

City of Chula Vista

Meeting Minutes - Final

Tuesday, January 12, 2016

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 5:07 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

Present: Councilmember Aguilar, Councilmember Bensoussan, Councilmember McCann, Deputy Mayor Miesen and Mayor Casillas Salas

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

Councilmember Miesen led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [15-0653](#) PRESENTATION OF AWARDS TO THE 2015 STARLIGHT PARADE WINNERS

Councilmembers Aguilar and McCann gave a presentation on the 2015 Starlight Parade and presented awards to the parade entry winners.

- B. [16-0011](#) PRESENTATION BY CAROLINA ILIC, SENIOR REGIONAL PLANNER, SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) ON NEXT STEPS FOR SAN DIEGO FORWARD: THE REGIONAL PLAN AND A POTENTIAL FUNDING MEASURE

Coleen Clementson, Principal Planner, representing SANDAG presented information on San Diego Forward: The Regional Plan and a potential funding measure.

CONSENT CALENDAR (Items 1 - 6)

City Attorney Googins stated a revised resolution for Item 2 had been distributed to the Council.

1. [16-0010](#) APPROVAL OF MINUTES of January 5, 2016.

Recommended Action: Council approve the minutes.

2. [15-0511](#) RESOLUTION NO. 2016-003 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE "CITY OF CHULA VISTA BMP MANUAL, DECEMBER 2015" AND AUTHORIZING THE CITY ENGINEER TO APPROVE FUTURE UPDATES ON BEHALF OF THE CITY
- Recommended Action: Council adopt the resolution.**
3. [15-0521](#) ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE TELEGRAPH CANYON DRAINAGE CHANNEL UPDATED NEXUS STUDY AND AMENDING ORDINANCE NO. 2384 ACCORDINGLY (FIRST READING)
- Recommended Action: Council place the ordinance on first reading.**
4. [15-0628](#) A. ACCEPTANCE OF AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2015
- B. RESOLUTION NO. 2016-004 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2014/15 BUDGET TO ADJUST FOR VARIANCES AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)
- Recommended Action: Council accept the report and adopt the resolution.**
5. [15-0671](#) A. RESOLUTION NO. 2016-005 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 7, 2016, FOR THE ELECTION OF TWO MEMBERS OF THE CITY COUNCIL, REPRESENTING DISTRICTS 3 AND 4; CONSOLIDATING THE ELECTION WITH THE STATEWIDE ELECTION; AND REQUESTING THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS TO PERMIT THE REGISTRAR OF VOTERS TO PERFORM CERTAIN SERVICES FOR THE CONDUCT OF THE ELECTION
- B. RESOLUTION NO. 2016-006 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO MATERIALS SUBMITTED TO THE ELECTORATE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, JUNE 7, 2016
- Recommended Action: Council adopt the resolutions.**

- 6. [15-0686](#) RESOLUTION NO. 2016-007 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING PARTICIPATION IN THE SAN DIEGO COUNTY FAIR 2016 STREET BANNER PROGRAM TO PLACE FAIR PROMOTIONAL BANNERS IN THE CITY OF CHULA VISTA FEATURING CITY LOGO AND SAN DIEGO COUNTY FAIR AND PRESENTING SPONSOR LOGOS

Recommended Action: Council adopt the resolution.

Approval of the Consent Calendar

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Miesen, 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, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

Bill Williams, Chula Vista resident, expressed concern regarding seized property and he submitted written documentation.

ACTION ITEMS

- 7. [15-0637](#) CITY ATTORNEY REPORT ON CITY COUNCIL TERM LIMITS AND CITY COUNCIL DIRECTION TO STAFF REGARDING SAME (Continued from November 17, 2015)

City Attorney Googins and Assistant City Attorney Maland gave a presentation on the item.

City Attorney Googins stated he would discuss with the Charter Review Commission an apparent discrepancy between the Charter and the Municipal Code regarding the length of time an individual would refrain from seeking election after serving two terms.

- 8. [15-0652](#) CONSIDERATION OF POSSIBLE APPOINTMENT TO FILL ONE REMAINING VACANCY ON THE PARKS & RECREATION COMMISSION FROM THE LIST OF FINALISTS WHO WERE INTERVIEWED ON NOVEMBER 17, 2015

An individual who was appointed to the Parks and Recreation Commission at the meeting of November 17, 2015 has declined the appointment, leaving one remaining vacancy. The following individuals received two or more nominations to be interviewed on November 10, 2015, were subsequently interviewed on November 17, 2015, and may be appointed to fill the remaining vacancy: Alice Chaisongkram, Thomas Doyle, Linda Navarro, Thom Nehring, David Olivera, Leslie Pham, and John Zarem.

There was consensus of the Council to forego an additional round of interviews and to appoint the runner up from the November 17, 2015 interviews, Thomas Doyle.

