

# City of Chula Vista

## Meeting Minutes - Final

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Tuesday, September 10, 2019

5:00 PM

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

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### 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 5:09 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 Diaz led the Pledge of Allegiance. Mayor Casillas Salas requested a moment of silence in remembrance of the victims of 9/11.*

### SPECIAL ORDERS OF THE DAY

- A. [19-0280](#) PRESENTATION OF THE SANDAG BIG VISION AND 5 BIG MOVES FOR THE 2021 REGIONAL PLAN UPDATE BY EXECUTIVE DIRECTOR HASAN IKHRATA AND SPECIAL PROJECTS DIRECTOR COLEEN CLEMENTSON

*Executive Director Hasan Ikhata, Special Projects Director Coleen Clementson, and staff representing SANDAG gave a presentation on the item.*

*The following members of the public spoke in support of the SANDAG Big 5 Moves program:*

- Rita Clement, Chula Vista resident*
- Larry Emerson, National City resident*

*The following members of the public submitted written documentation in support of the SANDAG Big 5 Moves program and did not wish to speak:*

- Carolina Rodriguez*
- Denia Martin*

- B. [19-0418](#) PRESENTATION BY METROPOLITAN TRANSIT SYSTEM (MTS) MARKETING SPECIALIST MARCIAL GUTIERREZ DECLARING OCTOBER 2, 2019 RIDE FREE DAY ON MTS TRANSIT SYSTEM

*Mayor Casillas Salas read the proclamation and Councilmember Galvez presented it to Marcial Gutierrez, representing the San Diego Metropolitan Transit System, who gave a presentation on the item.*

- C. [19-0423](#) PRESENTATION OF A PROCLAMATION PROCLAIMING SEPTEMBER 2019 AS NATIONAL CHILDHOOD OBESITY AND HUNGER AWARENESS MONTH IN THE CITY OF CHULA VISTA

*Mayor Casillas Salas read the proclamation and Councilmember McCann presented it to Senior Project Coordinator Kurz and Principal Recreation Manager Contreras, who gave a presentation on the item.*

- D. [19-0427](#) PRESENTATION OF A PROCLAMATION PROCLAIMING SEPTEMBER 13 THROUGH SEPTEMBER 22, 2019 AS WELCOMING WEEK IN THE CITY OF CHULA VISTA

*Mayor Casillas Salas read the proclamation and Deputy Mayor Padilla presented it to members of the Human Relations Commission.*

- E. [19-0443](#) PRESENTATION OF A PROCLAMATION PROCLAIMING SEPTEMBER 2019 AS NATIONAL PREPAREDNESS MONTH IN THE CITY OF CHULA VISTA

*Mayor Casillas Salas read the proclamation and Councilmember Diaz presented it to Fire Chief Geering and Emergency Services Coordinator King, who gave a presentation on the item.*

## CONSENT CALENDAR (Items 1 - 11)

*Items 4, 10 and 11 were removed from the Consent Calendar at the request of a member of the public, staff, and Councilmember Galvez, respectively.*

*City Attorney Googins announced that a revised resolution for Item 3 and an updated reimbursement agreement for Item 4 had been distributed to the Council, and that action on the items would be with respect to the revised documents.*

1. [19-0444](#) APPROVAL OF MINUTES of April 9, 2019.  
**Recommended Action: Council approve the minutes.**
2. [19-0392](#) ORDINANCE NO. 3461 OF THE CITY OF CHULA VISTA REPEALING ORDINANCE NO. 2384 RELATING TO THE ESTABLISHMENT OF THE TELEGRAPH CANYON DRAINAGE DEVELOPMENT IMPACT FEE (SECOND READING AND ADOPTION)  
This item was continued from August 6, 2019.  
**Recommended Action: Council adopt the ordinance.**
3. [18-0528](#) A. RESOLUTION NO. 2019-167 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING A MAP SHOWING THE BOUNDARIES OF THE TERRITORY PROPOSED TO BE INCLUDED IN THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT

B. RESOLUTION NO. 2019-168 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING ITS INTENTION TO ESTABLISH THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE PUBLIC AND PRIVATE IMPROVEMENTS, AND MAINTENANCE AND SERVICES

