

# City of Chula Vista

## Meeting Minutes - Final

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Tuesday, November 12, 2019

5:00 PM

Council Chambers  
276 4th Avenue, Building A  
Chula Vista, CA 91910  
Teleconferencing Location:  
Oceano Hotel & Spa  
280 Capistrano Road  
Half Moon Bay, CA 94019

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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 5:00 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

*Deputy Mayor Padilla left the meeting at 5:45 p.m.*

*Also Present: City Manager Halbert, City Attorney Googins, City Clerk Bigelow, and Assistant City Clerk Turner*

*City Clerk Bigelow announced that Deputy Mayor Padilla was participating via videoconference from the following location: Oceano Hotel & Spa, 280 Capistrano Road, Half Moon Bay, CA 94019; and that all votes would be taken by roll call.*

*Deputy Mayor Padilla stated he complied with all requirements of the Brown Act, including posting the agenda and assuring public accessibility to the location. He stated no members of the public were present at his location.*

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

*Councilmember McCann led the Pledge of Allegiance.*

### SPECIAL ORDERS OF THE DAY

A. [19-0531](#) OATHS OF OFFICE

Bryan Ehm, Board of Appeals and Advisors  
Lee Kohse, Cultural Arts Commission

*City Clerk Bigelow administered the oath of office to Commissioners Ehm and Kohse, and Councilmembers Diaz and Galvez presented them with certificates of appointment.*

- B. [19-0524](#) PRESENTATION OF A PROCLAMATION COMMENDING JOHN JACOBS, THE 2019 CHULA VISTA VETERAN OF THE YEAR

*Mayor Casillas Salas read the proclamation and Councilmember McCann presented it to Mr. Jacobs.*

- C. [19-0518](#) PRESENTATION OF A PROCLAMATION PROCLAIMING NOVEMBER 10-16, 2019 AS NURSE PRACTITIONER WEEK IN THE CITY OF CHULA VISTA

*Mayor Casillas Salas read the proclamation and Councilmember Diaz presented it to Heriberto Rivera Beltran, NP and Andrew J. White, DNP, Past President San Diego Chapter for CANP.*

- D. [19-0486](#) PRESENTATION AND UPDATE ON THE AIRPORT DEVELOPMENT PLAN BY SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY BOARD MEMBER MARK WEST, AND BRENDAN REED, DIRECTOR OF PLANNING AND ENVIRONMENTAL AFFAIRS

*Mark West and Brendan Reed, representing San Diego County Regional Airport Authority, gave a presentation on the item.*

- E. [19-0530](#) PRESENTATION OF THE SOUTH COUNTY TRI-MARKETING EFFORT BY SOUTH COUNTY ECONOMIC DEVELOPMENT COUNCIL PRESIDENT AND CEO, CINDY GOMPPER-GRAVES

*Cindy Gompper-Graves, representing South County Economic Development Council, gave a presentation on the item.*

- F. [19-0526](#) PRESENTATION OF A PROCLAMATION RECOGNIZING SOUTH COUNTY ECONOMIC DEVELOPMENT COUNCIL ON ITS 30TH ANNIVERSARY

*Mayor Casillas Salas read the proclamation and Councilmember Galvez presented it to Ms. Gompper-Graves. Council presented an additional proclamation naming Tuesday, November 12th Cindy Gompper-Graves Day in the City of Chula Vista in honor of her retirement.*

*Councilmember Padilla left the meeting at 5:45 p.m.*

## **CONSENT CALENDAR (Items 1 - 4)**

*Items 1 and 3 were removed from the Consent Calendar at the request of a member of the public and Councilmember Galvez, respectively.*

*Item 1 was removed from the Consent Calendar.*

2. [19-0533](#) RESOLUTION NO. 2019-208 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING RESOLUTION NO. 2019-169 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 resolution amending Resolution No. 2019-169.**

*Item 3 was removed from the Consent Calendar.*

4. [19-0448](#)
- A. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.08 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA BUILDING CODE, 2019 EDITION (FIRST READING)
  - B. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.09 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA RESIDENTIAL CODE, 2019 EDITION (FIRST READING)
  - C. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.10 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA REFERENCED STANDARDS CODE, 2019 EDITION (FIRST READING)
  - D. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.12 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2019 EDITION (FIRST READING)
  - E. ORDINANCE OF THE CITY OF CHULA VISTA ADOPTING CHAPTER 15.14 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA EXISTING BUILDING CODE, 2019 EDITION (FIRST READING)
  - F. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.16 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA MECHANICAL CODE, 2019 EDITION (FIRST READING)
  - G. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.24 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA ELECTRICAL CODE, 2019 EDITION (FIRST READING)
  - H. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.26 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA ENERGY CODE, 2019 EDITION (FIRST READING)
  - I. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.28 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA PLUMBING CODE, 2019 EDITION (FIRST READING)
  - J. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING

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CHAPTER 15.36 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA FIRE CODE, 2019 EDITION (FIRST READING)

Recommended Action: Council place the ordinances on first reading.