ACTION: A motion was made by Deputy Mayor Bensoussan, seconded by Councilmember McCann, that Thomas Doyle be appointed to the Parks & Recreation Commission. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

CITY MANAGER’S REPORTS

City Manager Halbert announced the recent community forum on the topic of El Nino preparations.

MAYOR’S REPORTS

- 9. [16-0006](#) A. RATIFICATION OF APPOINTMENTS TO THE FOLLOWING COMMISSIONS:
 - Emma Abutin, Commission on Aging
 - Patricia Fernandez, International Friendship Commission

- B. RATIFICATION OF APPOINTMENT OF THE FOLLOWING STUDENTS TO THE YOUTH ACTION COUNCIL:
 - Samuel Strong
 - Matthew Hong
 - Daniela Diaz
 - Colin Tam
 - Gabriela Perez
 - Elizabeth Hafen
 - Hannah Johnson
 - Paris Delgado

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, that the following appointments be ratified: Emma Abutin to the Commission on Aging and Patricia Fernandez to the International Friendship Commission. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, that the following appointments to the Youth Action Council be ratified: Samuel Strong, Matthew Hong, Daniela Diaz, Colin Tam, Gabriela Perez, Elizabeth Hafen, Hannah Johnson, and Paris Delgado. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

10. [16-0002](#) APPOINTMENT OF DEPUTY MAYOR

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember McCann, that Councilmember Miesen be appointed Deputy Mayor. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

11. [16-0001](#) APPOINTMENT OF CITY COUNCILMEMBERS TO OUTSIDE AGENCIES:

- Chula Vista Veterans Home Support Foundation - Member
- Chula Vista Veterans Home Support Foundation - Alternate
- 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) - 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 and Preserve Owner Manager (POM) - Member
- Otay Valley Regional Park (OVRP) Policy Committee and Preserve Owner Manager (POM) - 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

ACTION: The Council confirmed by a vote of 5-0 to reappoint each of the Councilmembers to their current regional appointments:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

12. [16-0012](#) DISCUSSION AND POSSIBLE ACTION REGARDING REINSTATING INDEPENDENCE DAY FIREWORKS IN SOUTH SAN DIEGO BAY

Mayor Salas provided information on the item.

Joe Lindsey and Xavier the X-Man, representing Local Media San Diego, spoke regarding potential fireworks shows.

City Manager Halbert stated that staff would investigate considerations and options related to holding fireworks shows in the City.

COUNCILMEMBERS' COMMENTS

Councilmember Bensoussan announced the upcoming Heritage Museum's exhibition on the Great Flood of 1916 at the Civic Center Library. She expressed concern regarding the condition of the roof at the Animal Care Facility.

Deputy Mayor Miesen announced an upcoming Chula Vista Small Business Seminar and Resource Expo.

Councilmember McCann announced the recent ribbon cutting for Auctions in Motion, a new business in Chula Vista. He also spoke regarding the State of the Port address.

CITY ATTORNEY COMMENTS

13. [16-0009](#)
- A. Proposed Processes for Developing and Bringing Forward for Council Consideration
 - Lobbyist Registration Ordinance
 - Ex Parte Communications Policies
 - Campaign Contribution Ordinance update

B. Scheduling for Next AB1234 (Open Government and Ethics) Training

City Attorney Googins stated the City Attorney's Office was working on a lobbyist registration ordinance, ex-parte communications policies, and an update to the campaign contribution ordinance. He stated he anticipated bringing recommendations back for Council consideration within the next six months.

City Attorney Googins stated an AB1234-compliant ethics training workshop would be scheduled for a future meeting of the Council.

City Attorney Googins announced that the Council would convene in closed session to discuss the items listed below. He stated Deputy Mayor Miesen would abstain from participating in discussion of Item 14C, since he had been appointed to the Council and the matter was related to the appointment process.

At 7:41 p.m., the Council convened in Closed Session.

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.

14. [16-0004](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(1)

Names of cases:

A) Jamie Anglin v. City of Chula Vista, Worker’s Compensation Appeals Board, Case No. ADJ2955866;

B) Dan Villamin v. City of Chula Vista, et al., United States District Court, Case No. 15cv02214-BAS-RBB; and

C) Chris Shilling, et al. v. City of Chula Vista, et al., San Diego Superior Court, Case No. 37-2015-00006097-CU-MC-CTL

ACTION: Item 14A: Reportable action is pending finalization of settlement.
Item 14B: No reportable action.
Item 14C: No reportable action.

ADJOURNMENT

At 8:17 p.m., Mayor Casillas Salas adjourned the meeting to the Special City Council Meetings on January 14, 2016, at 4:00 p.m. and 6:15 p.m., and thence to the Regular City Council Meeting on January 26, 2016, at 5:00 p.m. in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk