C. RESOLUTION NO. 2019-215 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DESIGNATING AND SETTING ASIDE CERTAIN CITY-OWNED REAL PROPERTY CURRENTLY KNOWN AS NAPLES STREET FOR FIRE STATION PURPOSES
- D. RESOLUTION NO. 2019-216 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING REAL PROPERTY AGREEMENTS WITH MR. ALDO MORENO, MR. PAUL ARREDONDO, AND SAN DIEGO COUNTRY CLUB, INC.
- E. RESOLUTION NO. 2019-217 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REMOVAL OF STOP CONTROL ON THE NAPLES STREET APPROACHES AT THE INTERSECTION OF NAPLES STREET AND FIRST AVENUE AND TO ACCORDINGLY AMEND SCHEDULE II OF THE REGISTER MAINTAINED IN THE OFFICE OF THE CITY ENGINEER

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.

Director of Engineering Valle, Senior Civil Engineer Salsman, Fire Chief Geering, Deputy Fire Chief Peter, Lead Architect Christy Hanson from JKA Architecture, and Senior Civil Engineer Oberbauer gave a presentation on the item.

Staff answered questions from the Council.

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.

Council discussion ensued.

ACTION: A motion was made by Councilmember Diaz, seconded by Councilmember Galvez, to adopt Resolution Nos. 2019-213 through 2019-217, headings read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

7. [19-0538](#) CONSOLIDATED PUBLIC HEARING TO CONSIDER FORMATION OF THE CHULA VISTA BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT AND TO INCUR A BONDED INDEBTEDNESS OF SUCH DISTRICT AND ASSOCIATED ACTIONS
- A. RESOLUTION NO. 2019-218 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDED AND RESTATED REVENUE SHARING AGREEMENT BY AND BETWEEN THE CITY OF CHULA VISTA AND THE SAN DIEGO UNIFIED PORT DISTRICT (CHULA VISTA BAYFRONT RESORT HOTEL AND CONVENTION CENTER AND RELATED PUBLIC INFRASTRUCTURE)
- B. RESOLUTION NO. 2019-219 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A JOINT COMMUNITY FACILITIES AGREEMENT BY AND BETWEEN THE CITY OF CHULA VISTA AND THE SAN DIEGO UNIFIED PORT DISTRICT (CHULA VISTA BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT)
- C. RESOLUTION NO. 2019-220 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA FORMING AND ESTABLISHING THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT AND AUTHORIZING SUBMITTAL OF THE LEVY OF SPECIAL TAX WITHIN THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT TO THE QUALIFIED ELECTORS OF SUCH DISTRICT

D. RESOLUTION NO. 2019-221 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, ACTING AS THE LEGISLATIVE BODY OF THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT, DEEMING IT NECESSARY TO INCUR A BONDED INDEBTEDNESS OF SUCH DISTRICT

E. RESOLUTION NO. 2019-222 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, ACTING AS THE LEGISLATIVE BODY OF THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT, CALLING A SPECIAL MAIL BALLOT ELECTION AND SUBMITTING TO THE QUALIFIED ELECTORS OF SUCH DISTRICT SEPARATE PROPOSITIONS TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN, TO AUTHORIZE SUCH DISTRICT TO INCUR A BONDED INDEBTEDNESS SECURED BY THE LEVY OF SPECIAL TAXES THEREIN AND TO ESTABLISH AN APPROPRIATIONS LIMIT FOR SUCH DISTRICT

Assistant Director of Development Services Allen gave a presentation on the item. She, Warren Diven, and Elizabeth Alonso, representing the Port of San Diego, responded to questions of the Council.

ACTION: A motion was made by Councilmember Galvez, seconded by Councilmember McCann, to adopt Resolution No. 2019-218 (Item 7A), heading read, text waived. The motion carried by the following vote:

- Yes:** 5 - Diaz, Galvez, McCann, Padilla and Casillas Salas
- No:** 0
- Abstain:** 0

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 Casillas Salas opened the public hearing.

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

City Clerk Bigelow announced that no protests had been received related to the item.

ACTION: A motion was made by Councilmember Galvez, seconded by Councilmember McCann, to adopt Resolution Nos. 2019-219 (Item 7B) through 2019-222 (Item 7E), headings read, text waived. The motion carried by the following vote:

- Yes:** 5 - Diaz, Galvez, McCann, Padilla and Casillas Salas
- No:** 0
- Abstain:** 0

ACTION ITEMS

8. [19-0502](#) PRESENTATION ON THE UTILITY UNDERGROUNDING PROGRAM

Director of Engineering Valle gave a presentation on the item and answered questions of the Council.

Councilmember Galvez spoke in support of prioritizing projects in District 2.

Mayor Casillas Salas suggested taking various factors into consideration when reprioritizing projects and offered a workshop to identify priorities.

City Manager Halbert stated that funds could only be used on eligible streets.

Deputy Mayor Padilla requested information on the types and capacities of certain lines and he also requested an update regarding working with developers to either leverage financing or apply financing derived from revenues associated with the Bayfront development.

