

City of Chula Vista

Meeting Minutes - Draft

Tuesday, July 22, 2014

2:00 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 2:04 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

Present: Deputy Mayor Aguilar, Councilmember Bensoussan, Councilmember Salas and Mayor Cox

Absent: Councilmember Ramirez

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Principal Civil Engineer Rivera led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. 14-0435** OATH OF OFFICE
David Marshall, Safety Commission
Marivic Lisama, Housing Advisory Commission

City Clerk Norris administered the oaths of office to Commissioners Marshall and Lisama.

- B. 14-0430** PRESENTATION BY AMERICAN PUBLIC WORKS ASSOCIATION (APWA) PRESIDENT CLARK FERMON AND PRINCIPAL CIVIL ENGINEER JOSE GOMEZ REGARDING APWA OF SAN DIEGO & IMPERIAL COUNTIES' 2014 AWARD FOR PROJECT OF THE YEAR FOR STRUCTURES UNDER \$2 MILLION - PEDESTRIAN BRIDGE & TRAIL PROJECT (PR318)

Principal Civil Engineer Rivera and Clark Fermon, American Public Works Association President, presented information regarding the 2014 award for project of the year.

- C. 14-0433** PRESENTATION BY THE SAN DIEGO FOUNDATION REGIONAL OUTREACH MANAGER ZANETA ENCARNACION, CHULA VISTA CHARITABLE FOUNDATION (CVCF) CHAIR MICHAEL MEACHAM, VICE CHAIR DEBBIE ESPE AND FINANCE CHAIR RICK RICHARDSON OF THE CVCF'S ANNUAL REPORT TO THE CITY COUNCIL

Zaneta Encarnacion, Michael Meacham, and Rick Richardson, representing the Chula Vista Charitable Foundation, presented the Foundation's annual report.

D. 14-0408 UPDATE ON CITY NOW, THE CITY OF CHULA VISTA'S CONTINUOUS IMPROVEMENT PROGRAM: DEVELOPMENT SERVICES DEPARTMENT DOCUMENT HANDLING AND STORAGE

Assistant to the City Manager/Continuous Improvement Manager Mills and Director of Information Technology Services Chew provided information regarding the City's continuous improvement program.

Assistant Director of Engineering Valle, Records Manager Turner, Housing Manager Hines, and Principal Civil Engineer Adler gave a presentation on the Development Services Department document handling and storage project.

CONSENT CALENDAR (Items 1 - 10)

Mayor Cox announced that Item 7 would be continued to an upcoming meeting of the Council

1. 14-0443 APPROVAL OF MINUTES of June 10 and 17, and July 8, 2014.

Recommended Action: Council approve the minutes.

2. 14-0444 WRITTEN COMMUNICATIONS

Letter of resignation from Rebecca Kelley, International Friendship Commission.

Recommended Action: Council accept the resignation.

3. 14-0436 ORDINANCE NO. 3314 OF THE CITY OF CHULA VISTA AMENDING: CHULA VISTA MUNICIPAL CODE SECTION 13.14.090 (SEWER CAPACITY CHARGE); THE CITY'S MASTER FEE SCHEDULE (CHAPTER 12 - SEWER FEES); AND THE CITY'S SUBDIVISION MANUAL (SECTION 3-300 - SEWER DESIGN CRITERIA), TO MODIFY THE SEWER CAPACITY CHARGE AND THE WASTEWATER UNIT GENERATION RATES (SECOND READING AND ADOPTION)

Recommended Action: Council adopt the ordinance.

4. 14-0437 ORDINANCE NO. 3315 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 9.13 OF THE CHULA VISTA MUNICIPAL CODE REGULATING THE LICENSING AND OPERATIONAL STANDARDS FOR SEXUALLY ORIENTED BUSINESSES (SECOND READING AND ADOPTION)

Recommended Action: Council adopt the ordinance.

5. 14-0438 ORDINANCE NO. 3316 OF THE CITY OF CHULA VISTA AMENDING TITLE 19 OF THE CHULA VISTA MUNICIPAL CODE REGULATING PLANNING AND ZONING (SECOND READING AND ADOPTION)

Recommended Action: Council adopt the ordinance.

6. **14-0358** A. RESOLUTION NO. 2014-142 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA REQUESTING THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TO APPROVE THE USE CITY OF CHULA VISTA PRIOR-YEAR UNALLOCATED TRANSPORTATION DEVELOPMENT ACT ARTICLE 4.0 FUNDS IN THE AMOUNT OF \$177,800, CURRENTLY HELD BY THE COUNTY OF SAN DIEGO FOR THE PURCHASE AND INSTALLATION OF A PROGRAMMABLE LOGIC CONTROLLER FOR THE NATURAL GAS COMPRESSOR STATION, REFURBISHING THE NATURAL GAS DRYER, AND REHABILITATION OF THE PUBLIC WORKS CENTER/TRANSIT YARD BUILDINGS AND AUTHORIZING THE APPROPRIATION OF \$177,800 OF TRANSPORTATION DEVELOPMENT ACT FUNDS TO THE CAPITAL EXPENSE CATEGORY OF THE TRANSIT CAPITAL PROJECT FUND (4/5 VOTE REQUIRED)
- B. RESOLUTION NO. 2014-143 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING INCREASING THE TRUSTAR ENERGY CONTRACT LIMIT ABOVE \$100,000 TO PURCHASE AND INSTALL THE PROGRAMMABLE LOGIC CONTROLLER AND MAINTAIN THE NATURAL GAS COMPRESSOR STATION

Recommended Action: Council adopt the resolutions.

Item 7 was removed from the Consent Calendar and continued to a future meeting of the Council.

8. **14-0419** A. RESOLUTION NO. 2014-144 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$386,310 UNDER THE PRE-DISASTER MITIGATION GRANT PROGRAM THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR BRUSH CLEARANCE IN RICE CANYON AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE THE POWER TO EXECUTE IN THE NAME OF THE CITY OF CHULA VISTA ALL NECESSARY GRANT DOCUMENTS, INCLUDING BUT NOT LIMITED TO APPLICATIONS, AGREEMENTS, AMENDMENTS TO SECURE THE GRANT FUNDS; APPROPRIATING \$386,310 IN GRANT FUNDING TO THE CIP EXPENSE CATEGORY OF THE FEDERAL GRANTS FUND FOR THE NEWLY ESTABLISHED "BRUSH CLEARANCE IN RICE CANYON" CIP OP225; AND TRANSFERRING \$133,333 FROM FIRE DEPARTMENT'S NON CIP PROJECTS EXPENDITURE CATEGORY TO CIP OP225. (4/5 VOTE REQUIRED)

B. RESOLUTION NO. 2014-145 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DESIGNATING THE CITY'S AGENTS TO PROVIDE ALL NECESSARY ASSURANCES AND AGREEMENTS REQUIRED BY THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES

Recommended Action: Council adopt the resolutions.

9. 14-0392

RESOLUTION NO. 2014-146 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A TWO-PARTY AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND RECON ENVIRONMENTAL, INC. TO SERVE AS THE OTAY RANCH PRESERVE STEWARD/BIOLOGIST, AND AUTHORIZING THE CITY MANAGER TO EXECUTE UP TO FOUR 1-YEAR EXTENSIONS, AND ANY RELATED DOCUMENTS IN CONJUNCTION WITH IMPLEMENTING THE AGREEMENT

Recommended Action: Council adopt the resolution.

10. 14-0421

A. RESOLUTION NO. 2014-147 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE COMPENSATION SCHEDULE AND CLASSIFICATION PLAN TO REFLECT THE ADDITION AND REMOVAL OF VARIOUS POSITION TITLES

B. RESOLUTION NO. 2014-148 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2014-2015 COMPENSATION SCHEDULE AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

C. RESOLUTION NO. 2014-149 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE AUTHORIZED POSITION COUNT IN THE ADMINISTRATION AND ANIMAL CARE FACILITY DEPARTMENTS TO REFLECT THE PROPOSED TITLE CHANGES

D. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 RELATING TO THE ESTABLISHMENT OF UNCLASSIFIED POSITIONS TO REMOVE ASSISTANT TO THE CITY MANAGER/CONTINUOUS IMPROVEMENT MANAGER AND ADD PERFORMANCE AND ORGANIZATIONAL DEVELOPMENT MANAGER (FIRST READING) (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolutions and place the ordinance on first reading.

Approval of the Consent Calendar

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

Yes: 4 - Aguilar, Bensoussan, Salas and Cox

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

7. **14-0389** ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTIONS 1.04.010, 2.66.310 AND 2.66.330 DELEGATING AUTHORITY TO PARK RANGER TO ISSUE INFRACTION CITATIONS AND GENERAL UPDATES TO CHAPTER 2.66 (FIRST READING)

Mayor Cox announced that Item 7 would be continued to a future meeting of the Council.

PUBLIC COMMENTS

There were none.

PUBLIC HEARINGS

11. **14-0449** CONSIDERATION OF UPDATING THE WESTERN TRANSPORTATION DEVELOPMENT IMPACT FEE TO MITIGATE TRANSPORTATION IMPACTS WITHIN WESTERN CHULA VISTA, AMENDING THE WESTERN TRANSPORTATION DEVELOPMENT IMPACT FEE BENEFIT AREA, AND ESTABLISHING THE BAYFRONT TRANSPORTATION DEVELOPMENT IMPACT FEE

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 Cox opened the public hearing and continued the item to the Council meeting of August 5, 2014.

