

City of Chula Vista

Meeting Minutes - Draft

Tuesday, November 4, 2014

2:00 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 2:04 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

Present: Deputy Mayor Aguilar, Councilmember Bensoussan, Councilmember Ramirez, Councilmember Salas and Mayor Cox

Deputy Mayor Aguilar arrived at 2:07 p.m.

Also Present: City Manager Halbert, City Attorney Googins, Assistant City Clerk Bigelow, and Deputy City Clerk Kansas

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Office Specialist Brauning led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- * **14-0643** PRESENTATION BY CHULA VISTA ANIMAL CARE FACILITY ANIMAL ADOPTION COUNSELOR LINDA SEPTON OF LADY, A DOG AVAILABLE FOR ADOPTION AT THE FACILITY

Animal Adoption Counselor Septon presented Lily, a Poodle-mix available for adoption at the Animal Care Facility.

- A. **14-0616** OATH OF OFFICE
Yoana Bandala, International Friendship Commission

Assistant City Clerk Bigelow administered the oath of office to Commissioner Bandala, and Councilmember Ramirez presented her with a certificate of appointment.

- B. **14-0627** PRESENTATION BY DEVELOPMENT SERVICES DIRECTOR KELLY BROUGHTON OF EMPLOYEE OF THE MONTH BEVERLY BRAUNING, OFFICE SPECIALIST

Development Services Director Broughton introduced employee of the month, Beverly Brauning. Mayor Cox read the proclamation and Deputy Mayor Aguilar presented it to Ms. Brauning.

CONSENT CALENDAR (Items 1 - 8)

Item 5 was removed from the Consent Calendar at the request of staff.

1. **14-0620** APPROVAL OF MINUTES of October 28, 2014.
Recommended Action: Council approve the minutes.

2. **14-0615** WRITTEN COMMUNICATIONS
Letter of resignation from Charlaine Carter, Commission on Aging
Recommended Action: Council accept the resignation.

3. **14-0622** ORDINANCE NO. 3323 OF THE CITY OF CHULA VISTA ADOPTING MITIGATED NEGATIVE DECLARATION IS-13-006 AND AMENDING THE ZONING MAP ESTABLISHED BY CHULA VISTA MUNICIPAL CODE SECTION 19.18.010 TO REZONE A 4.68 ACRE PARCEL LOCATED AT 3875 MAIN STREET FROM LIMITED INDUSTRIAL (ILP) ZONE TO APARTMENT RESIDENTIAL (R3) ZONE (SECOND READING AND ADOPTION)
Recommended Action: Council adopt the ordinance.

4. **14-0571** ORDINANCE OF THE CITY OF CHULA VISTA AMENDING THE FEE DEFERRAL PROGRAM TO REQUIRE PAYMENT OF FEES PRIOR TO BUILDING PERMIT FINAL INSPECTION INSTEAD OF BUILDING PERMIT ISSUANCE (FIRST READING)
Recommended Action: Council place the ordinance on first reading.

- Item 5 was removed from Consent Calendar.*

6. **14-0588** RESOLUTION NO. 2014-202 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$475,376 FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY AND APPROPRIATING \$358,581 TO THE POLICE GRANT FUND FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (4/5 VOTE REQUIRED)
Recommended Action: Council adopt the resolution.

7. **14-0598** QUARTERLY FINANCIAL REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2014

RESOLUTION NO. 2014-203 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2014/15 BUDGET TO ADJUST FOR VARIANCES, AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)
Recommended Action: Council accept the report and adopt the resolution.

8. **14-0563** A. RESOLUTION NO. 2014-204 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHULA VISTA AND THE CHULA VISTA POLICE OFFICERS' ASSOCIATION BARGAINING UNIT ("CVPOA") RELATED TO COMPENSATION AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS AND/OR MOU AS MAY BE REQUIRED TO IMPLEMENT THE MEMORANDUM OF UNDERSTANDING
- B. RESOLUTION NO. 2014-205 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2014/15 BUDGET TO ACCOUNT FOR THE PROPOSED SALARY INCREASE FOR CHULA VISTA POLICE OFFICERS' ASSOCIATION (4/5 VOTE REQUIRED)
- C. RESOLUTION NO. 2014-206 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2014/15 COMPENSATION SCHEDULE 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 Cox, seconded by Councilmember Salas, 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, Ramirez, Salas and Cox

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

5. **14-0587** RESOLUTION NO. 2014-201 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE COMPETITIVE FORMAL BID PROCEDURE AND APPROVING AN AGREEMENT ("TASER QUOTATION") BETWEEN THE CITY AND TASER INTERNATIONAL FOR THE PURCHASE OF BODY-WORN CAMERAS, EVIDENCE STORAGE, AND RELATED PRODUCT SUPPORT SERVICES

Chief Bejarano provided additional information regarding the item.

ACTION: A motion was made by Mayor Cox, seconded by Councilmember Ramirez, that Resolution No. 2014-201 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, Ramirez, Salas and Cox

No: 0

Abstain: 0

PUBLIC COMMENTS

Jason Paguio, representing the Parade Band Foundation, and Lisa Cohen, representing the Chula Vista Chamber of Commerce, gave a presentation and spoke regarding an upcoming parade festival.

PUBLIC HEARINGS

9. 14-0582 CONSIDERATION OF FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR AMENDMENTS TO THE GENERAL PLAN, OTAY RANCH GENERAL DEVELOPMENT PLAN, OTAY RANCH VILLAGES TWO, THREE AND A PORTION OF FOUR SECTIONAL PLANNING AREA PLAN, FOUR ASSOCIATED TENTATIVE MAPS AND A DEVELOPMENT AGREEMENT
- A. RESOLUTION NO. 2014-207 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING CERTAIN FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR AMENDMENTS TO THE GENERAL PLAN, THE OTAY RANCH GENERAL DEVELOPMENT PLAN, THE OTAY RANCH VILLAGES TWO, THREE AND A PORTION OF FOUR SECTIONAL PLANNING AREA PLAN; AND APPROVING FOUR TENTATIVE MAPS AND A DEVELOPMENT AGREEMENT
- B. RESOLUTION NO. 2014-208 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO THE CHULA VISTA GENERAL PLAN; OTAY RANCH GENERAL DEVELOPMENT PLAN (GDP), OTAY RANCH VILLAGES TWO, THREE AND A PORTION OF VILLAGE FOUR SECTIONAL PLANNING AREA (SPA) PLAN, AND ASSOCIATED REGULATORY DOCUMENTS INCLUDING A DEVELOPMENT AGREEMENT IN ORDER TO ADD 1,562 UNITS AMONG THIRTY SIX NEIGHBORHOODS AND PLANNING AREAS WITHIN VILLAGE 2 LOCATED SOUTH OF OLYMPIC PARKWAY AND WEST OF LA MEDIA ROAD
- C. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO THE OTAY RANCH VILLAGE 2 PLANNED COMMUNITY DISTRICT REGULATIONS AND LAND USE DISTRICTS MAP FOR 26 NEIGHBORHOODS AND 10 PLANNING AREAS (FIRST READING)
- D. RESOLUTION NO. 2014-209 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A TENTATIVE SUBDIVISION MAP WITHIN OTAY RANCH VILLAGE 2 NORTH - CHULA VISTA TRACT 12-02

E. RESOLUTION NO. 2014-210 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A TENTATIVE SUBDIVISION MAP WITHIN OTAY RANCH VILLAGE 2 WEST - CHULA VISTA TRACT 12-03

F. RESOLUTION NO. 2014-211 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A TENTATIVE SUBDIVISION MAP WITHIN OTAY RANCH VILLAGE 2 - CHULA VISTA TRACT 12-04

G. RESOLUTION NO. 2014-212 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A TENTATIVE SUBDIVISION MAP WITHIN OTAY RANCH VILLAGE 2 SOUTH - CHULA VISTA TRACT 12-05

H. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHULA VISTA, BALDWIN AND SONS, LLC AND SUNRANCH CAPITAL PARTNERS FOR PORTIONS OF OTAY RANCH VILLAGE TWO (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.

Senior Planner Donn presented information on the item.

Stephen Hasse, applicant, representing Baldwin & Sons, gave a presentation on the proposed project.

Mayor Cox opened the public hearing.

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

- David Danciu, Chula Vista resident*
- Mark Rheaume, Chula Vista resident*

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

- Kevin O'Neill, Chula Vista resident*
- Lisa Cohen, representing the Chula Vista Chamber of Commerce*

Tom Story, Chula Vista resident, spoke in support of staff's recommendation and also suggested that the project be approved with the condition that Heritage Road be widened from two lanes to four lanes.

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

In response to a question from Councilmember Salas, Mr. Hasse, applicant, stated that the Council would direct the use of the community impact funds that would be paid by Baldwin & Sons as part of the project. He stated that construction of Jacaranda Park would be completed around December 2015. He also clarified that the proposed swim club would be available for use by single-family homeowners and that the multi-family complexes would have their own facilities.

ACTION: A motion was made by Mayor Cox, seconded by Councilmember Bensoussan, that Resolution No. 2014-207 (Item 9 A) be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 4 - Aguilar, Bensoussan, Salas and Cox

No: 1 - Ramirez

Abstain: 0

ACTION: A motion was made by Mayor Cox, seconded by Councilmember Bensoussan, that Resolution Nos. 2014-208, 2014-209, 2014-210, 2014-211, 2014-212, be adopted and the above ordinances be placed on first reading (Item 9 B-H), headings read, text waived. The motion carried by the following vote:

Yes: 4 - Aguilar, Bensoussan, Salas and Cox

No: 1 - Ramirez

Abstain: 0

ACTION ITEMS

10. 14-0574 CONSIDERATION OF APPROVING THE AGREEMENT REGARDING CONSTRUCTION OF CERTAIN PARKS

RESOLUTION NO. 2014-213 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AGREEMENT REGARDING CONSTRUCTION OF PARKS P-1, P-2, P-3, P-5 AND P-6 IN A PORTION OF OTAY RANCH VILLAGE 2 BETWEEN THE CITY AND OTAY RANCH VILLAGE 2 MASTER DEVELOPER

ACTION: A motion was made by Councilmember Bensoussan, seconded by Councilmember Salas, that Resolution No. 2014-213 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, Ramirez, Salas and Cox

No: 0

Abstain: 0

CITY MANAGER'S REPORTS

There were none.

MAYOR'S REPORTS

Mayor Cox announced the following upcoming community events: the Parade Band Festival and the Veteran's Benefit Book Fair.

COUNCILMEMBERS' COMMENTS

Councilmember Bensoussan acknowledged the opening of the west end of H Street.

Councilmember Ramirez reported on a recent Metropolitan Transit System (MTS) meeting he attended, at which the Bus Rapid Transit (BRT) project was discussed.

Mayor Cox paid tribute to Joan DeMunbrun of Chula Vista.

Mayor Cox announced that the Council would convene in closed session to discuss the items listed below. Mayor Cox recessed the meeting at 4:38 p.m. The Council reconvened in Closed Session at 4:53 p.m., with all members present.

CLOSED SESSION

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.

- 11. 14-0592** CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a): Name of case: Donald Sipple v. City of Hayward, et al., (including the City of Chula Vista), Los Angeles Superior Court, Case Number BC462270

ACTION: No reportable action.

- 12. 14-0605** CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(c): One Case

Significant exposure to litigation pursuant to Government Code Section 54956.9(b): One Case

ACTION: No reportable action.

ADJOURNMENT

At 5:38 p.m., Mayor Cox adjourned the meeting to a City Council Workshop on November 6, 2014, at 4:00 p.m., and thence to the next Regular City Council Meeting on November 18, 2014, at 2:00 p.m.

Kerry K. Bigelow, Assistant City Clerk