Councilmember Diaz spoke in support of prioritizing undergrounding the poles on the west side of Chula Vista.

Council discussion ensued.

9. [19-0466](#) A. QUARTERLY FINANCIAL REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2019

B. RESOLUTION NO. 2019-223 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2019/20 BUDGET TO ADJUST FOR VARIANCES AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

C. RESOLUTION NO. 2019-224 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2019/20 CIP PROGRAM BUDGET BY ESTABLISHING A NEW CIP PROJECT, SWR0317 "BAYFRONT RV LLC SEWER IMPROVEMENTS"; AND APPROPRIATING \$390,000 FROM THE AVAILABLE BALANCE OF THE SEWER INCOME FUND TO SWR0317 THEREFOR (4/5 VOTE REQUIRED)

Finance Director Bilby and Budget & Analysis Manager Prendell gave a presentation on the item.

ACTION: A motion was made by Councilmember McCann, seconded by Deputy Mayor Padilla, to accept the report, and adopt Resolution Nos. 2019-223 and 2019-224, headings 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

Marketing & Communications Manger Steinberger reported that the City of Chula Vista is the first city in the State of California to be certified as a Welcoming City.

MAYOR'S REPORTS

Mayor Casillas Salas reported on hosting the MANA de San Diego event with National City Mayor Alejandra Sotelo-Solis, as well as representatives from Assemblywoman Lorena Gonzalez's Office and Congressman Juan Vargas' Office in the Council Chambers. She congratulated the new Citizens' Police Academy graduates and commended the Chula Vista Police Department.

COUNCILMEMBERS' COMMENTS

Councilmember McCann spoke regarding his tour of the new tower at Sharp Chula Vista with the Chula Vista Chamber of Commerce and thanked Sharp for investing in the community.

Deputy Mayor Padilla reported his attendance at the Chula Vista Veteran's Day Memorial Bowl and the opening of Sesame Place. He thanked the City of Chula Vista employees.

Councilmember Diaz spoke on the illegal cannabis businesses in Chula Vista.

Council discussion ensued.

Councilmember Galvez supported the permitted cannabis businesses using their legal recourse to address the illegal cannabis businesses.

At the request of Councilmember Diaz and Mayor Casillas Salas, there was consensus of the Council to direct staff to investigate adding staff to the City Attorney's Office and the Special Investigations Unit to address the illegal cannabis businesses.

Councilmember Galvez reported on her attendance at the Chula Vista's Library reveal of the Bayfront Harbor Park and Sweetwater Park and expressed her excitement. She congratulated the Welcoming Cities subcommittee on their acknowledgement. She also spoke on the upcoming ribbon cutting at the San Ysidro Port of Entry and wished everyone a Happy Thanksgiving.

CITY ATTORNEY'S REPORTS

City Attorney Googins informed the Council of the upcoming Measure A meeting at which there would be a proposal for funding of the Paralegal and Investigator positions identified for the Neighborhood Protection Unit to assist in prosecuting the illegal cannabis businesses.

10. [19-0517](#) REPORT ON STATE LAW SB 922 (SUPPORTING PROJECT LABOR AGREEMENTS) AND CHULA VISTA MUNICIPAL CODE CHAPTER 2.59, "FAIR AND OPEN COMPETITION IN CONTRACTING" PROHIBITING PROJECT LABOR AGREEMENTS, AND POSSIBLE BALLOT INITIATIVE OPTIONS TO ADDRESS LEGAL INCONSISTENCIES BETWEEN THE TWO

City Attorney Googins gave a presentation on the item.

Council discussion ensued.

Hector Gastelum, representing the Coalition for Fair Employment in Construction, spoke in opposition to

the Council placing an item on the ballot.

Council discussion ensued.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember Galvez, to direct the Mayor, Deputy Mayor Padilla and City Attorney Googins to draft a ballot measure that: eliminates any inconsistencies between state law and CVMC 2.59, removes ambiguities about the City's ability to access state infrastructure funds, restores the City's discretion over the use of project labor agreements, contains all the taxpayer's protections, state laws, and other best practices, and includes language about penalties and transparency. The motion was carried by the following vote:

Yes: 4 - Diaz, Galvez, Padilla and Casillas Salas

No: 1 - McCann

Abstain: 0

CLOSED SESSION

City Attorney Googins announced that the Council would convene in closed session to discuss Item 11.

Mayor Casillas Salas recessed the meeting at 8:15 p.m. The Council reconvened in closed session at 8:22 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.

11. [19-0544](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54956.8

Property: Assessor Parcel Number (APN) 643-060-57-00
1755-85 Millenia Avenue, Chula Vista, CA 91915

Agency Negotiators: Gary Halbert and Eric Crockett

Negotiating Parties: City of Chula Vista and Chesnut Properties

Under Negotiation: Price and Terms of Payment for Acquisition

ACTION: No reportable action.

ADJOURNMENT

The meeting was adjourned at 8:40 p.m..

Minutes prepared by: Leah Larrarte, Deputy City Clerk

Kerry K. Bigelow, MMC, City Clerk