

# City of Chula Vista

## Meeting Minutes - Draft

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Tuesday, January 10, 2017

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 5:04 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.*

#### ROLL CALL:

**Present:** Councilmember Aguilar, Councilmember McCann, Mayor Casillas Salas, Councilmember Padilla and Councilmember Diaz

*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 Padilla led the Pledge of Allegiance.*

#### SPECIAL ORDERS OF THE DAY

- A. [17-0005](#) PRESENTATION OF A PROCLAMATION TO OUTGOING 2016 PACIFIC SOUTHWEST ASSOCIATION OF REALTORS PRESIDENT ANTHONY ANDAYA IN HONOR OF HIS SERVICE

*Mayor Casillas Salas read the proclamation and Councilmember Diaz presented it to Mr. Andaya.*

- B. [17-0018](#) PRESENTATION OF DONATED PERSONAL COMPUTERS TO SOUTHBAY COMMUNITY SERVICES' YOUTH IN TRANSITION PROGRAM RECIPIENTS BY SENIOR RECYCLING SPECIALIST MANUEL MEDRANO AND CHÉRI PIERRE, REPRESENTING NONPROFIT ORGANIZATION COMPUTERS 2 SAN DIEGO KIDS

*Senior Recycling Specialist Medrano and Ms. Pierre spoke regarding the Computers 2 San Diego Kids organization and partnership to provide computers through Southbay Community Services' Youth In Transition program. Michael Cotter, recipient of a donated computer, spoke regarding the impact the computer he received had.*

#### CONSENT CALENDAR (Items 1 - 14)

*Item 5 was removed from the Consent Calendar for separate consideration by Mayor Casillas Salas. Councilmember Padilla stated he would abstain from voting on Item 1 as he was not yet on the Council at the time of the subject meetings.*

1. [17-0020](#) APPROVAL OF MINUTES of December 6, and 13, 2016.

**Recommended Action: Council approve the minutes.**

2. [16-0585](#) WRITTEN COMMUNICATIONS

Letters of resignation from the following:

- A. Julio Fuentes, Planning Commission
- B. Dr. Zhivago, Cultural Arts Commission

**Recommended Action: Council accept the resignations.**

3. [16-0566](#) RESOLUTION NO. 2017-001 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE FIRE DEPARTMENT TO USE THE COOPERATIVE PURCHASING PROCEDURES ON A MASTER PURCHASE AGREEMENT TO PURCHASE SELF-CONTAINED BREATHING APPARATUS (SCBA) EQUIPMENT FROM MUNICIPAL EMERGENCY SERVICES INC. (MES)

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

4. [16-0524](#) RESOLUTION NO. 2017-002 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING PARTICIPATION IN THE SAN DIEGO COUNTY FAIR 2017 STREET BANNER PROGRAM TO PLACE FAIR PROMOTIONAL BANNERS IN THE CITY OF CHULA VISTA FEATURING CITY LOGO AND SAN DIEGO COUNTY FAIR AND PRESENTING SPONSOR LOGOS

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

6. [16-0531](#) RESOLUTION NO. 2017-003 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE FINAL REPORT OF EXPENDITURES FOR THE "EMERGENCY STORM DRAIN REPAIRS OF CORRUGATED METAL PIPE (CMP) AT VARIOUS LOCATIONS (DR204)," MAKING A FINDING THAT AN EMERGENCY EXISTED, AND RATIFYING THE CONTRACTS WITH TC CONSTRUCTION COMPANY INC., DOWNSTREAM SERVICES INC., ARRIETA CONSTRUCTION INC., AND NU-LINE TECHNOLOGIES LLC. FOR SAID EMERGENCY REPAIRS

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

7. [16-0543](#) RESOLUTION NO. 2017-004 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS, AWARDING THE CONTRACT FOR THE "STORM DRAIN REHABILITATION FISCAL YEAR 2016/2017 AT VARIOUS LOCATIONS IN THE CITY OF CHULA VISTA (DR206)" PROJECT, INCLUDING ADDITIVE BID ITEMS, TO SANCON ENGINEERING, INC., IN THE AMOUNT OF \$868,229, WAIVING CITY COUNCIL POLICY NO. 574-01, AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$226,771

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

8. [16-0563](#) RESOLUTION NO. 2017-005 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE CONTINUED UTILIZATION OF THE EXTENDED CONTRACT BETWEEN THE CITY OF SAN DIEGO AND SOCO GROUP FOR THE PURCHASE OF MOTOR VEHICLE FUEL FOR CITY OF CHULA VISTA VEHICLES
- Recommended Action: Council adopt the resolution.**
9. [16-0570](#) RESOLUTION NO. 2017-006 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS; AWARDED A CONTRACT FOR THE "PARKWAY COMMUNITY CENTER IMPROVEMENTS PROJECT (CIP GG228)" TO "MARK W. FOGLE" IN THE AMOUNT OF \$236,952.64; AND AWARDED A CONTRACT FOR THE "PARKWAY AQUATIC CENTER POOL IMPROVEMENTS PROJECT (CIP GG228)" TO "MISSION POOLS OF ESCONDIDO, INC." IN THE AMOUNT OF \$446,125.00; AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE ALL CHANGE ORDERS; AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$35,978.65
- Recommended Action: Council adopt the resolution.**
10. [16-0586](#) RESOLUTION NO. 2017-007 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING ADMINISTERING AGENCY - STATE MASTER AGREEMENT FOR FEDERAL AID PROJECTS, NO. 11-5203F15, BETWEEN THE CITY OF CHULA VISTA AND THE STATE OF CALIFORNIA; AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND THE CITY ENGINEER TO EXECUTE THE MASTER AGREEMENT AND ALL FUTURE PROGRAM SUPPLEMENTS TO THE MASTER AGREEMENT
- Recommended Action: Council adopt the resolution.**
11. [16-0558](#) ACCEPTANCE OF AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2016
- RESOLUTION NO. 2017-008 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING AMENDMENTS TO THE FISCAL YEAR 2015/2016 BUDGET TO ADJUST FOR VARIANCES AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)
- Recommended Action: Council accept the report and adopt the resolution.**
12. [16-0579](#) REPORT REGARDING THE DEVELOPMENT IMPACT FEE, PARKLAND ACQUISITION AND DEVELOPMENT FEE, AND TRUNK SEWER CAPITAL RESERVE FUNDS FOR THE FISCAL YEAR ENDED JUNE 30, 2016
- Recommended Action: Council receive the report.**

- 13. [16-0561](#) RESOLUTION NO. 2017-009 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE ECONOMIC DEVELOPMENT DEPARTMENT'S FISCAL YEAR 2016/2017 BUDGET BY APPROPRIATING \$200,000 FOR BUSINESS ATTRACTION AND RETENTION INITIATIVES (4/5 VOTE REQUIRED)

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

- 14. [17-0009](#) RESOLUTION NO. 2017-010 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE AUTHORIZED POSITION COUNT IN THE ECONOMIC DEVELOPMENT DEPARTMENT TO REFLECT THE ADDITION OF A SENIOR FISCAL OFFICE SPECIALIST POSITION 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 Aguilar, to approve staff's recommendations on the above Consent Calendar items, headings read, text waived. The motion carried by the following vote:**

**Item 1:**

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

**No:** 0

**Abstain:** 1 - Padilla

**Items 2 through 4 and 6 through 14:**

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

**No:** 0

**Abstain:** 0

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

- 5. [16-0518](#) A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE COMPENSATION SCHEDULE TO REFLECT SALARY INCREASES FOR THE MAYOR AND COUNCILMEMBERS IN ACCORDANCE WITH SECTIONS 302 AND 304(C) OF THE CITY OF CHULA VISTA CITY CHARTER

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2016/2017 COMPENSATION SCHEDULE AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

*There was consensus of the Council to defer action on Item 5 and to make a referral to staff to research and report on the Council's options related to the item.*

**PUBLIC COMMENTS**

*Steven Pavka, Chula Vista resident, expressed concern regarding a parking ticket he had received in San Diego, and he spoke regarding the application process for the Citizens' Oversight Committee and compensation for elected officials.*

*The following members of the public spoke in support of the City pursuing designation as a Sanctuary City:*

- Susana Juarez, Chula Vista resident*
- Pedro Rios, Chula Vista resident, representing the American Friends Service Committee*
- Nohelia Ramos, San Diego resident, representing ACCE*

*Alberto Corona, representing ACCE, expressed concern regarding a recent call for service to the Police Department and the recently implemented carpool lane on Interstate 805.*

*Jesse Arana, Chula Vista resident, requested that the Council support AT&T employees in fair negotiations with AT&T.*

**PUBLIC HEARINGS**

- 15. [16-0573](#) PRESENTATION AND CONSIDERATION OF ACCEPTANCE OF THE 2015/2016 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER); AND SOLICITATION OF INPUT ON FUNDING PRIORITIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT (ESG) 2017/2018 PROGRAM

*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.*

*Housing Manager Hines gave a presentation on the program.*

*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 Diaz, that the report be accepted, heading read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

16. [16-0562](#) CONSIDERATION OF APPROVING THE DESIGN REVIEW APPLICATION DR16-0009 FOR THE MILLENIA OFFICE PROJECT BY LMC-MILLENIA INVESTMENT COMPANY, L.P. (CHESNUT PROPERTIES) AND ASSOCIATED STREET ENCROACHMENT MAINTENANCE AGREEMENT

A. RESOLUTION NO. 2017-011 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A DESIGN REVIEW PERMIT (DR16-0009) TO CONSTRUCT TWO OFFICE BUILDINGS TOTALING 318,000 SQUARE FEET, A 6,100 SQUARE FOOT SINGLE STORY AMENITY BUILDING AND A TOTAL OF 1,373 PARKING SPACES ON A 7.06-ACRE SITE WITHIN THE MILLENIA MASTER PLANNED COMMUNITY

B. RESOLUTION NO. 2017-012 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE GRANT OF AN ENCROACHMENT PERMIT (PE1006) TO ALLOW THE CONSTRUCTION AND MAINTENANCE OF A BUILDING OVERHANG 29 FEET ABOVE STREET LEVEL ENCROACHING FOUR FEET WITHIN THE CITY RIGHT OF WAY OF MONTAGE AVENUE, AND AN ENCROACHMENT MAINTENANCE AGREEMENT THEREFOR

*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.*

*Landscape Architect Ferman and Associate Planner Steichen gave a presentation on the item.*

*Mayor Casillas Salas opened the public hearing.*

*Lee Chesnut, representing LMC - Millenia Investment Company, gave a presentation on the item and spoke in support of staff's recommendation.*

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

- Theresa Andrews, representing Commercial Real Estate Alliance of San Diego (CRASD)*
- Todd Galarneau, representing Meridian Development*
- Lisa Cohen, representing the Chula Vista Chamber of Commerce*

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

**ACTION:** A motion was made by Councilmember Padilla, seconded by Councilmember Aguilar, that Resolution Nos. 2017-011 and 2017-012 be adopted, headings read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

**ACTION ITEMS**

17. [16-0542](#) CONSIDERATION OF APPROVING A THREE-YEAR MASTER SERVICES AGREEMENT WITH OPEN COUNTER ENTERPRISES, INC.

RESOLUTION NO. 2017-013 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE COMPETITIVE FORMAL BID REQUIREMENT, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A THREE-YEAR MASTER SERVICES AGREEMENT WITH OPEN COUNTER ENTERPRISES, INC. AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

*Economic Development Director Crockett and Peter Koht, representing OpenCounter, gave a presentation on the item.*

**ACTION:** A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, that Resolution No. 2017-013 be adopted, heading read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

**CITY MANAGER'S REPORTS**

*Police Chief Kennedy acknowledged concerns raised by the public regarding treatment of minorities. She stated that the Police Department was committed to providing services to all individuals, regardless of their immigration status and encouraged members of the public to contact her with concerns.*

*At the request of Mayor Casillas Salas, there was consensus of the Council to make a referral to staff to provide information on the potential impacts and ramifications of the Council taking action to declare the City a Sanctuary City.*

**MAYOR'S REPORTS**

18. [16-0572](#) APPOINTMENT OF DEPUTY MAYOR

**ACTION:** A motion was made by Mayor Casillas Salas, seconded by Councilmember Padilla, that Councilmember McCann be appointed Deputy Mayor. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

19. [16-0571](#) APPOINTMENT OF CITY COUNCILMEMBERS TO OUTSIDE AGENCIES:

- Chula Vista Veterans Home Support Foundation - Member
- Chula Vista Veterans Home Support Foundation - Alternate
- International Council for Local Environmental Initiatives (ICLEI) - Environmental Lead
- International Council for Local Environmental Initiatives (ICLEI) - Alternate
- League of California Cities, San Diego Division - Member
- League of California Cities, San Diego Division - Alternate
- Metropolitan Transit System Board of Directors (MTS) - Member
- Metropolitan Transit System Board of Directors (MTS) - Alternate
- Metropolitan Wastewater Commission (Metro) - Member
- Metropolitan Wastewater Commission (Metro) - Alternate
- Otay Valley Regional Park (OVRP) Policy Committee and Preserve Owner Manager (POM) - Member
- Otay Valley Regional Park (OVRP) Policy Committee and Preserve Owner Manager (POM) - Alternate
- San Diego Association of Governments (SANDAG) Board of Directors - Member
- San Diego Association of Governments (SANDAG) Board of Directors - 1st Alternate
- San Diego Association of Governments (SANDAG) Board of Directors - 2nd Alternate
- San Diego Association of Governments (SANDAG) Bayshore Bikeway Committee
- South County Economic Development Council (EDC) - Member
- South County Economic Development Council (EDC) - Alternate

*Mayor Casillas Salas distributed a document with proposed appointments to outside agencies.*

**ACTION:** A motion was made by Deputy Mayor McCann, seconded by Councilmember Aguilar, that the following appointments to outside agencies be made:

**Councilmember Aguilar:** Otay Valley Regional Park (OVRP) Policy Committee and Preserve Owner Manager (POM) – Member; and San Diego Association of Governments (SANDAG) Bayshore Bikeway Committee

**Councilmember Diaz:** Chula Vista Veterans Home Support Foundation – Alternate; League of California Cities, San Diego Division – Alternate; Metropolitan Transit System Board of Directors (MTS) – Alternate; and Otay Valley Regional Park (OVRP) Policy Committee and Preserve Owner Manager (POM) – Alternate

**Deputy Mayor McCann:** Chula Vista Veterans Home Support Foundation – Member; League of California Cities, San Diego Division – Member; San Diego Association of Governments (SANDAG) Board of Directors – 2nd Alternate; and South County Economic Development Council (EDC) – Member



**Councilmember Padilla:** International Council for Local Environmental Initiatives (ICLEI) – Alternate; Metropolitan Wastewater Commission (Metro) – Member; San Diego Association of Governments (SANDAG) Board of Directors – 1st Alternate; and South County Economic Development Council (EDC) – Alternate

**Mayor Casillas Salas:** International Council for Local Environmental Initiatives (ICLEI) – Environmental Lead; Metropolitan Transit System Board of Directors (MTS) – Member; Metropolitan Wastewater Commission (Metro) – Alternate; and San Diego Association of Governments (SANDAG) Board of Directors – Member

**The motion carried by the following vote:**

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

**No:** 0

**Abstain:** 0

**20. [17-0010](#) RATIFICATION OF APPOINTMENT OF THE FOLLOWING:**

- A. JENNIFER BUSTAMANTE, HOUSING ADVISORY COMMISSION
- B. BOBBY ERDMANN, COMMISSION ON AGING
- C. PAULA MATTHEI, WILDLIFE ADVISORY GROUP
- D. JENNIFER MUELLER, VETERANS ADVISORY COMMISSION

**ACTION:** A motion was made by Deputy Mayor McCann, seconded by Councilmember Padilla, that the above appointments be ratified. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

## COUNCILMEMBERS' COMMENTS

*Deputy Mayor McCann spoke regarding upcoming events and topics for the new year. He stated he attended the following recent events: outgoing Police Chief Bejarano's retirement lunch, and the swearing in ceremonies of Police Chief Kennedy, San Diego County Supervisor Greg Cox, and Unified Port of San Diego Commissioner Dukie Valderrama. He also spoke regarding the recent community meeting he held, "Coffee with a Councilmember."*

*Mayor Casillas Salas stated she attended the following recent events: Southwestern College board member swearing in ceremony, Workshops for Warriors graduation, and Chula Vista Police Foundation Holiday Giveaway.*

*Councilmember Diaz spoke regarding constituents in District 4 and offered his assistance.*

*Councilmember Padilla announced his office would be establishing monthly meetings to discuss community issues. He also stated that he would speak to the Eastside Neighbors community group.*

*City Attorney Googins announced the birth of his first grandson, Carlitos.*

**ADJOURNMENT**

*At 7:04 p.m., Mayor Casillas Salas adjourned the meeting to the Regular City Council Meeting on January 17, 2017, at 5:00 p.m., in the Council Chambers.*

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Kerry K. Bigelow, Assistant City Clerk