

City of Chula Vista

Meeting Minutes - Final

Tuesday, February 17, 2015

4:00 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 4:02 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

Present: Councilmember Aguilar, Deputy Mayor Bensoussan, Councilmember McCann, Councilmember Miesen and Mayor 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 McCann led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [15-0013](#) PRESENTATION OF A PROCLAMATION TO CHULA VISTA POLICE OFFICERS EVELIA KAHL AND TYLER WALL BY HEALTH & HUMAN SERVICES AGENCY DIRECTOR, SOUTH REGION, BARBARA JIMENEZ, OF THE LIVE WELL SAN DIEGO CHAMPION AWARD AND RECOGNITION OF THEIR EFFORTS TOWARD THE SAFETY OF HARBORSIDE PARK

Barbara Jimenez, Director, representing the County of San Diego's Health & Human Services Agency, presented the Live Well San Diego Champion award to Officers Kahl and Wall. Mayor Salas read the proclamation and Deputy Mayor Bensoussan presented it to Officers Kahl and Wall.

- B. [15-0043](#) PRESENTATION OF A PROCLAMATION TO SOUTHWESTERN COLLEGE SCHOOL OF ARTS AND COMMUNICATION DEAN, DONNA ARNOLD, PROCLAIMING SATURDAY, FEBRUARY 28, 2015 AS SOUTHWESTERN COLLEGE SCHOOL OF ARTS AND COMMUNICATION DAY IN THE CITY OF CHULA VISTA

Mayor Salas read the proclamation and Deputy Mayor Bensoussan presented it to Southwestern College School of Arts and Communication Dean, Donna Arnold.

CONSENT CALENDAR (Items 1 - 8)

1. [15-0041](#) APPROVAL OF MINUTES of January 13, January, 27, February 3, and February 5, 2015.

Recommended Action: Council approve the minutes.

2. [15-0025](#) WRITTEN COMMUNICATIONS
A. Letter of resignation from Nora Vargas, Resource Conservation Commission.
B. Letter of resignation from Jason Paguio, Cultural Arts Commission.
Recommended Action: Council accept the resignations.
3. [15-0015](#) RESOLUTION NO. 2015-024 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A MINI-GRANT AGREEMENT, ACCEPTING \$2,800 FROM THE SAN DIEGO ASSOCIATION OF GOVERNMENTS, AND APPROPRIATING SAID GRANT FUNDS TO THE PUBLIC WORKS FISCAL YEAR 2015 BUDGET TO SUPPORT NATIONAL BIKE MONTH ACTIVITIES (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the resolution.
4. [14-0749](#) A. RESOLUTION NO. 2015-025 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2014-15 CIP BUDGET AND ESTABLISHING A NEW CAPITAL IMPROVEMENT PROJECT "BONITA CANYON ENVIRONMENTAL RESTORATION AND MITIGATION PROJECT (DR200)"; REDUCING THE DR189 CIP BUDGET (GENERAL FUND) BY \$377,900 AND APPROPRIATING THE EQUIVALENT AMOUNT TO DR200; ACCEPTING BIDS, AWARDING A CONTRACT IN THE AMOUNT OF \$244,602.10 TO NATURES IMAGE, INC. FOR BONITA CANYON ENVIRONMENTAL RESTORATION AND MITIGATION PROJECT (DR200); WAIVING CITY COUNCIL POLICY NO. 574-01, AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$37,397.90 (4/5 VOTE REQUIRED)

B. RESOLUTION NO. 2015-026 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A SOLE SOURCE AGREEMENT WITH HELIX ENVIRONMENTAL PLANNING, INC. FOR THE PROVISION OF BIOLOGICAL MONITORING SERVICES DURING THE CONSTRUCTION AND SUBSEQUENT FIVE-YEAR MAINTENANCE PERIOD FOR BONITA CANYON ENVIRONMENTAL RESTORATION AND MITIGATION PROJECT
Recommended Action: Council adopt the resolutions.
5. [15-0004](#) RESOLUTION NO. 2015-027 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$144,954 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND APPROPRIATING SAID FUNDS TO THE POLICE GRANT FUND FOR OPERATION STONEGARDEN (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the resolution.