12. **14-0448** CONSIDERATION OF ACCEPTING A STAFF REPORT RECOMMENDING AN UPDATED TRANSPORTATION DEVELOPMENT IMPACT FEE TO MITIGATE TRANSPORTATION IMPACTS WITHIN THE CITY'S EASTERN TERRITORIES AND AMENDING CHAPTER 3.54 OF THE MUNICIPAL CODE TO MODIFY THE EXISTING TRANSPORTATION DEVELOPMENT IMPACT FEE

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 Cox opened the public hearing and continued the item to the Council meeting of August 5, 2014.

- 13. 14-0420** The ordinance was placed on first reading at the meeting of July 22, 2014. Consideration of the resolution was continued to the meeting of August 5, 2014.

CONSIDERATION OF GRANTING A WASTE MANAGEMENT FRANCHISE RENEWAL TO ALLIED WASTE SERVICES, INC. (DBA REPUBLIC SERVICES OF CHULA VISTA)

A. ORDINANCE OF THE CITY OF CHULA VISTA GRANTING A WASTE MANAGEMENT FRANCHISE RENEWAL TO ALLIED WASTE SERVICES, INC. (DBA REPUBLIC OF CHULA VISTA) ON THE TERMS PRESENTED UNTIL JUNE 30, 2024 WITH TWO OPTIONS TO EXTEND UNTIL JUNE 30, 2031 AND JUNE 30, 2039, RESPECTIVELY, SUBJECT TO THE CITY'S DETERMINATION OF SATISFACTORY PERFORMANCE AND AUTHORIZING THE MAYOR TO EXECUTE SAME (FIRST READING)

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AMENDED AND RESTATED OTAY LANDFILL EXPANSION AGREEMENT BETWEEN THE CITY AND ALLIED WASTE OF NORTH AMERICA, INC. (DBA OTAY LANDFILL, INC,) AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

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.

Director of Public Works Hopkins and Environmental Services Program Manager France presented information on the item and recommended the Council place the ordinance on first reading and continue the resolution to the Council meeting of August 5, 2014.

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

City Attorney Googins stated that a revised version of the ordinance had been provided to the Council for consideration.

Consideration of the resolution was continued to the meeting of August 5, 2014.

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

Yes: 4 - Aguilar, Bensoussan, Salas and Cox

No: 0

Abstain: 0

14. 14-0393 CONSIDERATION OF AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE CHULA VISTA BAYFRONT MASTER PLAN AND APPROVING THE AMENDED SPECIFIC PLAN OF THE CHULA VISTA LOCAL COASTAL PROGRAM

A. RESOLUTION NO. 2014-150 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CONSIDERING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE CHULA VISTA BAYFRONT MASTER PLAN (UPD#83356-EIR-658/SCH#2005081077), MAKING CERTAIN FINDINGS AND APPROVING THE AMENDED LAND USE PLAN OF THE LOCAL COASTAL PROGRAM AND DIRECTING STAFF TO FORWARD THE SAME TO THE CALIFORNIA COASTAL COMMISSION

B. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING THE AMENDED SPECIFIC PLAN OF THE CHULA VISTA LOCAL COASTAL PROGRAM, AMENDING CHULA VISTA MUNICIPAL CODE CHAPTERS 19.81 THROUGH 19.87, AND MAKING CERTAIN FINDINGS WITH REGARD THERETO (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.

Councilmember Salas stated she would abstain from voting and participating in discussion on the item due to a potential property-related conflict of interest. She left the dais at 3:01 p.m.

Mayor Cox opened the public hearing.

John Moot and Steve Padilla, representing Inland Industries, each spoke in support of staff's recommendation and also in support of Council clarifying some of the policy and implementation details, including the language regarding the building heights and undergrounding of utility lines.

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

Senior Planner Tapia responded to Council questions regarding the item.

ACTION: A motion was made by Mayor Cox, seconded by Councilmember Bensoussan, that Resolution No. 2014-150 be adopted and the above ordinance be placed on first reading, headings read, text waived. The motion carried by the following vote:

Yes: 3 - Aguilar, Bensoussan and Cox

No: 0

Abstain: 1 - Salas

Councilmember Salas returned to the dais at 3:30 p.m., following discussion and voting on Item 14.

