

# City of Chula Vista

## Meeting Minutes - Final

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Tuesday, August 7, 2018

5:00 PM

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

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### 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 Aguilar, Deputy Mayor Diaz, Councilmember McCann, Councilmember Padilla and Mayor Casillas Salas

*Also Present: City Manager Halbert, City Attorney Googins, City Clerk Bigelow, and Deputy City Clerk Larrarte*

#### PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

*Councilmember Padilla led the Pledge of Allegiance.*

#### SPECIAL ORDERS OF THE DAY

- A. [18-0360](#) OATHS OF OFFICE  
Roselle Ellison, Board of Library Trustees  
Ken Muraoka, International Friendship Commission  
Venus Molina, International Friendship Commission  
Marnyce S. McKell, International Friendship Commission  
Tuere Faaola, Safety Commission  
John Richeson, Sustainability Commission  
Maria E. Balolong, Veterans Advisory Commission  
Patricia Larkin, Veterans Advisory Commission  
Jan Buddingh, Charter Review Commission  
Rachel McDonald, Charter Review Commission  
Paul Crawford, Commission on Aging

*City Clerk Bigelow administered the oath of office to the new commissioners, and Deputy Mayor Diaz presented them with certificates of appointment.*

- B. [18-0363](#) PRESENTATION OF A PROCLAMATION RECOGNIZING SEPTEMBER 8, 2018 AS LGBTQ DAY IN THE CITY OF CHULA VISTA

*Mayor Casillas Salas read the proclamation and Councilmember Padilla presented it to supporters of the LGBTQ community.*

*The following members of the public expressed appreciation for the proclamation:*

- Dae Elliot, representing South Bay Alliance*
- Joseph Burke, representing South Bay Pride*

*Item 14 was heard out of order prior to the Consent Calendar.*

## **MAYOR'S REPORTS (Part 1 of 2)**

14. [18-0368](#) REPORT ON STATUS OF LEGAL CHALLENGE BY THE AIRPORT AUTHORITY AND OTHERS TO THE PORT DISTRICT'S CAR RENTAL FEE TO FUND THE BAYFRONT PROJECT PARKING GARAGE AND POSSIBLE CITY COUNCIL ACTION REGARDING SAME

RESOLUTION NO. 2018-169 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA SUPPORTING THE PORT DISTRICT'S RESUMPTION OF ITS PREVIOUSLY ADOPTED RENTAL CAR USER FEE; OPPOSING THE AIRPORT AUTHORITY'S INAPPROPRIATE LEGAL CHALLENGE THERETO; AND DIRECTING STAFF TO TAKE APPROPRIATE ACTION TO ASSIST THE PORT WITH ITS DEFENSE OF THE FEE

*Mayor Casillas Salas and Commissioner Ann Moore, representing the Port of San Diego, spoke regarding the item.*

*City Attorney Googins announced that a resolution had been distributed to the Council.*

*Michael Kulis, representing the San Diego Airport Authority, expressed support for the Bayfront development and spoke regarding the Airport Authority's role in the lawsuit.*

**ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember Padilla, to adopt Resolution No. 2018-169, heading read, text waived. The motion carried by the following vote:**

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

**No:** 0

**Abstain:** 0

## **CONSENT CALENDAR (Items 1 - 7)**

*Items 1 and 4 were removed from the Consent Calendar at the request of a member of the public and by Councilmembers Aguilar and Padilla, respectively.*

*Item 1 was removed from the Consent Calendar.*

2. [18-0359](#) ORDINANCE NO. 3435 OF THE CITY OF CHULA VISTA AMENDING VARIOUS CHAPTERS OF TITLE 2 OF THE CHULA VISTA MUNICIPAL CODE, RELATED TO REGULATIONS AND PROCESSES APPLICABLE TO THE CITY'S BOARDS AND COMMISSIONS (SECOND READING AND ADOPTION)

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

- 3. [18-0239](#) RESOLUTION NO. 2018-159 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ENTERING INTO AN AGREEMENT WITH THE SEVEN MILE CASINO TO ALLOW USE OF THE PARKING LOT AT BAY BOULEVARD PARK IN EXCHANGE FOR PARK MAINTENANCE SERVICES

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

*Item 4 was removed from the Consent Calendar.*

- 5. [18-0343](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.57 (DESIGN-BUILD CONTRACTS) TO AMEND THE AUTHORIZED PROCUREMENT AND SELECTION METHODS FOR DESIGN-BUILD PROJECTS (FIRST READING)

**Recommended Action: Council place ordinance on first reading.**

- 6. [18-0336](#) RESOLUTION NO. 2018-161 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A DEVELOPMENT IMPACT FEE CREDIT ACCOUNTING AGREEMENT WITH BALDWIN & SONS, LLC. RELATING TO THE CONSTRUCTION OF A PORTION OF HERITAGE ROAD

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

- 7. [18-0324](#) RESOLUTION NO. 2018-162 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$5,820 FROM THE AARP COMMUNITY CHALLENGE GRANT TO IMPLEMENT TRANSPORTATION GOALS IN THE AGE-FRIENDLY ACTION PLAN, AND AMENDING THE FISCAL YEAR 2018/2019 DEVELOPMENT SERVICES BUDGET TO REFLECT THE APPROPRIATION OF THESE FUNDS (4/5 VOTE REQUIRED)

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

### Approval of the Consent Calendar

**ACTION:** A motion was made by Councilmember McCann, seconded by Deputy Mayor 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 - Aguilar, Diaz, McCann, Padilla and Casillas Salas

**No:** 0

**Abstain:** 0

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## ITEMS REMOVED FROM THE CONSENT CALENDAR

1. [18-0358](#) ORDINANCE NO. 3434 OF THE CITY OF CHULA VISTA ADDING CHAPTER 5.21, "CANNABIS BUSINESS TAX," TO TITLE 5 OF THE CHULA VISTA MUNICIPAL CODE TO ESTABLISH A TAX ON CANNABIS BUSINESS ACTIVITY (SECOND READING AND ADOPTION)

*Steven Pavka, Chula Vista resident, spoke in opposition to staff's recommendation.*

*Laura Wilkinson, representing Caligrown, spoke in support of staff's recommendation.*

*Patti Bowman, Bonita resident, submitted written documentation in support of staff's recommendation and was not present to speak when called.*

**ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember Aguilar, to adopt Ordinance No. 3434, heading read, text waived. The motion carried by the following vote:**

**Yes:** 4 - Aguilar, Diaz, Padilla and Casillas Salas

**No:** 1 - McCann

**Abstain:** 0

4. [18-0261](#) RESOLUTION NO. 2018-160 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DELEGATING AUTHORITY TO EXERCISE DISCRETIONARY APPROVAL OF DESIGNS FOR PUBLIC WORKS AND PUBLIC IMPROVEMENT PROJECTS TO THE CITY ENGINEER OR DESIGNEE

*City Manager Halbert and Development Services Director Broughton answered questions of the Council.*

**ACTION: A motion was made by Councilmember Padilla, seconded by Councilmember McCann, to adopt Resolution No. 2018-160, heading read, text waived. The motion carried by the following vote:**

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

**No:** 0

**Abstain:** 0

## PUBLIC COMMENTS

*Kelly McCormick spoke regarding the potential for a property owner to sue a neighboring marijuana business under the Federal Racketeer-Influenced and Corrupt Organization Act (RICO).*

## PUBLIC HEARINGS

8. [15-0546](#) RESOLUTION NO. 2018-163 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 16 (DEVELOPMENT AND IN-LIEU FEES) OF THE CITY'S MASTER FEE SCHEDULE RELATING TO CITYWIDE IN-LIEU FEES FOR PARKLAND DEVELOPMENT

*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 Councilmember Aguilar, to adopt Resolution No. 2018-163, heading read, text waived. The motion carried by the following vote:**

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

**No:** 0

**Abstain:** 0

9. [18-0341](#) RESOLUTION NO. 2018-164 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ASSESSING CERTAIN DELINQUENT SOLID WASTE SERVICE CHARGES AS RECORDED LIENS UPON THE RESPECTIVE PARCELS OF LAND AND APPROVING THE PLACEMENT OF DELINQUENT CHARGES ON THE NEXT REGULAR TAX BILL FOR COLLECTION

*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 Councilmember Aguilar, to adopt Resolution No. 2018-164, heading read, text waived. The motion carried by the following vote:**

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

**No:** 0

**Abstain:** 0

## ACTION ITEMS

10. [15-0431](#) RESOLUTION NO. 2018-165 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE 2018 PARKS AND RECREATION MASTER PLAN UPDATE

*Landscape Architect Caro gave a presentation and answered questions from the Council.*

*The following individuals spoke in support of retaining the Chula Vista golf course:*

*- Robyn Higginson, Bonita resident, and she expressed concern regarding traffic in the area*

*- Lisa Martin Goodsell, Bonita resident, representing the Sweetwater Valley Civic Association Bonita Alliance, and she requested the golf course be given priority consideration for the landmark park designation*

*- Karen Schneider, Bonita resident*

*- Carolyn Satterlee, Bonita resident*

**ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, to adopt Resolution No. 2018-165, heading read, text waived. The motion carried by the following vote:**

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

**No:** 0

**Abstain:** 0

11. [18-0303](#) A. RESOLUTION NO. 2018-166 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE COMPENSATION SCHEDULE AND CLASSIFICATION PLAN TO REFLECT (1) THE ADDITION AND DELETION OF VARIOUS POSITION TITLES AND (2) THE SALARY ADJUSTMENTS FOR POLICY AIDE AND DIRECTOR OF PUBLIC WORKS AND AMENDING THE AUTHORIZED POSITION COUNT WITH NO NET CHANGE IN AUTHORIZED STAFFING
- B. RESOLUTION NO. 2018-167 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE COMPENSATION SUMMARY FOR UNREPRESENTED EMPLOYEES
- C. RESOLUTION NO. 2018-168 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2018-2019 COMPENSATION SCHEDULE EFFECTIVE AUGUST 17, 2018, AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5
- D. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 TO DELETE THE UNCLASSIFIED POSITION OF CONSTITUENT SERVICES REPRESENTATIVE (FIRST READING) (4/5 VOTE REQUIRED)

*Human Resources Director Chase announced that Item 11 included changes to executive compensation.*

**ACTION:** A motion was made by Councilmember McCann, seconded by Mayor Casillas Salas, to adopt Resolution Nos. 2018-166 through 2018-168, and place the above ordinance on first reading, headings read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

12. [18-0335](#) ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHULA VISTA MUNICIPAL CODE CHAPTER 2.63 - "MEASURE A" CITIZENS' OVERSIGHT COMMITTEE (FIRST READING)

**ACTION:** A motion was made by Mayor Casillas Salas, seconded by Deputy Mayor Diaz, to place the above ordinance on first reading, as amended to add two designated member seats to the Measure A Citizens Oversight Committee, which would be nominated, one each, by the Police Chief and the Fire Chief. The heading was read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

13. [18-0355](#) SELECTION OF A DATE AND TIME FOR AN OPEN MEETING TO CONDUCT INTERVIEWS OF ALL APPLICANTS WHO SUBMITTED A QUALIFIED APPLICATION DURING THE SPECIFIED APPLICATION PERIOD TO FILL ONE VACANCY ON THE PARKS AND RECREATION COMMISSION

*There was consensus of the Council to schedule the meeting for September 11, 2018, at 4:00 p.m. in the Executive Conference Room.*

### **CITY MANAGER'S REPORTS**

*There were none.*

### **MAYOR'S REPORTS (Part 2 of 2)**

*Item 14 was heard out of order prior to the Consent Calendar.*

*Mayor Casillas Salas reported on the following events: Public Works luncheon, Living Coast Discovery Center's Farm to Bay fundraising event, anniversary of the opening of 3 Punk Ales, National Night Out, and HarborFest.*

### **COUNCILMEMBERS' COMMENTS**

*There were none.*

### **CITY ATTORNEY'S REPORTS**

*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 7:15 p.m. The Council reconvened in Closed Session at 7:30 p.m., with all members present, except Councilmember McCann.*

### **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. [18-0292](#) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):  
[2] Cases.

**ACTION:** For the case named Rental Car User Fee, there was no reportable action.

For the case named Opioid, there was no reportable action.

**ADJOURNMENT**

*At 8:15 p.m., the meeting was adjourned to the regular City Council meeting on August 14, 2018, at 5:00 p.m., in the Council Chambers.*

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Kerry K. Bigelow, MMC, City Clerk