

City of Chula Vista

Meeting Minutes - Draft

Tuesday, January 15, 2019

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 5:02 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 Records Manager Turner

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Deputy Mayor Padilla led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [19-0010](#) OATH OF OFFICE
Lynnette Tessitore, Measure A Citizens' Oversight Committee

City Clerk Bigelow administered the oath of office to Commissioner Tessitore, and Councilmember Diaz presented her with a certificate of appointment.

- B. [18-0581](#) STARLIGHT PARADE VIDEO AND PRESENTATION OF AWARDS

Councilmember Diaz gave a presentation on the item and presented awards to the winners of the Starlight Parade award categories.

- C. [19-0007](#) PRESENTATION BY VULCAN MATERIALS COMPANY PLANT MANAGER DARIN GRAY, MANAGER OF COMMUNITY AND GOVERNMENT RELATIONS BARBARA GOODRICH-WELK, AND COMMUNITY AND GOVERNMENT RELATIONS COORDINATOR ABBEY SANDERSON OF A CHECK TO THE CHULA VISTA FIREFIGHTER'S FOUNDATION

Darin Gray, Barbara Goodrich-Welk, and Abbey Sanderson, representing Vulcan Materials Company, presented a \$45,000 check to the Chula Vista Firefighter's Foundation.

CONSENT CALENDAR (Items 1 - 4)

Items 3 and 4 were removed from the Consent Calendar at the request of a member of the public and staff, respectively.

- 1. [19-0014](#) APPROVAL OF MINUTES of July 24, 2018.
Recommended Action: Council approve the minutes.

- 2. [18-0591](#) RESOLUTION NO. 2019-004 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS RELATED TO THE PARTICIPATION OF THE HUD PUBLIC OFFERING AS PART OF THE SECTION 108 LOAN GUARANTEE ASSISTANCE PROGRAM TO REFINANCE THE EXISTING NOTE B-08-MC-06-0547 OR OTHER OBLIGATION IN THE ORIGINAL PRINCIPAL AMOUNT OF \$5,886,000, FOR THE 2008 CASTLEPARK INFRASTRUCTURE PROJECT (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the resolution.

Items 3 and 4 were removed from the Consent Calendar.

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

Item 4 was taken out of order. Item 3 was heard following Item 4.

- 4. [18-0503](#)
 - A. RESOLUTION NO. 2019-007 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A JOINT USE AND MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF CHULA VISTA, THE METROPOLITAN TRANSIT SYSTEM, AND THE SAN DIEGO ASSOCIATION OF GOVERNMENTS ASSIGNING RESPONSIBILITY FOR THE MAINTENANCE OF IMPROVEMENTS ASSOCIATED WITH THE SOUTH BAY BUS RAPID TRANSIT LINE

 - B. RESOLUTION NO. 2019-008 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO ASSOCIATION OF GOVERNMENTS, THE CITY OF CHULA VISTA, AND THE METROPOLITAN TRANSIT SYSTEM REGARDING RAPID TRAFFIC SYSTEMS OPERATIONS AND MAINTENANCE ASSOCIATED WITH THE SOUTH BAY BUS RAPID TRANSIT LINE

C. RESOLUTION NO. 2019-009 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF CHULA VISTA AND THE METROPOLITAN TRANSIT SYSTEM FOR THE MAINTENANCE OF THE EAST PALOMAR STREET TRANSIT STATION STREET IMPROVEMENTS

D. RESOLUTION NO. 2019-010 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2018/2019 OPERATING BUDGET FOR THE DEPARTMENT OF ENGINEERING AND CAPITAL PROJECTS' SUPPLIES AND SERVICES (\$163,000) AND UTILITIES (\$17,000) EXPENSE CATEGORIES BASED ON UNANTICIPATED REVENUE (\$180,000) ASSOCIATED WITH THE JOINT USE AND MAINTENANCE AGREEMENT AND RAPID TRAFFIC SYSTEMS MEMORANDUM OF UNDERSTANDING (4/5 VOTE REQUIRED)

Director of Engineering Valle announced revisions to resolutions and agreements for Items 4A and 4C, which had been distributed to Council.

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Galvez, to adopt Resolution Nos. 2019-007 through 2019-010, as amended, headings read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

3. [18-0596](#) A. RESOLUTION NO. 2019-005 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA SETTING THE CANNABIS BUSINESS TAX AT 7% OF GROSS RECEIPTS

B. RESOLUTION NO. 2019-006 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA SETTING THE CANNABIS CULTIVATION TAX AT \$25 PER SQUARE FOOT OF CANOPY

Kathleen Lippitt, Poway resident, expressed concern regarding commercialization of marijuana activities and distributed written communications to the Council.

The following members of the public spoke in support of lower taxes for cannabis activities:

- Cathy Bliss, Escondido resident
- Ken Sobel, San Diego resident
- Cynara Velazquez, San Diego resident

Robert Quist, San Diego resident, submitted written documentation in support of staff's recommendation on Item 3A and in opposition to staff's recommendation on Item 3B.

Deputy City Manager Bacon provided information on the item.

Council discussion ensued.

ACTION: A motion was made by Deputy Mayor Padilla, seconded by Mayor Casillas Salas, to adopt Resolution No. 2018-005 and Resolution 2018-006, as amended to set the cultivation tax at \$15 per square foot of canopy, and to require annual review of the tax by the City Council every January, beginning in 2021, headings read, text waived. The motion carried by the following vote:

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

No: 1 - Diaz

Abstain: 0

PUBLIC COMMENTS

Giselle Murray, Chula Vista resident, expressed concern about potential impacts of an RV storage facility being permitted to open in the area of Eastlake Parkway.

PUBLIC HEARINGS

5. [18-0564](#) PRESENTATION AND CONSIDERATION OF ACCEPTANCE OF THE 2017/2018 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER); AND SOLICITATION OF INPUT ON FUNDING PRIORITIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT (ESG) 2019/2020 PROGRAM

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 Management Analysts Davis and Dorado gave a presentation on the item.

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 accept the report, heading 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

City Manager Halbert announced that the Bus Rapid Transit service would begin on January 27, 2019.

MAYOR'S REPORTS

Mayor Casillas Salas recognized the Public Works Department for its response to the rainstorms. She spoke regarding a recent meeting and tour of Chula Vista with SANDAG Executive Director Hasan Ikhata.

COUNCILMEMBERS' COMMENTS

Deputy Mayor Padilla reported on his attendance at a Welcoming America meeting with City staff regarding the certification process for the City. He stated he would be meeting with legislative leadership in Sacramento.

At the request of Councilmember Diaz, there was consensus of the Council to make a referral to staff to provide a plan to Council on education and preventative efforts related to marijuana.

Councilmember Galvez spoke regarding public input on the designs of Harbor Park and Sweetwater Park, to be located on the Bayfront. She spoke regarding her district newsletter and invited members of the public to subscribe.

CITY ATTORNEY'S REPORTS

City Attorney Googins announced an upcoming Ethics Training session his office would be holding.

CLOSED SESSION

City Attorney Googins announced that the Council would convene in closed session to discuss the items listed below.

Mayor Casillas Salas recessed the meeting at 6:53 p.m. The Council reconvened in Closed Session at 6:56 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.

- 6. [19-0008](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(1)

Name of case: City of Chula Vista v. William F. Best, San Diego Superior Court, Case No. 37-2018-00024047-CU-EI-CTL.

ACTION: No reportable action.

- 7. [19-0009](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 318 Fourth Avenue, Chula Vista, California; APNs: 568-181-40, 568-181-39, 568-181-43 and 568-181-37

Agency Negotiator: Rick Ryals

Negotiating Parties: Rick Ryals and First Bank

Under Negotiation: Price and Terms

ACTION: No reportable action.

ADJOURNMENT

Mayor Casillas Salas paid tribute to Tom Money and stated the meeting would be adjourned in his memory.

At 7:19 p.m., the meeting was adjourned in memory of Tom Money to the regular City Council meeting on January 22, 2019, at 5:00 p.m., in the Council Chambers.

Kerry K. Bigelow, MMC, City Clerk