C. RESOLUTION NO. 2019-169 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING THE NECESSITY TO INCUR A BONDED INDEBTEDNESS OF THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT TO BE SECURED BY SPECIAL TAXES LEVIED WITHIN SUCH DISTRICT TO FINANCE PUBLIC AND PRIVATE IMPROVEMENTS

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

*Item 4 was removed from the Consent Calendar.*

5. [19-0432](#) RESOLUTION NO. 2019-173 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDED AND RESTATED AGREEMENT AND ASSOCIATED DOCUMENTS MEMORIALIZING A STATE DENSITY BONUS PURSUANT TO GOVERNMENT CODE SECTION 65915 ET SEQ. BETWEEN THE CITY AND HAMILTON PLAZA LTD, INCLUDING ALLOWING THE RENTAL OF DWELLING UNITS AT AN AFFORDABLE RENT UNTIL THEY ARE SOLD AT AN AFFORDABLE SALES PRICE AT KINGSWOOD MANOR

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

6. [19-0399](#) RESOLUTION NO. 2019-174 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE PERFORMING AND VISUAL ARTS GRANT REVIEW PANEL'S AWARD RECOMMENDATIONS FOR FISCAL YEAR 2019/20 WITH A TOTAL MONETARY GRANT AWARD FOR THIS FISCAL YEAR TOTALING \$80,390

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

7. [19-0416](#) RESOLUTION NO. 2019-175 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS; AWARDED THE CONTRACT FOR THE COMBINED ADVERTISEMENT OF THE "SEWER ACCESS ROAD REHABILITATION FOR FISCAL YEAR 2013/14 (CIP# SWR0282)" AND "SEWER ACCESS ROAD REHABILITATION FOR FISCAL YEAR 2014/15 (CIP# SWR0288)" PROJECTS TO BLUE PACIFIC ENGINEERING AND CONSTRUCTION IN THE AMOUNT OF \$192,089; AND APPROPRIATING \$44,000 FROM THE AVAILABLE BALANCE OF THE SEWER FACILITY REPLACEMENT FUND TO CIP# SWR0282 (4/5 VOTE REQUIRED)

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

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8. [19-0417](#) RESOLUTION NO. 2019-176 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS, AWARDING THE CONTRACT FOR THE "INSTALLATION OF PEDESTRIAN COUNTDOWN INDICATIONS AND TRAFFIC SIGNAL MODIFICATIONS (TRF0405)" PROJECT TO HMS CONSTRUCTION, INC., IN THE AMOUNT OF \$1,045,000; AND TRANSFERRING \$135,000 IN TRAFFIC SIGNAL APPROPRIATIONS FROM TRF0398 TO TRF0405 (4/5 VOTE REQUIRED)

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

9. [19-0415](#) INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2019

**Recommended Action: Council receive the report.**

*Item's 10 and 11 were removed from the Consent Calendar.*

### Approval of the Consent Calendar

**ACTION: A motion was made by Councilmember McCann, seconded by Deputy Mayor Padilla, 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

4. [19-0414](#) A. RESOLUTION NO. 2019-170 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (1) APPROVING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND RIDA CHULA VISTA, LLC ("DEVELOPER") TO CONSTRUCT SPECIFIED SEWER IMPROVEMENTS; (2) FINDING THE DEVELOPER'S PROPOSED SOLE SOURCE AWARD TO ITS GENERAL CONTRACTOR TO CONSTRUCT SUCH IMPROVEMENTS TO BE IN THE BEST INTEREST OF THE PUBLIC, PURSUANT TO CHULA VISTA MUNICIPAL CODE SUBSECTION 2.56.160(H), "DEVELOPER-PERFORMED PUBLIC WORKS"; (3) DELEGATING TO THE CITY MANAGER AUTHORITY TO ASSURE COMPLIANCE WITH APPLICABLE PROCUREMENT REQUIREMENTS FOR SUBCONTRACTORS; AND (4) APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

B. RESOLUTION NO. 2019-171 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY AND RIDA CHULA VISTA, LLC TO DESIGN SPECIFIED BAYFRONT INFRASTRUCTURE IMPROVEMENTS AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

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C. RESOLUTION NO. 2019-172 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA FINDING RIDA CHULA VISTA, LLC'S PROPOSED SOLE SOURCE AWARD TO ITS GENERAL CONTRACTOR TO CONSTRUCT BAYFRONT DEVELOPMENT IMPACT FEE TRANSPORTATION FACILITIES TO BE IN THE BEST INTEREST OF THE PUBLIC, PURSUANT TO CHULA VISTA MUNICIPAL CODE SUBSECTION 2.56.160(H), "DEVELOPER-PERFORMED PUBLIC WORKS," AND DELEGATING TO THE CITY MANAGER AUTHORITY TO ASSURE COMPLIANCE WITH APPLICABLE PROCUREMENT REQUIREMENTS FOR SUBCONTRACTORS

This item was continued from August 13, 2019.

*Theresa Acerro, Chula Vista resident, also speaking on behalf of Kenn Colclasure, Chula Vista resident, spoke in opposition to staff's recommendation.*

**ACTION:** A motion was made by Mayor Casillas Salas, seconded by Deputy Mayor Padilla, to adopt Resolution Nos. 2019-170, 2019-171, and 2019-172, headings read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

10. [19-0434](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE ASSISTANCE TO FIREFIGHTERS GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, APPROPRIATING \$156,736 IN THE FEDERAL GRANT FUND, AND AUTHORIZING THE FIRE CHIEF OR HIS DESIGNEE TO EXECUTE ALL RELATED DOCUMENTATION AND PROCUREMENT ASSOCIATED WITH THIS GRANT (4/5 VOTE REQUIRED)

*Item 10 was not discussed and was continued to the meeting of September 24, 2019.*

11. [19-0425](#) A. RESOLUTION NO. 2019-177 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE COMPENSATION SCHEDULE AND CLASSIFICATION PLAN TO REFLECT THE ADDITION AND DELETION OF VARIOUS POSITION TITLES AND AMENDING THE AUTHORIZED POSITION COUNTS IN VARIOUS DEPARTMENTS WITH A NET INCREASE IN AUTHORIZED STAFFING
- B. RESOLUTION NO. 2019-178 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2019/20 COMPENSATION SCHEDULE EFFECTIVE SEPTEMBER 13, 2019, AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

C. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 TO ADD THE UNCLASSIFIED POSITIONS OF FA CYBER SECURITY PROGRAM MANAGER, FA NETWORK ADMINISTRATOR III, AND FACILITIES FINANCING MANAGER AND TO DELETE THE FA INFORMATION SECURITY PROGRAM MANAGER POSITION (FIRST READING) (4/5 VOTE REQUIRED)

*Human Resources Director Chase responded to questions of the Council.*

**ACTION:** A motion was made by Councilmember Galvez, seconded by Councilmember McCann, to adopt Resolution Nos. 2019-177 and 2019-178, and to place the above ordinance on first reading, headings read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

## PUBLIC COMMENTS

*The following members of the spoke in opposition to the drag queen story time program:*

- John Moore, San Diego resident
- Arthur Schaper
- Karen Grube, Escondido resident
- Mary Mayer-Oaks, National City resident
- Tony Villafranca, and he also spoke on behalf of Ruben Serrano, Chula Vista resident
- Allison Smith, El Cajon resident
- Laurel Dailey, Chula Vista resident
- Jose Solis, Chula Vista resident
- Nita Hodges, Chula Vista resident
- Matt Kocher, Chula Vista resident
- George Nobbs, Chula Vista resident
- Aaron Sanders, Chula Vista resident
- Martha Souza, Chula Vista resident
- Hanoli Sandez, Chula Vista resident
- Robert Sandez, Chula Vista resident
- Carolina Thomas, Chula Vista resident
- Lillie Hebert, Chula Vista resident
- Michelle Huffman, Imperial Beach resident
- Pastor Amado Huizar, Chula Vista resident, and he submitted written protests
- Pastor Art Hodges, Chula Vista resident
- Alexandra Motz, Chula Vista resident
- Hector Gastelum, Chula Vista resident

