

# City of Chula Vista

## Meeting Minutes - Final

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Tuesday, January 22, 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

#### 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

*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 Diaz led the Pledge of Allegiance.*

#### SPECIAL ORDERS OF THE DAY

- A. [19-0016](#) PRESENTATION OF A PROCLAMATION TO CHULA VISTA POLICE DEPARTMENT AGENT NORENE ANDERSEN ON 23 YEARS OF SERVICE TO THE CITY OF CHULA VISTA

*Mayor Casillas Salas read the proclamation and Deputy Mayor Padilla presented it to Agent Andersen.*

#### CONSENT CALENDAR (Items 1 - 5)

1. [19-0017](#) WRITTEN COMMUNICATIONS  
Letter from Mayor Casillas Salas requesting an excused absence from the August 14, 2018 council meeting.  
**Recommended Action: Council excuse the absence.**
2. [19-0019](#) APPROVAL OF MINUTES of August 7, 2018.  
**Recommended Action: Council approve the minutes.**
3. [18-0569](#) RESOLUTION NO. 2019-011 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE SUMMARY VACATION OF AVANT STREET DEDICATED TO THE CITY IN FINAL MAP NO. 16081 WITHIN THE OTAY RANCH MILLENIA (EASTERN URBAN CENTER) PROJECT  
**Recommended Action: Council adopt the resolution.**

- 4. [18-0589](#) RESOLUTION NO. 2019-012 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING A GRANT OF \$5,000 FROM SWEETWATER AUTHORITY TO FUND THE NATURESCAPE PROGRAM AND APPROPRIATING FUNDS ACCORDINGLY (4/5 VOTE REQUIRED)

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

- 5. [19-0002](#) A. RESOLUTION NO. 2019-013 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 COUNT IN THE POLICE AND FIRE DEPARTMENTS WITH A NET DECREASE IN AUTHORIZED STAFFING

B. RESOLUTION NO. 2019-014 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2018-2019 COMPENSATION SCHEDULE EFFECTIVE JANUARY 4, 2019, AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

C. RESOLUTION NO. 2019-015 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2018-2019 COMPENSATION SCHEDULE EFFECTIVE FEBRUARY 1, 2019, AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

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

### Approval of the Consent Calendar

**ACTION:** A motion was made by Mayor Casillas Salas, 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

*There were none.*

### PUBLIC COMMENTS

*Luis, Chula Vista resident, spoke in support of maintenance being performed on Main Street between Hilltop and I-805, and he spoke in opposition to the City funding repairs for the Eastlake High School driveway.*

*Becky Brundage, expressed concern regarding commercial marijuana activities.*

**PUBLIC HEARINGS**

6. [18-0570](#) RESOLUTION NO. 2019-016 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE APPEAL BY ROD BISHARAT AND OVERTURNING THE PLANNING COMMISSION'S APPROVAL OF DESIGN REVIEW PERMIT DR15-0037 AND CONDITIONAL USE PERMIT CUP15-0023 TO CONSTRUCT A 2,380 SQUARE-FOOT AUTOMATED CARWASH BUILDING WITH VACUUM STATIONS ON A 0.55 ACRE SITE LOCATED AT 495 TELEGRAPH CANYON ROAD

*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 on the notice.*

*City Attorney Googins recommended the Council disclose all ex parte communications regarding the item.*

*Councilmembers reported the following ex parte communications:*

*- Mayor Casillas Salas stated she met with the project opponents.*

*- Councilmember Galvez met with Judith Wilson in 2018; received a letter from Jeff Phair; had two meetings with John Moot; received emails from John Moot, including correspondence from Caltrans and an email that included a DBF Associates letter to Mr. Bisharat; met with Mr. Capin; viewed the video recording of the November 27, 2018 City Council meeting; drove through the site; received emails and a letter from Peter Watry regarding noise; read the San Diego Union Tribune article published on January 21, 2019; viewed comments from residents on the NextDoor site; and received an email from Anthony Acosta in favor of the project.*

*-Councilmember Diaz reported having received two emails from Mr. Moot, and letters from Mr. Acosta, Mr. Phair, and Mr. Watry.*

*-Deputy Mayor Padilla stated he had phone conversations with Mr. Moot, and received the emails Councilmember Galvez referenced.*

*-Councilmember McCann stated he had received the same letters, emails, and voicemails that the other Councilmembers had received.*

*City Attorney Googins stated that Councilmember Galvez had been informed of the project by viewing the previous City Council hearing.*

*Councilmember Galvez stated that she would consider the item in an unbiased and fair manner.*

*City Attorney Googins spoke regarding the actions taken by the Council on November 27, 2018 and the effects thereof.*

*Development Services Director Broughton spoke regarding the item.*

*Staff answered questions of the Council.*

*Mayor Casillas Salas opened the public hearing.*

*Neil Capin, the applicant, and Richard Schulman, representing the applicant, spoke in support of the project.*

*Don Chrislock, Chula Vista resident and property owner, spoke in support of the project.*

*Justin Schlaefli, representing the applicant, submitted written documentation indicating he was available for questions.*

*Neil Capin, applicant, answered questions of the Council.*

*John Moot, appellant, gave a presentation on the item.*

*The following members of the public spoke in opposition to the project:*

*-Judith Wilson, Chula Vista resident*

*-Bill Molina, Chula Vista resident*

*Tina Torres submitted written documentation in opposition to the project and did not wish to speak.*

*Richard Schulman, Justin Schlaefli, and Neil Capin, representing the applicant, provided a rebuttal.*

*There being no further members of the public who wished to speak, Mayor Casillas Salas closed the public hearing.*

*Council discussion ensued.*

**ACTION:** A motion was made by Councilmember Galvez, seconded by Deputy Mayor Padilla, to adopt Resolution No. 2019-016, as amended to accept the appeal, overturn the Planning Commission's approval of the Design Review Permit and Conditional Use Permit, and revise the heading to read:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE APPEAL BY ROD BISHARAT AND OVERTURNING THE PLANNING COMMISSION'S APPROVAL OF DESIGN REVIEW PERMIT DR15-0037 AND CONDITIONAL USE PERMIT CUP15-0023 TO CONSTRUCT A 2,380 SQUARE-FOOT AUTOMATED CARWASH BUILDING WITH VACUUM STATIONS ON A 0.55 ACRE SITE LOCATED AT 495 TELEGRAPH CANYON ROAD**

**The heading was read, text waived. The motion carried by the following vote:**

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

**No:** 1 - McCann

**Abstain:** 0

*Mayor Casillas Salas recessed the meeting at 7:16 p.m.*

*The meeting reconvened at 7:22 p.m. with all members present.*

## **ACTION ITEMS**

7. [18-0044](#) A. ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHULA VISTA MUNICIPAL CODE CHAPTER 5.67 TO ESTABLISH A SHARED MICRO-MOBILITY DEVICE PILOT PROGRAM (FIRST READING)

B. RESOLUTION NO. 2019-017 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SHARED MICRO-MOBILITY DEVICE PILOT PROGRAM PERMIT REQUIREMENTS IN THE CITY OF CHULA VISTA AND AUTHORIZING THE CITY ENGINEER TO AMEND THE PERMIT REQUIREMENTS

C. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 10.72 (BICYCLES) TO AMEND OR DELETE OUTDATED SECTIONS OF THE CODE (FIRST READING)

*Principal Civil Engineer Rivera gave a presentation on the item, and he and Director of Engineering Valle answered questions of the Council.*

**ACTION:** A motion was made by Mayor Casillas Salas, seconded by Councilmember Diaz, to place the ordinances on first reading and adopt Resolution No. 2019-017, headings read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

## CITY MANAGER'S REPORTS

*There were none.*

## MAYOR'S REPORTS

*Mayor Casillas Salas paid tribute to Dr. Martin Luther King, Jr.*

### 8. [19-0018](#) RATIFICATION OF APPOINTMENTS OF THE FOLLOWING:

Mark Bartlett, Veterans Advisory Commission  
Nadia Kean-Ayub, Human Relations Commission

**ACTION:** A motion was made by Mayor Casillas Salas, seconded by Deputy Mayor Padilla, to ratify the appointment of Mark Bartlett to the Veterans Advisory Commission. The motion carried by the following vote:

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

**No:** 2 - Diaz and McCann

**Abstain:** 0

**ACTION:** A motion was made by Mayor Casillas Salas, seconded by Deputy Mayor Padilla, to ratify the appointment of Nadia Kean-Ayub to the Human Relations Commission. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 1 - McCann

*Mayor Casillas Salas reported on her attendance at a swearing in ceremony for new Port Commission officers and at the All Peoples Celebration organized by Alliance San Diego.*

**COUNCILMEMBERS' COMMENTS**

*Councilmember Galvez spoke regarding the following upcoming events: Sweetwater Park design workshop, grand opening of the Bus Rapid Transit, and the opening of the National History of Indigenous People of the South Bay exhibit at the Civic Center Library.*

*Councilmember Diaz reported on an upcoming disc golf fundraiser, sponsored by the San Diego Aces Disc Golf Club and Chula Vista Parks & Recreation, benefitting Community Through Hope.*

**CITY ATTORNEY'S REPORTS**

*City Attorney Googins reported on his attendance at a Chula Vista Charitable Foundation mixer and announced an upcoming Open Government and Ethics training that his office would provide.*

**ADJOURNMENT**

*The meeting was adjourned at 7:45 p.m.*

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Kerry K. Bigelow, MMC, City Clerk