### 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:** 4 - Diaz, Galvez, McCann and Casillas Salas

**No:** 0

**Abstain:** 0

### ITEMS REMOVED FROM THE CONSENT CALENDAR

1. [19-0532](#) A. ORDINANCE NO. 3465 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTIONS 19.58.022 (ACCESSORY DWELLING UNITS) AND 19.58.023 (JUNIOR ACCESSORY DWELLING UNITS) TO REMOVE THE OWNER OCCUPANCY REQUIREMENT (SECOND READING AND ADOPTION)

B. ORDINANCE NO. 3466 OF THE CITY OF CHULA VISTA IMPLEMENTING THE DEVELOPMENT IMPACT FEE RELATED PROVISIONS OF SENATE BILL 13 (ACCESSORY DWELLING UNITS) (SECOND READING AND ADOPTION)

*Robert Smith, Chula Vista resident, spoke in opposition to staff's recommendation.*

**ACTION:** A motion was made by Councilmember McCann, seconded by Councilmember Galvez, to adopt Ordinance Nos. 3465 and 3466, headings read, text waived. The motion carried by the following vote:

**Yes:** 4 - Diaz, Galvez, McCann and Casillas Salas

**No:** 0

**Abstain:** 0

3. [19-0420](#) RESOLUTION NO. 2019-209 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING A PROJECT STAFFING AND REVIEWING AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND PARDEE HOMES, A CALIFORNIA CORPORATION

*City Manager Halbert and Development Services Director Broughton responded to questions of Councilmember Galvez.*

**ACTION:** A motion was made by Councilmember Galvez, seconded by Councilmember McCann, to adopt Resolution No. 2019-209, heading read, text waived. The motion carried by the following vote:

**Yes:** 4 - Diaz, Galvez, McCann and Casillas Salas

**No:** 0

**Abstain:** 0

Mayor Casillas Salas recessed the meeting at 6:02 p.m. The Council reconvened at 6:07 p.m., with all members present, except Deputy Mayor Padilla.

## **PUBLIC COMMENTS**

Kathleen Lippitt, Poway resident, expressed concern regarding e-cigarettes and marijuana-related activities.

Lillie Hebert, Chula Vista resident, spoke in support of flying POW flags at City buildings.

The following individuals spoke in opposition to the Drag Queen Story Time program:

-Jill Maricle, representing Mass Resistance

-John Moore, San Diego resident

-Tony Villafranca, representing San Diego Mass Resistance, and he also spoke on behalf of Vince Balaoing

-Matt Hardy, and he also spoke on behalf of Eli Komai

-Anthony Mendiola, San Diego resident

The following individuals submitted written documentation in opposition to the Drag Queen Story Time program and did not wish to speak:

-Pastor Hodges

-Trevor D. Averett

-Cecilia Pena

-Carlos Pena

-Ricardo Perez

-Robin Thielsen

-Russell T. Leuck

-Shella Lujan

## **CITY MANAGER'S REPORTS**

City Manager Halbert clarified a public speaker's comments regarding the current flag flying at City Hall.

## **MAYOR'S REPORTS**

Mayor Casillas Salas reported on her attendance at the following events: a regional task force inter-government roundtable meeting on homelessness state funding; the grand opening of the Goodwill Store on H Street; the Mexico border Mayor's Summit and she participated on a panel to discuss the Welcoming Cities Initiative; a University Sub-Committee meeting; the 5th annual FERIA Partnership Conference; and the cookie breaking at the new Sesame Place ground-breaking event at Aquatica.

## **COUNCILMEMBERS' COMMENTS**

Councilmember McCann spoke regarding the following events: the ribbon cutting of the new Goodwill Store, school events on Veteran's Day, and the Chula Vista Veteran's Ceremony at Memorial Park.

Councilmember Diaz thanked Veterans for their service.

Councilmember Galvez reported on her attendance at the following events: Ribbon cutting at the Goodwill Store, Veterans Memorial Park ceremony, San Diego Food Bank Tour, a visit to Fredericka Manor and the Starlight Parade event.

**CITY ATTORNEY'S REPORTS**

- 5. [19-0517](#) REPORT ON STATE LAW SB 922 (SUPPORTING PROJECT LABOR AGREEMENTS) AND CHULA VISTA MUNICIPAL CODE CHAPTER 2.59, "FAIR AND OPEN COMPETITION IN CONTRACTING" PROHIBITING PROJECT LABOR AGREEMENTS, AND POSSIBLE BALLOT INITIATIVE OPTIONS TO ADDRESS LEGAL INCONSISTENCIES BETWEEN THE TWO

*Item 5 was not discussed and was continued to the meeting of November 19, 2019.*

**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 6:49 p.m. The Council reconvened in Closed Session at 6:55 p.m., with all members present, except Deputy Mayor Padilla.*

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. [19-0490](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(1)

Name of case: City of Chula Vista, California v. Amerisourcebergen Drug Corporation, et al., United States District Court, Case No. 19cv1115BEN(MSB)

**ACTION:** No reportable action.

- 7. [19-0515](#) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):  
[1] Case. 123 Broadway, Chula Vista, CA 91910

**ACTION:** No reportable action.

**ADJOURNMENT**

*The meeting was adjourned at 7:05 p.m. in memory of Fahari Jeffers.*

*Minutes prepared by: Sheree Kansas, Deputy City Clerk*

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Kerry K. Bigelow, MMC, City Clerk