*The following members of the public spoke in support of the drag queen story time program and the LGBTQ+ community:*

- Shane Parmely, Chula Vista resident
- Marco Amaral, Imperial Beach resident
- Paola Martinez Montez, Chula Vista resident
- Dalia Gonzalez, Chula Vista resident
- Lizzie Lechner, Chula Vista resident
- William Felix, Chula Vista resident

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*The following members of the public submitted written documentation in support of the drag queen story time program and did not wish to speak:*

- Carolina Rodriguez, Chula Vista resident*
- Sarah Walsh, San Diego resident*
- Gina Woodard, Chula Vista resident*
- Denia Martin, Chula Vista resident*
- Rita Clement, Chula Vista resident*
- Becky Thimm, Chula Vista resident*
- Patricia Huffman, Chula Vista resident*
- Maggi Baker, Chula Vista resident*

*Eva Varela, Chula Vista resident, expressed safety concerns related to the drag queen story time program.*

*Daniel Teaque, Chula Vista resident, expressed concern regarding brush maintenance in the area of his house.*

*The following members of the public expressed concern regarding a proposed psychiatric hospital:*

- Ian Burgar, Chula Vista resident*
- Bill Stellin, Chula Vista resident*
- David Molinari, Chula Vista resident*

*Rebekah Edwards, Chula Vista resident, submitted written documentation regarding a proposed psychiatric hospital and did not wish to speak.*

*The following members of the public submitted a request to speak but were not present when called:*

- Reverend Billy Falling, Chula Vista resident*
- Vanessa Ramos, Chula Vista resident*
- Gail Levin, San Diego resident*
- Ray Richmond*
- Maria Valdez*
- Jim Scofield, Chula Vista resident*

*Shenayim Sandez, Chula Vista resident, introduced herself.*

*Becky Rapp, Chula Vista resident, spoke in support of City participation in litigation against the Bureau of Cannabis Control, and she expressed concern regarding marijuana use and spoke in opposition to the drag queen story time program.*

*Tim Neil, Chula Vista resident, expressed concern regarding a tree in his yard.*

## **ACTION ITEMS**

12. [19-0413](#)
  - A. ORDINANCE OF THE CITY OF CHULA VISTA ESTABLISHING COMMUNITY CHOICE AGGREGATION IN THE CITY OF CHULA VISTA (FIRST READING)
  - B. RESOLUTION NO. 2019-179 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AND AUTHORIZING THE EXECUTION OF THE JOINT EXERCISE OF POWERS AGREEMENT CREATING THE SAN DIEGO REGIONAL COMMUNITY CHOICE ENERGY AUTHORITY

*Conservation Specialist Downs and Chief Sustainability Officer Gakunga gave a presentation on the item.*

City Attorney Googins presented information regarding risk mitigation.

The following members of the public spoke in support of staff's recommendation:

- Rita Clement, Chula Vista resident
- Maggie Baker, Chula Vista resident
- Carolyn Scofield, Chula Vista resident
- Matthew Vasilakis and Carolina Rodriguez, representing San Diego Community Choice Alliance, and they gave a presentation on the item
- Sarah Walsh, representing Sullivan Solar Power
- Cody Hooven, representing the City of San Diego
- Sebastian Saria

The following members of the public expressed concern with some of the provisions of the proposed agreement related to labor:

- Gretchen Newsom, representing IBEW Local 569
- Hector Gastelum, representing the Coalition for Fair Employment and Construction

The following members of the public submitted written documentation in support of the item and did not wish to speak:

- Tynan Wyatt, Chula Vista resident
- Jacob Babauta, Bonita resident
- Denia Martin Lopez, Chula Vista resident
- Patricia Huffman, Chula Vista resident
- Gina Woodward, Chula Vista resident
- Becky Thimm, Chula Vista resident
- Joyce Lane, representing San Diego 350

Lisa Cohen, representing the Chula Vista Chamber of Commerce, submitted written documentation requesting the Council postpone a decision on the item.

Edgar Garcia, representing Green Seed Investment and First Seed Development, spoke regarding a potential solar farm at the Salt Creek Golf Course property.

Councilmember Padilla stated that he agreed with the testimony of speaker Gretchen Newsom.

Council discussion ensued.

**ACTION:** A motion was made by Councilmember McCann, seconded by Deputy Mayor Padilla, to place the above ordinance on first reading and adopt Resolution No. 2019-179, headings read, text waived. The motion carried by the following vote:

**Yes:** 3 - McCann, Padilla and Casillas Salas

**No:** 2 - Diaz and Galvez

**Abstain:** 0

## CITY MANAGER'S REPORTS

City Manager Halbert expressed gratitude for the exceptional work performance by the Community Services and Police Departments surrounding the demonstration related to the drag queen story time program.

Mayor Casillas Salas concurred with City Manager Halbert's comments and also recognized Library staff.



**MAYOR'S REPORTS****13. [19-0429](#) RATIFICATION OF APPOINTMENTS OF THE FOLLOWING:**

- Jennifer Bustamante, Housing Advisory Commission (At-Large Seat)
- Jay Francisco, Safety Commission
- Steven Goldkrantz, Historic Preservation Commission
- Curtis Moore, International Friendship Commission
- Shawan Owusu, Housing Advisory Commission
- Peggy Ratner, Human Relations Commission
- Jeff Redondo, Cultural Arts Commission
- Tanya Rodriguez, Cultural Arts Commission
- Jasmine Rubel, Board of Library Trustees
- Emily Tran, Commission on Aging

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

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

**No:** 0

**Abstain:** 0

*At the request of Mayor Casillas Salas, there was consensus of the Council to add the following items to an upcoming agenda:*

*-Consideration of endorsing and sponsoring the 7th Annual International Mariachi Festival at Bayside Park; and*

*-Consideration of a referral to the Charter Review Commission to analyze and draft for City Council consideration a charter amendment that would allow Chula Vista "residents," not just "qualified electors," to serve on City boards and commissions.*

**COUNCILMEMBERS' COMMENTS**

*Councilmember McCann spoke regarding his Naval Reserve service. He thanked first responders to 9/11 and the military members who served in Iraq and Afghanistan.*

*Deputy Mayor Padilla spoke regarding 9/11, and he paid tribute to the victims and recognized first responders.*

*Deputy Mayor Padilla and Mayor Casillas Salas spoke regarding acceptance and inclusion.*

*Councilmember Diaz spoke regarding the importance of respecting others' views and opinions.*

*Councilmember Galvez, expressed appreciation to the faith-based community and suggested a member of that community serve on the Board of Library Trustees. Councilmember Galvez extended an invitation to a meeting of the United States section of the International Boundary and Water Commission, regarding the border sewage issue in Tijuana River Valley.*

**CITY ATTORNEY'S REPORTS**

- 14. [19-0419](#) REQUEST FOR CITY COUNCIL ACTION TO AUTHORIZE CITY PARTICIPATION IN LITIGATION AGAINST THE STATE BUREAU OF CANNABIS CONTROL IN ORDER TO CHALLENGE STATE EFFORTS TO PREEMPT LOCAL REGULATION OF CANNABIS DELIVERY BUSINESSES (COUNTY OF SANTA CRUZ, ET AL. V. BUREAU OF CANNABIS CONTROL, ET AL.)

*City Attorney Googins spoke regarding the item.*

**ACTION:** A motion was made by Councilmember McCann, seconded by Councilmember Galvez, to authorize City Attorney Googins to sign on behalf of the City to join the litigation with expenditures of up to \$5,000. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

**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. [19-0421](#) CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c)

One [1] Case. County of Santa Cruz, et al. v. Bureau of Cannabis Control, et al., Fresno Superior Court, Case No. 19CECG01224.

*Item 15 was withdrawn and was not discussed.*

**ADJOURNMENT**

*The meeting was adjourned at 9:33 p.m.*

*Minutes prepared by: Tyshar L. Turner, Assistant City Clerk*

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Kerry K. Bigelow, MMC, City Clerk