

City of Chula Vista

Meeting Minutes - Final

Tuesday, February 25, 2020

5:00 PM

Council Chambers
276 4th Avenue, Building A
Chula Vista, CA 91910

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 were considered in the order presented, except for Items 9, 7, and 8, which were heard in that order following the Consent Calendar.

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 Diaz, Deputy Mayor Galvez, Councilmember McCann, Councilmember Padilla and Mayor Casillas Salas

Also present: City Manager Halbert, City Attorney Googins, City Clerk Bigelow and Assistant City Clerk Turner.

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Councilmember Padilla led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

A. [20-0079](#) OATHS OF OFFICE

- Devon Boyd, Historic Preservation Commission
- Maria Carolina Hoyos, Housing Advisory Commission
- Genie Irish, Historic Preservation Commission

Youth Action Council:

- Antonio Baeza
- Patricia Bessie
- Rebeca Castillo
- Annika Daghish
- Christopher Garcia
- Steven Hahn
- Celina Miranda
- Pranav Nambiar

City Clerk Bigelow administered the oath of office to Commissioners Boyd, Hoyos, and Irish and Youth Action Council members Baeza, Bessie, Castillo, Daghish, Garcia, Miranda and Nambiar. Deputy Mayor Galvez, Councilmember Padilla, Councilmember Diaz, and Councilmember McCann presented them with the certificates of appointment. Mr. Hahn was not present.

- B. [20-0059](#) PRESENTATION OF A PROCLAMATION PROCLAIMING FEBRUARY AS SPAY/NEUTER AWARENESS MONTH IN THE CITY OF CHULA VISTA

Mayor Casillas Salas read the proclamation and Councilmember McCann presented it to Animal Care Facility Administrator Mills.

Animal Care Facility Administrator Mills gave a presentation.

CONSENT CALENDAR (Items 1 - 6)

1. [20-0083](#) APPROVAL OF MINUTES of August 13, 2019.
Recommended Action: Council approve the minutes.
2. [20-0081](#) ORDINANCE NO. 3480 OF THE CITY OF CHULA VISTA APPROVING THE SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY DISTRICT (FORM BASED CODE) REGULATIONS FOR OTAY RANCH VILLAGE EIGHT WEST (SECOND READING AND ADOPTION)
Recommended Action: Council adopt the ordinance.
3. [20-0082](#) ORDINANCE NO. 3481 OF THE CITY OF CHULA VISTA ACTING AS THE LEGISLATIVE BODY OF THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT, AUTHORIZING THE LEVY OF A SPECIAL TAX IN SUCH DISTRICT (SECOND READING AND ADOPTION)
Recommended Action: Council adopt the ordinance.
4. [19-0580](#) RESOLUTION NO. 2020-045 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AWARDED A CONTRACT FOR THE "RETIMING OF TRAFFIC SIGNALS AND INSTALLATION OF FIBER OPTIC/ETHERNET COMMUNICATION SYSTEM (TRF0404)" PROJECT TO DBX, INC. IN THE AMOUNT OF \$740,688; AND MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2019/20 CIP PROGRAM BUDGETS TO APPROPRIATE FUNDS THEREFOR (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the resolution.
5. [20-0020](#) RESOLUTION NO. 2020-046 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING COUNCIL POLICY NO. 857-01 (HEALTHY AND SUSTAINABLE MEETING STANDARDS), APPLYING TO ALL INTERNAL MEETINGS AND CITY HOSTED EVENTS
Recommended Action: Council adopt the resolution.
6. [20-0056](#) RESOLUTION NO. 2020-047 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING A SAN DIEGO ASSOCIATION OF GOVERNMENTS 2020 GO BY BIKE MINI-GRANT; AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the resolution

Approval of the Consent Calendar

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember 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

The following members of the public spoke in opposition to the Drag Queen Story Time Program:

- Vinzent Balaolng*
- Tony Villafranca, representing San Diego Mass Resistance*
- Steve Hicks*
- Andres Wong, Chula Vista resident*

The following members of the public submitted written documentation in opposition to the Drag Queen Story Time Program and did not wish to speak:

- Sheila Lujan, Chula Vista resident*
- Trevor Averett*
- Ricardo Perez*
- Noelle Tuning*
- Marcia H. Walker, National City resident*
- Martha Souza, Chula Vista resident*
- Thomas Tuning*

Christine Pontecorvo submitted written documentation in opposition to the Drag Queen Story Time Program and was not present when called.

The following members of the public spoke in support of the Drag Queen Story Time Program:

- William Stanhope, Chula Vista resident*
- Bradley Bang, National City resident*
- Sara Kent, Chula Vista resident*
- Matthew Arnold, Chula Vista resident*
- Kate Bishop*
- Sara Salas, Chula Vista resident*
- Carol Kim, San Diego resident*
- Mitch Thompson, Chula Vista resident*
- David Myers, La Mesa resident*
- Tom Lemmon*
- Brenda Arnold*
- Temika M. Cook*

David Munoz, Chula Vista resident, was not present when called to speak.

Brandon Claypool, Chula Vista resident, submitted written documentation regarding reviving the Chula Vista Mall and bringing back business, and was not present when called to speak.

Felix Delgado, Chula Vista resident, spoke in support of an ordinance limiting the time storage containers can be placed on private property.

Shane Parmely spoke regarding the Bonita Fest Melodrama and the need for a new location.

The following individuals spoke regarding their experience with black mold at an apartment complex on H Street:

-Miriam Goff, Chula Vista resident

-Jorge Sanchez, Chula Vista resident

Dom Nguyen spoke regarding the Drag Queen Story Time Program and the need for a ban on performers with an existing record.

City Attorney Googins stated the City was working with an ACE representative regarding the mold issue in the H Street apartment complex and spoke regarding resources to assist the residents.

ACTION ITEMS

7. [20-0021](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 5.56 (TOBACCO RETAILER), TO PROHIBIT THE SALE OF FLAVORED TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES LACKING A REQUIRED FOOD AND DRUG ADMINISTRATION MARKETING ORDER (FIRST READING)

Senior Project Coordinator Kurz and Detective Edlin gave a presentation on the item.

Staff answered questions of the Council.

The following individuals submitted written documentation in opposition to staff's recommendation and did not wish to speak:

-Mercedes Sovmolphakdy

-Ramez Louis

-Danny Fontan, Chula Vista resident

-Salam Zore

-Jed Roberto, Chula Vista resident

-Christine Dulatre, Chula Vista resident

-Mark Mansour

The following individuals spoke in opposition to staff's recommendation:

-Josue Ramirez, Chula Vista resident

-Yuliana Brambila, Chula Vista resident

-Karaim Abdulwahid, Chula Vista resident

-Arkum Somo, representing the Neighborhood Market Association

-Remon Mansour, representing the Neighborhood Market Association

-James Mitchell, representing the Neighborhood Market Association

-Molly Sylvester, representing Communities for Safer Vaping

-Paul Radoiv

-Rene Malinao, Chula Vista resident

-Michael Dulatre, Chula Vista resident

-Sergio Feruiza, Chula Vista resident

-Nellie Del Rosario, representing Communities for Safer Vaping

-Giselle Torres, representing Communities for Safer Vaping

The following individuals spoke in favor of staff's recommendation:

- Michelle Galindo, Chula Vista resident*
- Manuel Andrade, representing Say San Diego*
- Chelsea Walczak, representing the American Heart Association*
- Jessica Newmyer, Chula Vista resident*
- Lynda Barbour, representing the American Cancer Society Cancer Action Network*
- Alexa Wohrman, representing the American Heart Association*
- Debra Kelley, representing the Campaign for Tobacco Free Kids*
- Aldo Munoz, Chula Vista resident*
- Carol Green, Chula Vista resident*
- Becky Rapp*
- Shane Parmely*
- Isabella Ibarra, Chula Vista resident*
- Juan Kohse, Chula Vista resident*

Jovita Arellano, representing Institute for Public Strategies, submitted written documentation in favor of staff's recommendation and did not wish to speak.

Hazell Belvin, representing the American Lung Association, spoke in favor of staff's recommendation and submitted tobacco products confiscated at a school.

Leo Hsu, San Diego resident, submitted written documentation in favor of staff's recommendation and was not present when called.

Roy Mikha submitted written documentation in opposition of staff's recommendation and was not present when called.

Councilmember McCann spoke in support of referring the item back to staff for the following: a review of tobacco licenses, an analysis to ensure fees are appropriate, a review of fines and the penalty structure, information regarding FDA compliance approval, consideration of other jurisdictions and their ordinances, additional data about compliance, and the need to create an enhanced educational program to keep kids from smoking.

Councilmember Padilla spoke regarding the smoking industry's motivation to market to youth and spoke in support of Council taking action to protect them.

Council discussion ensued.

Councilmember Diaz spoke in support of the following: a review of hookah lounges, more data regarding online tobacco sales, incorporating regulations into Social Hosting, a review of tobacco licenses and density of stores selling tobacco, tobacco-free zones around schools, increasing in license fees in order to provide enforcement and ensure the industry is in compliance, and an increasing in fines.

Mayor Casillas Salas spoke in support of staff looking into increasing fines and fining both the employer and the employee.

Senior Project Coordinator Kurz announced that staff would be scheduling public meetings to provide the Healthy Chula Vista Advisory Commission with additional input.

ACTION: A motion was made by Councilmember McCann, seconded by Deputy Mayor Galvez, to refer the item back to staff for a review of the facts surrounding sales and use patterns, regulatory options, and enforcement options to be brought back to the Council for future action on a more comprehensive ordinance with the understanding that staff would be engaging the public for further input. The motion carried by the following vote:

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

No: 0

Abstain: 0

- 8. [20-0038](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.26 OF THE CHULA VISTA MUNICIPAL CODE TO ESTABLISH MANDATORY ENERGY UPGRADE REQUIREMENTS FOR ADDITIONS AND REMODELS TO SINGLE FAMILY HOMES (FIRST READING)

At the request of Mayor Casillas Salas, there was a consensus of the Council to continue Item 8 to the City Council meeting of March 3, 2020.

- 9. [20-0067](#) CONSIDERATION OF INITIATING AMENDMENTS TO THE FORM BASED CODES OF THE SECTIONAL PLANNING AREA PLANS FOR OTAY RANCH VILLAGE 9, VILLAGE 10, AND THE UNIVERSITY AND INNOVATION DISTRICT

RESOLUTION NO. 2020-048 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DIRECTING STAFF TO INITIATE AMENDING THE FORM BASED CODES OF THE SECTIONAL PLANNING AREA PLANS FOR OTAY RANCH VILLAGE 9, VILLAGE 10, AND THE UNIVERSITY AND INNOVATION DISTRICT TO CREATE A UNIVERSITY AND INNOVATION DISTRICT OVERLAY ZONE TO PROMOTE THE ESTABLISHMENT OF AN EDUCATIONAL USER IN CHULA VISTA AND TO DEVELOP A PARTNERSHIP AGREEMENT WITH HOMEFED CORPORATION TO FACILITATE THE DEVELOPMENT OF THE UNIVERSITY AND INNOVATION DISTRICT

Development Services Director Broughton, Economic Development Director Crockett, and Chris Foulger, representing HomeFed, gave the presentation and answered questions of the Council.

Mitch Thompson, representing Southwest Association of Realtors, spoke in support of staff's recommendation on the item.

Staff responded to questions of Deputy Mayor Galvez.

ACTION: A motion was made by Councilmember Padilla, seconded by Councilmember McCann, to adopt Resolution No. 2020-048, heading 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

City Manager Halbert spoke regarding the California State University (CSU) Capacity Assessment Study Roundtable.

MAYOR'S REPORTS

Mayor Casillas Salas reported on her attendance at the following events: the annual Sweetwater Union High School Art Exhibit at the South Chula Vista Library, the Vaping Prevention Forum at the Civic Center Library, the introduction of the Chula Vista Climate Action Challenge at the Civic Center Library, a Town Hall regarding the San Diego Opioid Project, the Albondigas South County/Elevate 2020 Event at Mangia Italiano, and a San Diego Loyal practice at Hilltop High. She also reported on the California State University (CSU) Capacity Assessment Study Roundtable regarding the vision for a university in Chula Vista.

COUNCILMEMBERS' COMMENTS

Councilmember McCann spoke on the University project, recognized Mark Sheffield and spoke on his attendance at the ribbon-cutting events for School of Rock and the IV Kare Lounge. He spoke regarding his support for the US for Warriors Pancake Breakfast. He paid tribute to Sweetwater Union High School Coach Blas and requested the meeting be adjourned in his memory.

Deputy Mayor Galvez spoke regarding the murals painted by High Tech High to eliminate blight and expressed concern regarding outdoor storage containers.

At the request of Deputy Mayor Galvez, there was consensus of the Council to make a referral to staff to create an ordinance that would specify the length of time a temporary storage container could be placed and would allow Code Enforcement to facilitate the removal of temporary storage containers.

Councilmember Padilla reported on his attendance at the California State University (CSU) Capacity Assessment Study Roundtable and recognized staff for their efforts.

CITY ATTORNEY'S REPORTS

There were none.

ADJOURNMENT

At 9:50 p.m. Mayor Casillas Salas adjourned the meeting in memory Robert Blas.

Minutes prepared by: Leah Larrarte, Deputy City Clerk

Kerry K. Bigelow, MMC, City Clerk