15. 14-0407 CONSIDERATION OF ANNEXATION OF TERRITORY (OTAY RANCH VILLAGE 8 WEST) TO COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT)

A. RESOLUTION NO. 2014-151 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT), MAKING CERTAIN DETERMINATIONS AND AUTHORIZING SUBMITTAL OF LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS OF CERTAIN TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT) AND IMPROVEMENT AREA "C" THERETO

B. RESOLUTION NO. 2014-152 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT), DECLARING THE RESULTS OF A SPECIAL ELECTION IN THAT TERRITORY DESIGNATED AS COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT), IMPROVEMENT AREA "C," ANNEXATION NO. 9, AND ADDING SUCH TERRITORY TO SUCH IMPROVEMENT AREA

City Clerk Norris stated that the notice of the hearing was given in the form and manner as required by law. The hearing was held on the date and no earlier than the time specified in the notice.

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

ACTION: A motion was made by Councilmember Bensoussan, seconded by Deputy Mayor Aguilar, that Resolution No. 2014-151 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 4 - Aguilar, Bensoussan, Salas and Cox

No: 0

Abstain: 0

City Clerk Norris opened the ballot and declared the item passed.

ACTION: A motion was made by Councilmember Salas, seconded by Councilmember Bensoussan, to adopt Resolution No. 2014-152, headings read, text waived. The motion carried by the following vote:

Yes: 4 - Aguilar, Bensoussan, Salas and Cox

No: 0

Abstain: 0

BOARD AND COMMISSION REPORTS

- 16. 14-0440** RESOLUTION NO. 2014-153 OF THE CITY COUNCIL (A) APPROVING DRAFT MODIFICATIONS TO CHARTER SECTIONS 1009 (REGARDING PUBLIC WORKS CONTRACTING), AND 1010 AND 1011 (REGARDING CITY CONTRACTING GENERALLY) IN ORDER TO ENHANCE EFFICIENCY AND FLEXIBILITY IN CITY PROCUREMENT PRACTICES WHILE PRESERVING CHECKS AND BALANCES; AND (B) DIRECTING STAFF TO PREPARE THE ITEM FOR COUNCIL CONSIDERATION FOR PLACEMENT ON THE NOVEMBER 4, 2014 BALLOT

Mayor Cox recessed the meeting at 3:38 p.m. The Council reconvened at 3:50 p.m., with Deputy Mayor Aguilar, Councilmember Salas, and Mayor Cox present. Councilmember Bensoussan returned to the dais at 3:53 p.m.

City Attorney Googins presented information on the item. He recommended that the Council adopt the resolution and direct staff to present a proposed ballot measure and budget appropriation for Council consideration at the meeting of August 5, 2014.

Public Works Director Hopkins and Director of Economic Development Meacham provided information regarding the item.

City Clerk Norris and City Attorney Googins provided information on the anticipated source of funding for the cost of a potential ballot measure.

At the request of Mayor Cox, there was consensus of a majority of the Council to direct staff to strongly consider setting the threshold for contracts requiring City Council approval at \$500,000.

At the request of Deputy Mayor Aguilar, City Manager Halbert stated that staff would communicate the proposed changes and solicit feedback from some business and labor interests that might be affected by a possible change to the threshold.

ACTION: A motion was made by Councilmember Bensoussan, seconded by Councilmember Salas, that Resolution No. 2014-153 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 4 - Aguilar, Bensoussan, Salas and Cox

No: 0

Abstain: 0

CITY MANAGER'S REPORTS

There was none.

MAYOR'S REPORTS

17. **14-0446** CONSIDERATION OF INCLUDING ON THE AUGUST 5, 2014 AGENDA AN ITEM PLACING A MEASURE ON THE NOVEMBER 4, 2014 BALLOT AMENDING THE CHULA VISTA CHARTER TO ELIMINATE THE REQUIREMENT OF A RUN-OFF ELECTION WHEN A CANDIDATE RECEIVES A MAJORITY OF THE VOTES CAST IN A GENERAL ELECTION OR A SPECIAL ELECTION HELD TO FILL A VACANCY

Mayor Cox presented information on the item.

ACTION: A motion was made by Mayor Cox, seconded by Councilmember Salas, to place an item on the above topic on the agenda of August 5, 2014 for Council consideration. The motion carried by the following vote:

Yes: 4 - Aguilar, Bensoussan, Salas and Cox

No: 0

Abstain: 0

At the request of Mayor Cox, there was consensus of the Council to add an item to the agenda of August 5, 2014 for Council consideration of a ballot measure related to eliminating the requirement of a run-off election for a candidate receiving a majority of the votes cast in a general election or a special election.

There was consensus of the Council to also consider standardizing the language in the Charter to align the City's election terminology with that of the State, including the use of "special" and "general" as related to names of elections.

COUNCILMEMBERS' COMMENTS

Councilmember Bensoussan announced the upcoming HarborFest event that would be held on August 16, 2014.

ADJOURNMENT

At 4:51 p.m., the meeting was adjourned to the Regular City Council Meeting on August 5, 2014, at 2:00 p.m., in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk