

City of Chula Vista

Meeting Minutes - Final

Tuesday, August 9, 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 5:02 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

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

Excused: Councilmember Aguilar

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. [16-0365](#) OATH OF OFFICE

Amy Reeve, Civil Service Commission

City Clerk Norris administered the oath of office to Commissioner Reeve, and Deputy Mayor Miesen presented her with a certificate of appointment.

B. [16-0399](#) PRESENTATION BY THE CULTURAL ARTS COMMISSION OF THE 2016 GAYLE MCCANDLISS ARTS AWARDS

Cultural Arts Manager Tessitore-Lopez gave a presentation on the item. Cultural Arts Commission Chair Cazares and Commissioner Gore recognized the following winners of the 2016 Gayle McCandliss Arts Awards:

Rising Star Scholarship winners: Brianna Quirino (Body Art), Jared Gorospe (Photography), Joshua Lee (Dance), Isabel Rodriguez (Performing Arts), and Benjamin Salvacion (Music)

Rising Star - Outstanding Artistic Achievement Award winners: Mathias Cien-Mayer, Leticia Roybal, Dayna Hill, Madelin Chavez, Ramona Demotto, Oscar Chavez, Jonathan Mena, Lori Lopez, Alisa Venegas, and Valentina Alonzo

Literary Art Award - Outstanding Literary Achievement Award winners: Patricia Maxwell, Jennifer Hodge, and Chrissy Baclagan

Bravo Award - Distinguished Community Service Award winners: Sophia Gray and Anita Chateau

CONSENT CALENDAR (Items 1 - 7)

1. [16-0400](#) APPROVAL OF MINUTES of July 26 and August 2, 2016.
Recommended Action: Council approve the minutes.

2. [16-0392](#) WRITTEN COMMUNICATIONS
 - A. Letter of resignation from Max Zaker effective August 2, 2016, Housing Commission.

 - B. Memorandum from Councilmember Aguilar requesting an excused absence from the July 26, 2016 City Council meeting.
Recommended Action: Council accept the resignation and excuse the absence.

3. [16-0278](#) RESOLUTION NO. 2016-165 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AGREEMENT FOR PREPARATION OF A PEDESTRIAN CONNECTIVITY AND INFRASTRUCTURE IMPROVEMENT PLAN BETWEEN THE CITY OF CHULA VISTA AND COLE & ASSOCIATES, INC., AND APPROPRIATING \$30,000 FROM THE AVAILABLE BALANCE OF THE TRANSNET FUND TO CIP GG222, "ASSET MANAGEMENT" (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the resolution.

4. [16-0377](#) RESOLUTION NO. 2016-166 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE PURCHASE OF ONE COMBINATION SEWER CLEANING TRUCK IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF NATIONAL JOINT POWERS ALLIANCE CONTRACT NUMBER 102811 AND THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP IN THE AMOUNT OF \$439,961
Recommended Action: Council adopt the resolution.

5. [16-0333](#) RESOLUTION NO. 2016-167 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS; AWARDED A CONTRACT FOR THE "MAX FIELD PUMP STATION RECONSTRUCTION PROJECT (CIP NO. SW278)" TO JUST CONSTRUCTION, INC. IN THE AMOUNT OF \$398,631; APPROPRIATING \$320,000 FROM THE SEWER FACILITY REPLACEMENT FUND TO CAPITAL IMPROVEMENT PROJECT SW278; AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE ALL CHANGE ORDERS; AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$60,000 (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the resolution.

6. [16-0358](#) RESOLUTION NO. 2016-168 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING CONSTRUCTION CHANGE ORDERS FOR SLF IV-MILLENNIA, LLC FOR THE CONSTRUCTION OF TRAFFIC SIGNAL IMPROVEMENTS IN THE MILLENNIA PROJECT AND PROVIDING TRANSPORTATION DEVELOPMENT IMPACT FEE AND TRAFFIC SIGNAL FEE CREDIT FOR ELIGIBLE EXPENSES

Recommended Action: Council adopt the resolution.

7. [16-0374](#) RESOLUTION NO. 2016-169 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FOURTH AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND ADVANTAGE SENTRY AND PROTECTION, INC. TO PROVIDE TRANSPORTATION SERVICES FOR PRISONERS, AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

Recommended Action: Council adopt the resolution.

Approval of the Consent Calendar

ACTION: A motion was made by Deputy Mayor Miesen, seconded by Councilmember McCann, to approve staff's recommendations on the above Consent Calendar items, headings read, text waived. The motion carried by the following vote:

Yes: 4 - Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

Steven Pavka, Chula Vista resident, expressed concern regarding issues affecting older residents of the City.

PUBLIC HEARINGS

8. [16-0314](#) CONSIDERATION OF APPROVING AN ADDENDUM TO EIR 07-01 AND AMENDMENTS TO THE EASTERN URBAN CENTER (EUC) SECTIONAL PLANNING AREA PLAN AND FORM BASED CODE TO RELOCATE THE MILLENNIA ELEMENTARY SCHOOL SITE, DELETE A PORTION OF MONTAGE AVENUE, REVISE PARKING RATES AND STANDARDS, AND CLARIFY THE APPROVAL PROCESS FOR THE PARKING MANAGEMENT PLAN, SUBSEQUENT PARKING RATES, AND FUTURE STREET DELETIONS

A. RESOLUTION NO. 2016-170 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CONSIDERING THE ADDENDUM (IS-15-0003) TO EIR 07-01 AND APPROVING AMENDMENTS TO THE EASTERN URBAN CENTER SECTIONAL PLANNING AREA (SPA) PLAN AND ASSOCIATED REGULATORY DOCUMENTS RELATING TO THE RELOCATION OF MILLENIA ELEMENTARY SCHOOL SITE AND DELETION OF A PORTION OF MONTAGE AVENUE

B. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO THE EASTERN URBAN CENTER PLANNED COMMUNITY DISTRICT REGULATIONS AND DESIGN PLAN (FORM BASED CODE) FOR 207 ACRES OF LAND IN THE EASTERN URBAN CENTER PORTION OF THE OTAY RANCH RELATING TO THE RELOCATION OF THE MILLENIA ELEMENTARY SCHOOL SITE, DELETION OF A PORTION OF MONTAGE AVENUE, REVISING THE PARKING RATES AND STANDARDS AND CLARIFYING THE APPROVAL PROCESS FOR THE PARKING MANAGEMENT PLAN, SUBSEQUENT PARKING RATES, AND FUTURE STREET DELETIONS (FIRST READING)

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.

Landscape Architect Ferman gave a presentation on the item.

Mayor Casillas Salas opened the public hearing.

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

- Todd Galarneau, representing Meridian Development
- Carolyn Scholl, representing the Chula Vista Elementary School District

Mayor Casillas Salas stated written documentation in support of staff's recommendation had been received from Lee Chesnut, representing Chesnut Properties.

There being no other 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 Bensoussan, that Resolution No. 2016-170 be adopted and the above ordinance be placed on first reading, headings read, text waived. The motion carried by the following vote:

Yes: 4 - Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

9. [16-0354](#) CONSIDERATION OF AN APPEAL BY BALDWIN & SONS OF THE PLANNING COMMISSION'S ACTION OF NO DECISION DUE TO NOT ACHIEVING A MAJORITY VOTE ON DESIGN REVIEW PERMIT DR15-0024 FOR A 78-UNIT MULTI-FAMILY RESIDENTIAL PROJECT IN OTAY RANCH VILLAGE TWO NEIGHBORHOOD R-17B(b)

RESOLUTION NO. 2016-171 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN APPEAL FOR DESIGN REVIEW PERMIT DR15-0024 TO CONSTRUCT A 78-UNIT MULTI-FAMILY DUPLEX DEVELOPMENT WITH TWO-CAR GARAGES, RECREATION AREAS, AND ASSOCIATED OPEN SPACE ON 4.7 ACRES WITHIN THE OTAY RANCH VILLAGE TWO, NEIGHBORHOOD R-17B(b)

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.

Deputy Mayor Miesen stated he would abstain from participating and voting on the item due to a potential conflict of interest related to a business entity in which he had a financial interest. He left the dais at 5:47 p.m.

Senior Planner Donn gave a presentation on the item.

Nick Lee, applicant, representing Baldwin & Sons, provided information regarding the covenants, conditions, and restrictions (CC&Rs) for the proposed project.

Mayor Casillas Salas opened the public hearing.

Stephen Haase, representing Baldwin & Sons, spoke in favor of consistency in applying parking standards to development projects that were similar in nature.

There being no other 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 Bensoussan, that Resolution No. 2016-171 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 3 - Bensoussan, McCann and Casillas Salas

No: 0

Abstain: 1 - Miesen

CITY MANAGER'S REPORTS

City Manager Halbert provided a status update regarding the extension of Heritage Road to Main Street.

MAYOR'S REPORTS

Mayor Casillas Salas announced the standings of the following youth sports teams: Bonita Valley Girls Softball 12 and under became the 2016 National Champions, Bonita Vista Girls softball 14 and under finished in fifth place in the Nationals, Bonita Valley Girls 10 and under played in the Nationals but were eliminated, Park View Little League was two wins away from the Little League World Series, and Chula Vista South Pony League played in the Colt League World Series and were the West Zone Champions.

She spoke regarding her attendance at the recent National Night Out event, a presentation by The Maritime Alliance and OceanSTEM Education at Marine Group Boat Works, the Farm to Bay fundraising event at the Living Coast Discovery Center, and the Lemon Festival.

Mayor Casillas Salas paid tribute to Officer Jonathan De Guzman and City employee Rich Zumwalt.

Deputy Mayor Miesen returned to the dais at 6:10 p.m.

COUNCILMEMBERS' COMMENTS

Councilmember McCann spoke regarding the recent Lemon Festival, a recent community meeting regarding an East H Street project. Councilmember McCann thanked the community for its support and spoke regarding the memorial service for Officer De Guzman.

Deputy Mayor Miesen spoke regarding the recent community recognition of and support for law enforcement. He stated he attended the recent Living Coast Discovery Center Farm to Bay event and the Lemon Festival.

Councilmember Bensoussan spoke regarding the upcoming HarborFest event.

City Attorney Googins spoke regarding the recent Lemon Festival event.

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 6:20 p.m. The Council reconvened in Closed Session at 6:24 p.m., with Councilmembers Bensoussan, McCann, Miesen, and Mayor Casillas Salas present.

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.

10. [16-0398](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(1)

Name of case: A) John Kilpatrick v. City of Chula Vista, Office of Administrative Hearings (OAH), Case No. 2016040774; and

B) Karen R. Escobedo as Trustee of the Irving A. Escobedo and Karen R. Escobedo Family Trust v. City of Chula Vista, San Diego Superior Court, Case No. 37-2015-00007825-CU-PO-CTL.

ACTION: Item A: No reportable action.

Item B: Reportable action pending finalization of settlement.

ADJOURNMENT

At 6:34 p.m., Mayor Casillas Salas adjourned the meeting to the Regular City Council Meeting on August 16, 2016, at 5:00 p.m., in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk