

City of Chula Vista

Meeting Minutes - Final

Tuesday, September 13, 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 5:09 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

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

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. [16-0411](#) OATH OF OFFICE
Jason Prater, Cultural Arts Commission

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

- B. [16-0433](#) PRESENTATION OF A PROCLAMATION TO ASSISTANT COACH OSCAR GOMEZ PROCLAIMING TUESDAY, SEPTEMBER 13, 2016 AS BONITA VALLEY 12U GOLD GIRLS SOFTBALL TEAM IN THE CITY OF CHULA VISTA

Mayor Casillas Salas read the proclamation and Councilmember McCann presented it to Assistant Coach Oscar Gomez and the members of the Bonita Valley 12U Gold Girls Softball Team.

- C. [16-0435](#) SPECIAL RECOGNITION HONORING NEW UNITED STATES ARMY RECRUITS FROM CHULA VISTA

Item C was not presented and was continued to a future date.

- D. [16-0345](#) EMPLOYEE SERVICE RECOGNITION HONORING STAFF WITH MILESTONE SERVICE ANNIVERSARIES

Mayor Casillas Salas recognized employees with milestone service anniversaries.

- E. [16-0391](#) PRESENTATION BY MICHAEL MURRAY, STATE OPERATIONS DIRECTOR OF AARP CALIFORNIA, AND AARP CALIFORNIA EXECUTIVE COUNCIL MEMBERS BOB PRATH AND JOE GARBANZOS OF THE AARP NETWORK OF AGE-FRIENDLY COMMUNITIES AND WORLD HEALTH ORGANIZATION'S GLOBAL NETWORK OF AGE-FRIENDLY CITIES AND COMMUNITIES CERTIFICATE TO THE CITY OF CHULA VISTA AS THE 99TH JURISDICTION TO ENTER THE NETWORK

Mr. Prath and Mr. Murray, representing AARP California, gave a presentation on the item and presented Mayor Casillas Salas and the City with a certificate of entry to the World Health Organization's Global Network of Age-Friendly Cities and Communities.

- F. [16-0414](#) PRESENTATION BY THE OFFICE OF SAN DIEGO COUNTY AGRICULTURAL COMMISSIONER PAT NOLAN AND CITRUS PEST & DISEASE PREVENTION PROGRAM MANAGER PAUL WORLIE REGARDING THE ASIAN CITRUS PSYLLID AND HUANGLONGBING (HLB), A CITRUS PEST AND DISEASE, WHAT CAN BE DONE TO PROTECT BACKYARD TREES AND WHERE TO OBTAIN INFORMATION IN THE CITY OF CHULA VISTA

Mr. Worlie and Ms. Nolan gave a presentation regarding the Citrus Pest & Disease Prevention Program.

- G. [16-0424](#) PRESENTATION OF A PROCLAMATION TO FIRE CHIEF JIM GEERING PROCLAIMING SEPTEMBER 2016 AS NATIONAL PREPAREDNESS MONTH IN THE CITY OF CHULA VISTA

Mayor Casillas Salas read the proclamation and Deputy Mayor Miesen presented it to Chief Geering and Emergency Services Coordinator King.

- H. [16-0431](#) PRESENTATION OF A PROCLAMATION TO USE CREDIT UNION SENIOR LOAN SPECIALIST VICKI LISAMA, SWEET PETE'S MARTIAL ARTS ACADEMY OWNER PETE SALAS, DAMSEL IN DEFENSE OWNER CYNTHIA LISAMA AND PHOTOS BY ELSA FLORES PROCLAIMING SEPTEMBER 2016 AS REALTOR AWARENESS SAFETY MONTH

Mayor Casillas Salas read the proclamation and Councilmember Aguilar presented it to Ms. Lisama and Mr. Salas.

CONSENT CALENDAR (Items 1 - 7)

1. [16-0417](#) WRITTEN COMMUNICATIONS

A. Memorandum from Councilmember Aguilar requesting an excused absence from the August 9, 2016 City Council meeting.

B. Memorandum regarding resignation of John Ray from the Board of Appeals and Advisors.

Recommended Action: Council excuse the absence and accept the resignation.

2. [16-0413](#) ORDINANCE NO. 3373 OF THE CITY OF CHULA VISTA DELETING SECTION 15.24.070, SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS, OF THE CHULA VISTA MUNICIPAL CODE AND ADDING CHAPTER 15.29, EXPEDITED PERMIT PROCESSING, RELATED TO PERMITS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS AND ELECTRIC VEHICLE CHARGING STATIONS, TO THE CHULA VISTA MUNICIPAL CODE (SECOND READING AND ADOPTION)

Recommended Action: Council adopt the ordinance.

3. [16-0394](#) RESOLUTION NO. 2016-178 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE PURCHASE OF UNIFORMS AND EQUIPMENT FOR THE POLICE, FIRE, AND ANIMAL CARE DEPARTMENTS FROM ACE UNIFORMS IN AN AMOUNT NOT TO EXCEED \$175,000 ANNUALLY AND FROM GALLS, LLC. IN AN AMOUNT NOT TO EXCEED \$25,000 ANNUALLY

Recommended Action: Council adopt the resolution

4. [16-0409](#) A. RESOLUTION NO. 2016-179 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE COMPENSATION SCHEDULE AND CLASSIFICATION PLAN TO REFLECT THE ADDITION OF A FA (FISCAL AGENT) PROGRAM ASSISTANT SUPERVISOR, ADDING ONE FA SUPERVISING INTELLIGENCE ANALYST, TWO FA SENIOR INTELLIGENCE ANALYSTS, ONE FA INTELLIGENCE ANALYST AND ONE FA PROGRAM ASSISTANT SUPERVISOR TO THE AUTHORIZED STAFFING LEVEL OF THE POLICE GRANT FUND FOR THE SAN DIEGO LAW ENFORCEMENT COORDINATION CENTER AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

B. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 RELATING TO THE ESTABLISHMENT OF UNCLASSIFIED POSITIONS TO ADD FA PROGRAM ASSISTANT SUPERVISOR (FIRST READING) (4/5 VOTE REQUIRED)

C. RESOLUTION NO. 2016-180 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2016/2017 COMPENSATION SCHEDULE EFFECTIVE SEPTEMBER 16, 2016, AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

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

- 5. [16-0410](#) RESOLUTION NO. 2016-181 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A FINANCE AGREEMENT WITH THE COUNTY OF SAN DIEGO FOR PAYMENT OF THE NEXT GENERATION REGIONAL COMMUNICATIONS SYSTEM INFRASTRUCTURE COSTS

Recommended Action: Council adopt the resolution.

- 6. [16-0422](#) RESOLUTION NO. 2016-182 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE COMPETITIVE FORMAL BID REQUIREMENT, APPROVING THE CONSULTANT SERVICES AGREEMENT WITH KEEFE COMMISSARY NETWORK TO PROVIDE COMMISSARY RELATED SERVICES AND PRODUCTS TO THE INMATES OF THE CHULA VISTA POLICE DEPARTMENT CITY JAIL AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO EXECUTE SAME

Recommended Action: Council adopt the resolution.

- 7. [16-0436](#) RESOLUTION NO. 2016-183 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE COMPETITIVE FORMAL BID REQUIREMENT AND AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE AMMUNITION, BULLETPROOF VESTS AND POLICE EQUIPMENT FROM SAN DIEGO POLICE EQUIPMENT COMPANY

Recommended Action: Council adopt the resolution.

Approval of the Consent Calendar

ACTION: A motion was made by Councilmember McCann, 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: 5 - Aguilar, Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

Debra Farrar, Chula Vista resident, representing Rancho Vista Church, requested the Council consider waiving fees associated with a recent appeal of a conditional use permit issued to the church. At the request of Councilmember McCann, there was consensus of the Council to make a referral to staff to add an item to a future agenda to consider waiving the fees.

Pam Keel, Chula Vista resident, expressed concern regarding a development project located at 3rd and K Street, and she spoke in opposition to the proposed sales tax measure.

Dr. David Blair, Chula Vista resident, expressed concern regarding illegal marijuana dispensaries and spoke in support of staff's recommendation on Item 11.

Carol Green, Chula Vista resident, requested the Council consider taking a formal opposition position on Proposition 64, related to marijuana legalization.

Derek Avalos, Chula Vista resident, spoke regarding issues related to homelessness. Mayor Casillas Salas referred the issue to staff.

Theresa Acerro spoke on behalf of Joanna Ward, Chula Vista resident, and expressed concern regarding a parking ticket Ms. Ward recently received from the Port. Mayor Casillas Salas referred the item to staff to put Ms. Ward in contact with the Port.

Items 10 and 11 were taken out of order following Public Comments. Items 8 and 9 were heard following Item 11.

ACTION ITEMS

10. [15-0570](#) CONSIDERATION OF ADOPTING THE CHULA VISTA CULTURAL ARTS MASTER PLAN

RESOLUTION NO. 2016-190 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE CITY OF CHULA VISTA CULTURAL ARTS MASTER PLAN

Cultural Arts Manager Tessitore presented the Cultural Arts Master Plan.

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

- Dennis Doyle, representing Collaborations: Teachers and Artists
- Jennifer Rodriguez, Chula Vista resident and Cultural Arts Commissioner
- Wade Sherman, representing San Diego Youth Symphony

Councilmember Bensoussan commended the efforts of Cultural Arts Manager Tessitore and thanked the Cultural Arts Commission. She spoke in support of including the establishment of a qualified Cultural Arts Commission and a public art committee in year one of the implementation plan.

ACTION: A motion was made by Councilmember Bensoussan, seconded by Mayor Casillas Salas, that Resolution No. 2016-190 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

11. [16-0427](#) CONSIDERATION OF AMENDING THE CHULA VISTA MUNICIPAL CODE TO REMOVE THE CIVIL PENALTIES CAP AND TO PERMIT CRIMINAL ENFORCEMENT FOR VIOLATIONS OF CHAPTER 5.66

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 1.41.110 TO REMOVE THE EXISTING CIVIL PENALTIES CAP AND DELETING CHULA VISTA MUNICIPAL CODE SECTION 5.66.030 TO PERMIT CRIMINAL ENFORCEMENT FOR VIOLATION OF CHAPTER 5.66 (FIRST READING)

City Attorney Googins and Deputy City Attorney McClurg presented information on the item.

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

- Carol Green, Chula Vista resident
- Judi Strang, representing the North Coastal Council of PTAs, and she also spoke in support of increasing the daily fine amount
- Peggy Walker, Chula Vista resident
- Kathleen Lippitt, representing San Diegans for Safe Neighborhoods
- Zach Lazarus, San Diego resident, and he expressed concern regarding the illegal selling of marijuana paraphernalia

There was consensus of the Council to make a referral to the City Attorney to provide additional information regarding the maximum daily fines that could be assessed as well as a financial analysis of the enforcement and administration of the program.

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

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

PUBLIC HEARINGS

8. [16-0277](#) CONSIDERATION OF FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 16-I (MILLENNIA), AND THE ELECTION THEREOF

A. RESOLUTION NO. 2016-184 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA FORMING AND ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 16-I (MILLENNIA), DESIGNATING TWO IMPROVEMENT AREAS THEREIN AND AUTHORIZING SUBMITTAL OF LEVY OF SPECIAL TAXES WITHIN EACH IMPROVEMENT AREA OF SUCH COMMUNITY FACILITIES DISTRICT TO THE QUALIFIED ELECTORS OF EACH IMPROVEMENT AREA

B. RESOLUTION NO. 2016-185 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING NECESSITY TO INCUR A BONDED INDEBTEDNESS FOR IMPROVEMENT AREA NO. 1 AND IMPROVEMENT AREA NO. 2 OF COMMUNITY FACILITIES DISTRICT NO. 16-I (MILLENNIA), SUBMITTING TO THE QUALIFIED ELECTORS OF EACH SUCH IMPROVEMENT AREA SEPARATE PROPOSITIONS TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN, TO AUTHORIZE SUCH COMMUNITY FACILITIES DISTRICT TO INCUR A BONDED INDEBTEDNESS FOR EACH SUCH IMPROVEMENT AREA SECURED BY THE LEVY OF SUCH SPECIAL TAX THEREIN TO FINANCE CERTAIN TYPES OF PUBLIC FACILITIES AND TO ESTABLISH AN APPROPRIATIONS LIMIT FOR SUCH COMMUNITY FACILITIES DISTRICT, AND GIVING NOTICE THEREON

C. RESOLUTION NO. 2016-186 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 16 -I (MILLENNIA) DECLARING THE RESULTS OF A SPECIAL ELECTION IN SUCH COMMUNITY FACILITIES DISTRICT

D. ORDINANCE OF THE CITY OF CHULA VISTA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 16 -I (MILLENNIA), AUTHORIZING THE LEVY OF A SPECIAL TAX IN IMPROVEMENT AREA NO. 1 AND IMPROVEMENT AREA NO. 2 OF SUCH COMMUNITY FACILITIES DISTRICT (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.

Warren Diven of Best Best & Krieger, consultant, provided information on the item.

Mayor Casillas Salas opened the public hearing.

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

City Clerk Norris stated no protests had been received.

ACTION: A motion was made by Councilmember Bensoussan, seconded by Councilmember McCann, that Resolution Nos. 2016-184 and 2016-185 (Items 8A and 8B) be adopted, headings read, text waived. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

City Clerk Norris canvassed the ballots and reported that all propositions had passed unanimously.

ACTION: A motion was made by Councilmember Bensoussan, seconded by Councilmember McCann, that Resolution No. 2016-186 (Item 8C) be adopted and the above ordinance (Item 8D) be placed on first reading, headings read, text waived. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

9. [16-0376](#) CONSIDERATION OF AN ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) 02-04; 2) CONSIDERATION OF AN AMENDMENT TO THE OTAY RANCH FREEWAY COMMERCIAL SPA PLAN (PCM 12-16) AND ASSOCIATED REGULATORY DOCUMENTS, INCLUDING PLANNED COMMUNITY DISTRICT REGULATIONS, AND DESIGN PLAN TO REFLECT THE ADDITION OF MULTI-FAMILY RESIDENTIAL USE AND MIXED USE DESIGNATIONS WITHIN FREEWAY COMMERCIAL NORTH (FC-2). THE PROJECT ALSO INCLUDES A SUPPLEMENTAL PUBLIC FACILITIES FINANCE PLAN; 3) CONSIDERATION OF A TENTATIVE MAP (PCS15-0007); 4) CONSIDERATION OF A MASTER PRECISE PLAN (MPA15-0018); AND 5) CONSIDERATION OF A DESIGN REVIEW PERMIT (DR16-0030).

A. RESOLUTION NO. 2016-187 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA: CONSIDERING THE SECOND ADDENDUM TO FEIR-02-04; APPROVING THE AMENDMENT TO OTAY RANCH FREEWAY COMMERCIAL SECTIONAL PLANNING AREA (SPA) PLAN, DESIGN PLAN, AND ASSOCIATED REGULATORY DOCUMENTS; AND APPROVING OTAY RANCH FREEWAY COMMERCIAL NORTH MASTER PRECISE PLAN

B. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO OTAY RANCH FREEWAY COMMERCIAL SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY DISTRICT REGULATIONS (FIRST READING)

C. RESOLUTION NO. 2016-188 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING TENTATIVE SUBDIVISION MAP CVT 15-0007 FOR OTAY RANCH PLANNING AREA 12 FREEWAY COMMERCIAL NORTH

D. RESOLUTION NO. 2016-189 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING DESIGN REVIEW PERMIT DR16-0030 TO CONSTRUCT A 212-UNIT MULTI-FAMILY DEVELOPMENT WITH TWO-CAR GARAGES, RECREATION AREAS, AND ASSOCIATED OPEN SPACE ON 8.14 ACRES WITHIN THE OTAY RANCH FREEWAY COMMERCIAL NORTH DEVELOPMENT

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 7:52 p.m.

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 Bensoussan, that Resolution Nos. 2016-187, 2016-188, and 2016-189 be adopted and the above ordinance be placed on first reading, headings read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 1 - Miesen

Councilmember Miesen returned to the dais at 7:54 p.m.

Items 10 and 11 were taken out of order and heard prior to Item 8.

CITY MANAGER’S REPORTS

There were none.

MAYOR’S REPORTS

12. [16-0425](#) RATIFICATION OF APPOINTMENTS OF THE FOLLOWING:

ERIC BANATAO	INTERNATIONAL FRIENDSHIP
JUAN CERVANTES	SAFETY COMMISSION
PAT MALLEN	COMMISSION ON AGING
JOSE TORRES	VETERANS ADVISORY COMMISSION

ACTION: A motion was made by Mayor Casillas Salas, seconded by Deputy Mayor Miesen, that the above appointments be ratified. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

Mayor Casillas Salas spoke regarding the following recent events: Girls and Boys of Summer event to recognize Chula Vista youth sports teams, the opening of the Qualcomm Think-a-Bit lab at the Civic Center Branch Library, the openings of Orange and Stylus parks, the AYSO season opening kickoff, the opening of the new Smart & Final on 4th Avenue, the 60th anniversary of the Elks, a Kiwanis wine tasting event, and a vigil at the VFW lodge on September 11 to commemorate the 15th anniversary of the 9/11 attacks.

Mayor Casillas Salas paid tribute to Betsy Cory and Susan Watry and stated the meeting would be adjourned in their honor. Councilmember Aguilar spoke regarding Susan Watry and her contribution to the community.

COUNCILMEMBERS' COMMENTS

Councilmember McCann spoke regarding the following recent community events: the Smart & Final opening, a nonprofit tax seminar, and the Orange Crate Derby.

Deputy Mayor Miesen spoke regarding the recent Boys and Girls of Summer event and the Altrusa Chula Vista fundraiser and fashion show.

Councilmember Bensoussan spoke regarding the recent HarborFest event and stated she would make a presentation regarding HarborFest at a future Council meeting. She paid tribute to Betsy Cory and spoke regarding Ms. Cory's contributions to the community.

ADJOURNMENT

At 8:07 p.m., Mayor Casillas Salas adjourned the meeting in memory of Betsy Cory and Susan Watry to the Regular City Council Meeting on September 20, 2016, at 5:00 p.m., in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk