

City of Chula Vista

Meeting Minutes - Draft

Tuesday, February 11, 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 2:02 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

Councilmember Salas arrived at 2:04 p.m.

Also Present: City Manager Sandoval, City Attorney Googins, City Clerk Norris, and Assistant City Clerk Bigelow

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Senior Information Tech Support Specialist Garcia led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. 14-0059** OATH OF OFFICE
Rosa Maria Robles, Board of Ethics

City Clerk Norris administered the oath of office to Commissioner Robles, and Deputy Mayor Aguilar presented her with a certificate of appointment.

- B. 14-0062** INTRODUCTION BY HERMON HOWELL, ASSISTANT DIRECTOR OF INFORMATION TECHNOLOGY SERVICES, OF EMPLOYEE OF THE MONTH PAT GARCIA, SENIOR INFORMATION TECH SUPPORT SPECIALIST

Assistant Director of Information Technology Services Howell introduced employee of the month, Pat Garcia. Mayor Cox read the proclamation, and Councilmember Bensoussan presented it to Mr. Garcia.

- C. 14-0064** PRESENTATION OF A PROCLAMATION TO UTC AEROSPACE SYSTEMS VICE PRESIDENT OF ENGINEERING AND TECHNOLOGY COLIN CRAMP, ACHIEVING COMPETITIVE EXCELLENCE (ACE) VICE PRESIDENT, QUALITY AND SUPPORT FUNCTIONS MARTIN LODGE, CITY OF CHULA VISTA DIRECTOR OF PUBLIC WORKS RICK HOPKINS AND CITY ENGINEER BILL VALLE PROCLAIMING FEBRUARY 16-22, 2014 AS NATIONAL ENGINEERS' WEEK IN CHULA VISTA

Mayor Cox read the proclamation recognizing National Engineers Week and Councilmember Ramirez presented it to Martin Lodge of UTC Aerospace Systems, Director of Public Works Hopkins, and City Engineer Valle.

CONSENT CALENDAR (Items 1-6)

- 1. 14-0022** APPROVAL OF MINUTES of December 10, 2013.

Staff Recommendation: Council approve the minutes.

- 2. 14-0069** WRITTEN COMMUNICATIONS
Letter of resignation from Luz Camacho, Cultural Arts Commission.

Staff Recommendation: Council accept the resignation.

- 3. 14-0043** ORDINANCE NO. 3303 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 17.10 (PARKLANDS AND PUBLIC FACILITIES) RELATING TO THE PARK ACQUISITION AND DEVELOPMENT FEE REQUIREMENT FOR HOTELS AND MOTELS (SECOND READING AND ADOPTION)

Staff Recommendation: Council adopt the ordinance.

- 4. 13-0213** RESOLUTION NO. 2014-019 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A GRANT OF EASEMENTS, LICENSE AND MAINTENANCE AGREEMENT BETWEEN SR V-2 R-6, LLC, AND THE CITY OF CHULA VISTA FOR OTAY RANCH VILLAGE 2 NORTH R-6 (CHULA VISTA TRACT NO. 11-04)

Staff Recommendation: Council adopt the resolution.

5. **14-0024** RESOLUTION NO. 2014-020 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING DONATIONS AND GRANT FUNDS IN THE AMOUNT OF \$22,181 FROM MULTIPLE DONORS AND GRANTORS FOR COSTS ASSOCIATED WITH THE COMMUNITY FUN RUN, NORMAN PARK CENTER, VETERANS CENTER AND CITYWIDE AQUATIC AND RECREATION FACILITIES AND AMENDING THE FY2013-2014 RECREATION BUDGET TO REFLECT THE APPROPRIATION OF THESE DONATED, SPONSORSHIP AND GRANT FUNDS (4/5 VOTE REQUIRED)

Staff Recommendation: Council adopt the resolution.

6. **14-0039** RESOLUTION NO. 2014-021 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING APPROPRIATIONS OF \$328,446 IN THE ADVANCED LIFE SUPPORT FUND FOR THE PROCUREMENT AND ACQUISITION OF CARDIAC MONITOR/DEFIBRILLATORS MANUFACTURED BY ZOLL MEDICAL CORPORATION (4/5 VOTE REQUIRED)

Staff Recommendation: Council adopt the resolution.

Approval of the Consent Calendar

ACTION: A motion was made by Mayor Cox, 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, Ramirez, Salas and Cox

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

Stewart Payne, Chula Vista resident, representing i9 Sports, expressed concern regarding the condition of fields at Monteville Park and the fee structure for field use.

Barbara Altbaum, representing San Diego and Imperial County Lions Club, provided information on the Lions Club and its programs. She announced an upcoming Lions Club clinic offering eye exams and glasses.

Larry Hudson, representing San Diego and Imperial Counties Lions Club, provided additional information on the Club's eye exam and glasses clinic.

Jerry Thomas, Chula Vista resident, spoke in support of the construction of Orange Park and expressed concern regarding its design.

John Hess, representing the International Association of Fire Fighters (IAFF), spoke regarding the recent California Highway Patrol arrest of a Chula Vista firefighter who was responding to an incident. Mr. Hess spoke in support of the Council advocating for legislation to prevent a similar occurrence in the future.

PUBLIC HEARINGS

- 7. **14-0031** CONSIDERATION OF THE FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 14M (EASTERN URBAN CENTER/MILLENIA)

RESOLUTION NO. 2014-022 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA FORMING AND ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 14M (EASTERN URBAN CENTER/MILLENIA), DESIGNATING IMPROVEMENT AREAS THEREIN, AND AUTHORIZING SUBMITTAL OF THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS WITHIN EACH IMPROVEMENT AREA

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 Management Analyst Lengyel provided information regarding the item .

Mayor Cox opened the public hearing.

City Clerk Norris stated no written protests had been received.

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

ACTION: A motion was made by Councilmember Salas, seconded by Deputy Mayor Aguilar, to adopt Resolution No. 2014-022, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

ACTION ITEMS

8. 14-0032 DECLARATION OF ELECTION RESULTS REGARDING LEVY OF SPECIAL TAXES WITHIN THE IMPROVEMENT AREAS OF COMMUNITY FACILITIES DISTRICT NO. 14M (EASTERN URBAN CENTER/MILLENIA) AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT THEREIN AND AUTHORIZE THE LEVY OF SPECIAL TAXES

A. RESOLUTION NO. 2014-023 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING THE RESULTS OF A SPECIAL ELECTION IN COMMUNITY FACILITIES DISTRICT NO. 14M (EASTERN URBAN CENTER/MILLENIA)

B. ORDINANCE OF THE CITY OF CHULA VISTA AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN THE IMPROVEMENT AREAS OF COMMUNITY FACILITIES DISTRICT NO. 14M (EASTERN URBAN CENTER/MILLENIA) (FIRST READING)

City Clerk Norris opened the ballots and announced that the item passed unanimously.

ACTION: A motion was made by Councilmember Ramirez, seconded by Deputy Mayor Aguilar, to adopt Resolution No. 2014-023 and place the above ordinance on first reading, headings read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

- 9. 14-0075** RESOLUTION NO. 2014-024 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA IN SUPPORT OF THE RELOCATION OF THE SDG&E BAYFRONT SUBSTATION INCLUDING THE BAYFRONT ENHANCEMENT FUND ALTERNATIVE AND CONSIDERATION OF ADDITIONAL UNDERGROUNDING OF UTILITY LINES AND OTHER MEASURES TO ADDRESS VISUAL IMPACTS CONSISTENT WITH THE CITY'S CERTIFIED LOCAL COASTAL PROGRAM AND THE COASTAL ACT

Assistant City Manager Halbert provided history and information on the item.

The following members of the public spoke in support of the item:

- John Moot, Chula Vista resident, representing Inland Industries*
- Theresa Acerro, Chula Vista resident*
- Jeffrey Berg, San Diego resident, representing Inland Industries*

Council discussion ensued regarding the text of the proposed resolution.

Mayor Cox recessed the meeting at 3:18 p.m. The Council reconvened at 3:35 p.m., with all members present.

John Moot, representing Inland Industries, stated Inland Industries supported the resolution as amended.

There was consensus of the Council to accept the following addition to the second recital:

"Whereas on April 25, 2006, the City of Chula Vista ("City") created an undergrounding district within the Chula Vista Bayfront to underground the 138 kV electrical transmission lines and supporting structures including Tower 188701 consistent with its Bayfront Master Plan efforts and the "MOU" entered into with San Diego Gas & Electric ("SDG&E"); and"

There was consensus of a majority of the Council to amend the fifth recital to read:

"Whereas, the Certified LCP's policies and regulations envision the relocation of the existing substation to a site on Bay Boulevard near Palomar Street located approximately one-half mile south from its current location (the "Relocation Site"); and contain specific land use policies stating that utilities serving the bayfront shall be placed underground (LUP Objective GD.2); and further it is the City's stated position that such certified language is an expansion upon prior approved draft language which stated high voltage (230 kV) transmission lines shall be placed underground;"

There was consensus of a majority to amend the 11th recital to read:

"Whereas, the City desires to reaffirm its previous support for the relocation, including BEFA, and the consideration of additional undergrounding of utility lines and other measures to address visual impacts consistent with the City's certified LCP, the California Coastal Act, the implementation of the Chula Vista Bayfront Master Plan and their vision and policies."

There was consensus of a majority of the Council to approve section 1.b. of the resolution as written.

There was consensus of the Council to approve section 1.c. of the resolution as written

There was consensus of a majority of the Council to amend section 2 of the resolution to read:

"Prior to any final action, the City Council also requests that the Coastal Commission independently complete the feasibility analysis and consider the benefits of requiring the undergrounding of any and all additional transmission lines proposed as part of the Project to the extent such undergrounding enhances compliance with the Coastal Act and LCP policies and creates a net positive improvement in visual impacts caused by the Project, minimizing visual blight."

There was consensus of the Council to approve section 3 of the resolution as written

There was consensus of the Council to approve section 3.c. of the resolution as written.

There was consensus of a majority of the Council to strike section 3.d. of the resolution.

City Attorney Googins referenced portions of the letter sent by the California Independent System Operator Corporation (ISO) to the California Coastal Commission in which the ISO stated, "As any material design changes would require CPUC approval, we strongly discourage any changes to the project design at this late stage, which would unduly delay the project. In light of the delays experienced in securing CPUC approval of the Bay Boulevard substation project, it is not reasonable to revisit the approved design of the substation absent a compelling reason that justifies the increased reliability risks and costs to ratepayers."

City Attorney Googins stated that SDG&E had submitted a letter in opposition to the resolution and that the letter would be on file in the City Clerk's office.

ACTION: A motion was made by Councilmember Ramirez, seconded by Councilmember Salas, to adopt Resolution No. 2014-024 as amended, heading read, text waived. The motion failed by the following vote:

Yes: 3 - Aguilar, Ramirez and Salas

No: 2 - Bensoussan and Cox

Abstain: 0

Mayor Cox recessed the meeting at 5:32 p.m. The Council reconvened at 5:48 p.m., with all members present.

CITY MANAGER'S REPORTS

City Manager Sandoval announced an upcoming workshop on February 12, 2014, to solicit public feedback on the planned Orange Avenue Park. Mayor Cox expressed concern with required ongoing maintenance of the park.

He also announced the Port of San Diego's visioning effort and stated that there would be a community workshop in Chula Vista on February 19, 2014.

City Manager Sandoval announced the annual Chula Vista Fun Run that would be held in May 2014.

MAYOR'S REPORTS

Mayor Cox stated she met with members of Yes We Can community group, Cricket Wireless Amphitheater, and the Police Department to discuss alcohol-related issues in the area of the amphitheater.

COUNCILMEMBERS' COMMENTS

Deputy Mayor Aguilar provided additional information on the recent meeting with Mayor Cox and individuals concerned about alcohol-related issues near Cricket Wireless Amphitheater.

She also expressed concern regarding ongoing costs of the upkeep of City parks and spoke in support of identifying additional funding to support those costs.

10. 14-0070 COUNCILMEMBER SALAS
Status Report on Information Gathered and Timing for Future Council Consideration of Possible School District Unification

Councilmember Salas provided a report on the information gathered regarding potential future Council consideration of supporting a school district unification effort.

Councilmember Ramirez announced the upcoming annual International Friendship Games on June 7, 2014. At his request, there was consensus of the Council to add an item to the next Council agenda to consider the City's sponsorship of the event. He stated funding for the event was provided by outside sources and was not from the City's general fund.

Councilmember Ramirez expressed concern regarding the City's input on behalf of citizens regarding a proposed water rate increase. Mayor Cox stated that the City was represented as part of the Joint Powers Authority (JPA) in meetings and hearings discussing the issue.

Councilmember Ramirez thanked the California Innocence Project at the California School of Law in San Diego for a recent tour he participated in and acknowledged the organization for its work in the criminal justice system.

Councilmember Ramirez expressed concern regarding the arrest of the Chula Vista firefighter by California Highway Patrol and spoke in support of taking measures to prevent a similar situation in the future. He also expressed his appreciation for the individual firefighter and other first responders.

Councilmember Ramirez also expressed concern regarding ongoing funding of City facilities and programs. He suggested that City staff pursue more public-private partnerships.

City Manager Sandoval, Chief Hanneman, and Chief Bejarano provided an update on the investigation and discussions with other agencies in response to the arrest of the Chula Vista firefighter.

Councilmember Bensoussan announced an upcoming event at the San Diego Repertory Theater February 17, 2014. She also announced vacancies on the Cultural Arts Commission and encouraged residents to apply.

Councilmember Bensoussan stated the public could contact her office regarding an upcoming fundraiser for a future City dog park in Eucalyptus Park. Finally, she encouraged individuals interested in volunteering on a planning committee for HarborFest 2014 to contact her office.

CLOSED SESSION

Mayor Cox stated that Item 11 would not be heard.

- 11. 14-0068** CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9 (b)

One Case.

There is an ongoing disagreement that between the “Participating Agencies” (including the City of Chula Vista), on the one hand, and the City of San Diego and Padre Dam Municipal Water District, on the other hand, over responsibility for reimbursing Padre Dam for its overpayment of wastewater fees dating back to 1998 under the terms of the Master Wastewater Disposal Agreement between the parties.

Item 11 was trailed to the meeting of February 18, 2014.

ADJOURNMENT

At 6:24 p.m., Mayor Cox adjourned the meeting to the Regular City Council Meeting on February 18, 2014, at 2:00 p.m., in the Council Chambers.