6. [14-0632](#) A. RESOLUTION NO. 2015-028 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING AN INTERFUND LOAN POLICY
- B. RESOLUTION NO. 2015-029 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AFFIRMING AND CONSOLIDATING EXISTING INTERFUND LOANS FROM THE TRUNK SEWER CAPITAL RESERVE FUND TO THE SALT CREEK TRUNK SEWER DEVELOPMENT IMPACT FEE FUND WITH A PRINCIPAL AMOUNT OF \$20,667,477 AND APPROVING A CONSOLIDATED INTERFUND LOAN REPAYMENT SCHEDULE REFLECTING FINANCING COSTS AND REPAYMENTS TO DATE
- C. RESOLUTION NO. 2015-030 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AFFIRMING AND CONSOLIDATING EXISTING INTERFUND LOANS FROM THE TRUNK SEWER CAPITAL RESERVE FUND TO THE STORM DRAIN REVENUE FUND WITH A PRINCIPAL AMOUNT OF \$576,023 AND APPROVING A CONSOLIDATED INTERFUND LOAN REPAYMENT SCHEDULE REFLECTING FINANCING COSTS AND REPAYMENTS TO DATE
- D. RESOLUTION NO. 2015-031 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AFFIRMING AND CONSOLIDATING EXISTING INTERFUND LOANS FROM THE SEWER FACILITIES REPLACEMENT FUND TO THE STORM DRAIN REVENUE FUND WITH A PRINCIPAL AMOUNT OF \$640,000 AND APPROVING A CONSOLIDATED INTERFUND LOAN REPAYMENT SCHEDULE REFLECTING FINANCING COSTS AND REPAYMENTS TO DATE
- E. RESOLUTION NO. 2015-032 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AFFIRMING THE EXISTING INTERFUND LOAN FROM THE GENERAL FUND TO THE CIVIC CENTER COMPONENT OF THE PUBLIC FACILITIES DEVELOPMENT IMPACT FEE FUND WITH A PRINCIPAL AMOUNT OF \$1,528,969 AND APPROVING AN INTERFUND LOAN REPAYMENT SCHEDULE REFLECTING FINANCING COSTS AND REPAYMENTS TO DATE
- F. RESOLUTION NO. 2015-033 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AFFIRMING AND CONSOLIDATING THE EXISTING INTERFUND LOANS FROM THE TRANSPORTATION DEVELOPMENT IMPACT FEE FUND TO THE FIRE SUPPRESSION SYSTEM EXPANSION COMPONENT OF THE PUBLIC FACILITIES DEVELOPMENT IMPACT FEE FUND WITH A PRINCIPAL AMOUNT OF \$10.5 MILLION AND APPROVING A CONSOLIDATED INTERFUND LOAN REPAYMENT SCHEDULE REFLECTING FINANCING COSTS AND REPAYMENTS TO DATE

G. RESOLUTION NO. 2015-034 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AFFIRMING AND CONSOLIDATING THE EXISTING INTERFUND LOANS FROM THE EASTERN PARKLAND ACQUISITION AND DEVELOPMENT FEE FUND TO THE WESTERN PARKLAND ACQUISITION AND DEVELOPMENT FEE FUND WITH A PRINCIPAL AMOUNT OF \$9.94 MILLION AND APPROVING A CONSOLIDATED INTERFUND LOAN REPAYMENT SCHEDULE REFLECTING FINANCING COSTS AND REPAYMENTS TO DATE

H. RESOLUTION NO. 2015-035 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2014-15 BUDGET TO REFLECT INTERFUND LOAN REPAYMENTS AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolutions.

7. [15-0001](#) ACCEPTANCE OF AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2014

Recommended Action: Council accept the report.

8. [15-0030](#) RESOLUTION NO. 2015-036 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SPONSORSHIP OF HARBORFEST 2015 AND STARLIGHT PARADE 2015; AUTHORIZING THE FILING OF AN APPLICATION FOR A \$25,000 COMMUNITY ENHANCEMENT GRANT FROM THE COUNTY OF SAN DIEGO, APPROVING THE REQUISITE RESOLUTION PROVIDED BY THE COUNTY; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SIGN AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE COUNTY OF SAN DIEGO AND RELATED DOCUMENTS

Recommended Action: Council adopt the resolution.

Approval of the Consent Calendar

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, 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 Salas

No: 0

Abstain: 0

Items 15 and 16 were taken out of order following the Consent Calendar.

Mayor Salas announced that the Council would convene in closed session to discuss the items listed below.

Councilmember Miesen stated he would abstain from discussion on Item 15 since he had been appointed to the Council and the matter was related to the appointment process.

At 4:28 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.

- 15. [15-0028](#) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9 (b)

One Case.

[The case to be discussed involves a letter dated January 21, 2015, from Coast Law Group LLP and Briggs Law Corporation Re: Notice of Intent to File Law Suit and Demand for Cure Public Records Act and Brown Act Violations]

ACTION: No reportable action.

- 16. [15-0042](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 224 Third Avenue, Chula Vista, CA [APN: 568-044-19]

Agency Negotiators: Eric Crockett and Rick Ryals

Negotiating Parties: City of Chula Vista and Hector Gonzales

Under Negotiation: Price and Terms

ACTION: No reportable action.

The Council reconvened in open session at 6:03 p.m., with all members present.

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

Salvador Garcia, Chula Vista resident, expressed concern regarding a tree growing over his property. Mayor Salas referred the issue to Public Works Director Hopkins.

PUBLIC HEARINGS

9. [14-0625](#) CONSIDERATION OF AMENDMENTS TO CHULA VISTA MUNICIPAL CODE CHAPTER 19.09 (GROWTH MANAGEMENT), AND APPROVAL OF THE GROWTH MANAGEMENT PROGRAM IMPLEMENTATION MANUAL AND THE GROWTH MANAGEMENT PROGRAM DOCUMENT (Continued from January 27, 2015)

A. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO CHULA VISTA MUNICIPAL CODE CHAPTER 19.09 (GROWTH MANAGEMENT) (FIRST READING)

B. RESOLUTION NO. 2015-037 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE GROWTH MANAGEMENT PROGRAM IMPLEMENTATION MANUAL TO REPLACE THE THRESHOLD STANDARDS AND GROWTH MANAGEMENT OVERSIGHT COMMITTEE POLICY, AND THE GROWTH MANAGEMENT PROGRAM DOCUMENT

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. The public hearing was previously opened at the City Council meeting of November 18, 2014.

Planning Manager Batchelder and Associate Planner Vander Bie distributed a document with additional edits to the proposed ordinance, described each of the edits, and responded to questions from the Council.

At the request of Councilmember Bensoussan, there was consensus of the Council to replace the word "should" with "can" in various portions of Section 19.09.040, under the Implementation Measures, in relation to the City Council scheduling and holding public hearings when threshold standards are not being met.

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

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

Yes: 3 - Bensoussan, McCann and Miesen

No: 2 - Aguilar and Salas

Abstain: 0

ACTION: A motion was made by Deputy Mayor Bensoussan, seconded by Councilmember McCann, that Resolution No. 2015-037 be adopted, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

10. [15-0003](#) CONSIDERATION OF WAIVING A MINOR MATHEMATICAL ERROR IN THE BID RECEIVED FOR THE “REPLACEMENT OF CURB AND GUTTER CITYWIDE FISCAL YEAR 2014/2015” (Continued from February 17, 2015)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING A MINOR MATHEMATICAL ERROR; ACCEPTING BIDS; AWARDING A CONTRACT FOR THE “REPLACEMENT OF CURB AND GUTTER CITYWIDE FISCAL YEAR 2014/2015, IN THE CITY OF CHULA VISTA, CALIFORNIA CIP#STL402” PROJECT TO JUST CONSTRUCTION, INC. IN THE AMOUNT OF \$165,686.50; AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$15,313.50

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

A motion was made by Councilmember McCann, seconded by Deputy Mayor Bensoussan, to adopt the resolution.

Councilmember Aguilar requested the disclosure statement related to the item.

Councilmember McCann withdrew his motion to adopt the resolution.

City Manager Halbert recommended that Items 10 and 12 be continued to the meeting of March 3, 2015, to allow staff to provide the Council with the disclosure statements for the items.

Mayor Salas re-opened the public hearing.

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, that Item 10 be continued to the meeting of March 3, 2015. The motion carried by the following vote:

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

No: 0

Abstain: 0

Item 12 was taken out of order following Item 10.

12. [14-0636](#) CONSIDERATION OF APPROVING A DESIGN/BUILD AGREEMENT WITH WEST COAST GENERAL/CONDON JOHNSON, INC. CONSTRUCTION, AMENDING THE FISCAL YEAR 2014/2015 BUDGET, ESTABLISHING THE TELEGRAPH CANYON ROAD EROSION REPAIR PROJECT, AND APPROPRIATING \$1,800,000 FROM THE GENERAL FUND RESERVES THEREFOR (Continued from February 17, 2015)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE DESIGN/BUILD AGREEMENT WITH WEST COAST GENERAL/CONDON JOHNSON, INC. CONSTRUCTION FOR THE DESIGN AND CONSTRUCTION OF A SECANT PILE WALL IN TELEGRAPH CANYON; AMENDING THE FISCAL YEAR 2014/2015 CIP BUDGET AND ESTABLISHING A NEW CAPITAL IMPROVEMENT PROJECT "TELEGRAPH CANYON ROAD EROSION REPAIR (DR199)"; AND APPROPRIATING \$1,800,000 FROM THE GENERAL FUND RESERVES TO CIP DR199 (4/5 VOTE REQUIRED)

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, that Item 12 be continued to the meeting of March 3, 2015. The motion carried by the following vote:

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

No: 0

Abstain: 0

ACTION ITEMS

11. [15-0002](#) REPORT ON FISCAL YEAR 2014 STRATEGIC PLAN ACCOMPLISHMENTS

Director of Information and Technology Services Chew, Performance and Organizational Development Manager Mills, Risk Manager Enos-Guerrero, and Assistant City Clerk Bigelow presented information on the item. Councilmembers provided feedback on the strategic plan.

Item 12 was taken out of order following Item 10.

City Manager's Reports were taken out of order following Councilmembers' Comments.

MAYOR'S REPORTS

13. [15-0023](#) COUNCIL DISCUSSION AND POSSIBLE ACTION REGARDING CHANGING THE TIME OF REGULAR CITY COUNCIL MEETINGS

At the request of Mayor Salas, there was consensus of the Council to request the City Attorney and City Clerk present an item for Council consideration at the meeting of March 3, 2015, that would change the start time of regular City Council meetings to 5:00 p.m.

COUNCILMEMBERS' COMMENTS

At the request of Deputy Mayor Bensoussan, there was consensus of the Council to request the City Manager present an item at a future Council meeting regarding reinstating the City's Beautification Awards program.

14. [15-0024](#) COUNCILMEMBER AGUILAR: CONSIDERATION OF THE FORMATION OF AN AD-HOC SUBCOMMITTEE WITH COUNCILMEMBERS AGUILAR AND McCANN FOR THE 2015 STARLIGHT PARADE

ACTION: A motion was made by Councilmember Aguilar, seconded by Mayor Salas, to form an ad-hoc subcommittee, consisting of Councilmembers Aguilar and McCann, which would commence on February 17, 2015 and disband following the parade on December 5, 2015, for the purpose of working with City staff and community members to coordinate the 2015 Starlight Parade. The motion carried by the following vote:

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

No: 0

Abstain: 0

At the request of Councilmember Aguilar, there was consensus of the Council to request the City Manager to return with a recommended policy regarding City sponsorship for community events.

Councilmember McCann stated he was looking forward to working on the 2015 Starlight Parade subcommittee. He also spoke in support of reinstating the Beautification Awards. Councilmember McCann announced that February was National Cancer Prevention Month and provided information about the 2015 Relay for Life event.

City Attorney Googins announced that his office was preparing a Brown Act and ethics training. He requested the City Clerk poll the Council for a date to hold the training.

City Manager's Reports was taken out of order following Councilmembers' Comments.

CITY MANAGER'S REPORTS

There were none.

CLOSED SESSION

Items 15 and 16 were taken out of order following the Consent Calendar.

ADJOURNMENT

At 8:19 p.m., Mayor Salas adjourned the meeting to the Regular City Council Meeting on March 3, 2015, at 4:00 p.m., in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk