

City of Chula Vista

Meeting Minutes - Final

Tuesday, December 8, 2020

5:00 PM

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

REGULAR MEETING OF THE CITY COUNCIL

Pursuant to the Governor of the State of California's Executive Order N-29-20, and in the interest of public health and safety during the COVID-19 pandemic, members of the City Council and staff participated in this meeting via teleconference. Members of the public participated remotely and were not present in Council Chambers. All votes were taken by roll call and public comments were submitted electronically or otherwise in writing.

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 Item A which was considered before Item 1.

CALL TO ORDER

A regular meeting of the City Council of the City of Chula Vista was called to order at 5:06 p.m. via teleconference and in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

Present: Deputy Mayor Galvez, Councilmember McCann, Councilmember Padilla and Mayor Casillas Salas

Also Present: City Manager Kachadoorian, City Attorney Googins, City Clerk Bigelow, and Assistant City Clerk Turner

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Councilmember Diaz led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY (Part 1)

- A.** [20-0509](#) COVID-19 UPDATE BY CITY OF CHULA VISTA DEPUTY FIRE CHIEF HARRY MUNS

Emergency Services Coordinator King gave a presentation on the item and responded to questions of the Council.

- B.** [20-0504](#) PRESENTATION OF A PROCLAMATION COMMENDING FIRE DEPARTMENT CHIEF JIM GEERING, RECOGNIZING 35 YEARS OF DEDICATED SERVICE

Mayor Casillas Salas read the proclamation and Councilmembers McCann and Padilla presented it to Fire Chief Geering.

Fire Chief Geering spoke regarding his career with the City.

Deputy Chief Muns spoke regarding Fire Chief Geering's career and congratulated him on his retirement.

C. [20-0506](#) COMMENTS BY AND BIDDING FAREWELL TO RETIRING COUNCILMEMBER DIAZ

Councilmember Diaz reflected on his time in office and offered thanks to family, friends and staff.

Mayor Casillas Salas read excerpts of a letter from the San Diego League of California Cities commending Councilmember Diaz.

Mayor Casillas Salas, Deputy Mayor Galvez, Councilmember McCann, Councilmember Padilla and City Attorney Googins offered remarks and thanked Councilmember Diaz for his dedicated services to the City.

Deputy Mayor Galvez presented Councilmember Diaz with a gift on behalf of Mayor Casillas Salas and Council.

CONSENT CALENDAR (Part 1 - Item 1 only)

- 1. [20-0464](#) RESOLUTION NO. 2020-275 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD IN THIS CITY ON NOVEMBER 3, 2020, DECLARING THE RESULTS THEREOF, AND OTHER MATTERS AS ARE PROVIDED BY LAW

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Diaz, to approve staff's recommendation on the above consent calendar item, heading read, text waived. The motion carried by the following roll call vote:

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

No: 0

Abstain: 0

Mayor Casillas Salas recessed the meeting at 6:22 p.m. The Council reconvened at 6:33 p.m., with all members present.

CALL TO ORDER

The regular meeting of the City Council of the City of Chula Vista was reconvened at 6:33 p.m.

ROLL CALL:

Present: Councilmember Cardenas, Deputy Mayor Galvez, Councilmember McCann, Councilmember Padilla and Mayor Casillas Salas

SPECIAL ORDERS OF THE DAY (Part 2)

- D. [20-0505](#) OATHS OF OFFICE FOR NEWLY ELECTED AND RE-ELECTED OFFICIALS

-RE-ELECTED COUNCILMEMBER, DISTRICT 3, STEPHEN PADILLA
Administered by Kimberly Wroe

-NEWLY ELECTED COUNCILMEMBER, DISTRICT 4, ANDREA CARDENAS

Administered by Jesus A. Cardenas

Mayor Casillas Salas introduced re-elected District 3 Councilmember Stephen Padilla.

Kimberly Wroe administered the ceremonial oath of office to Councilmember Padilla. City Clerk Bigelow presented him with a certificate of election.

Councilmember Padilla spoke regarding his upcoming term.

Mayor Casillas Salas introduced newly elected District 4 Councilmember Andrea Cardenas.

Jesus A. Cardenas administered the ceremonial oath of office to Councilmember Cardenas. City Clerk Bigelow presented her with a certificate of election.

Councilmember Cardenas thanked her supporters and spoke regarding her upcoming term.

CONSENT CALENDAR (Part 2 - Items 2 - 5)

Mayor Casillas Salas stated she would abstain from voting on Item 4 due to a potential property-related conflict of interest. Item 3 was removed from the consent calendar.

2. [20-0514](#) APPROVAL OF MINUTES of May 12, 2020.

Recommended Action: Council approve the minutes.

Item 3 was removed from the consent calendar.

4. [20-0457](#) RESOLUTION NO. 2020-276 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A SECOND AMENDMENT TO THE REAL PROPERTY PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BETWEEN THE CITY OF CHULA VISTA AND TECTURE RED, LLC. FOR THE SALE OF A 0.14-ACRE COMMERCIAL PROPERTY LOCATED AT 224 THIRD AVENUE

Recommended Action: Council adopt the resolution.

5. [20-0406](#) RESOLUTION NO. 2020-277 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE CITY'S PARTICIPATION IN THE PUBLIC AGENCY RETIREMENT SERVICES (PARS) POST-EMPLOYMENT BENEFITS TRUST PROGRAM (SECTION 115 PENSION TRUST FUND) TO BE ADMINISTERED BY PARS AND U.S. BANK AS TRUSTEE, DELEGATING SECTION 115 PENSION TRUST FUND ACTIVITY TO THE DIRECTOR OF FINANCE/TREASURER AND AUTHORIZING THE DIRECTOR OF FINANCE/TREASURER TO EXECUTE THE DOCUMENTS TO IMPLEMENT THE PROGRAM

Recommended Action: Council adopt the resolution.

Approval of the Consent Calendar

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Cardenas, to approve staff's recommendations on the above Consent Calendar items, headings read, text waived. The motion carried by the following roll call vote:

Items 2 and 5:

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

No: 0

Abstain: 0

ACTION: Item 4:

Yes: 4 - Cardenas, Galvez, McCann and Padilla

No: 0

Abstain: 1 - Casillas Salas

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. [20-0357](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING A CONTRACT FOR OPEN SPACE TREE MAINTENANCE SERVICES TO ARBOR WEST TREE SURGEONS, INC. IN AN AMOUNT NOT TO EXCEED \$2,500,000 FOR THE UP TO FIVE-YEAR TERM OF THE CONTRACT

Mayor Casillas Salas announced that Item 3 would be continued to the meeting of January 5, 2021.

PUBLIC COMMENTS

6. [20-0508](#) PUBLIC COMMENTS RECEIVED for December 8, 2020

The following members of the public submitted comments in opposition to Automated License Plate Reader technology:

- Rubi Fuerrero, Chula Vista resident*
- Dulce Garcia*
- Rebekah Hook*
- Carolyn Scofield, Chula Vista resident*
- Mariam Shaheed*
- Tony Wiggins*
- Yey Morales, Chula Vista resident*
- Tomas Javier*
- Erin TsurumotoGrassi*
- Salvador G. Sarmiento, representing National Day Labor Organizing Network*
- Omair Khan*
- Lois Klepin*
- Pedro Rios, Chula Vista resident*
- Adriana Jasso*
- Kate Bishop, Chula Vista resident*
- Aleena Jun*
- Junnie Sultan*
- Claire Pratt*

- Ricardo Medina
- Margaret Baker, Chula Vista resident
- Brenda Aguirre, Chula Vista resident
- Kathy Hardy
- Nicholas Paul, Chula Vista resident
- Alicia Riley, Chula Vista resident
- David Harris

Eric Wood, Chula Vista resident, submitted comments regarding Automated License Plate Reader technology.

Peggy Walker submitted comments regarding capping THC potency in marijuana products manufactured and sold in the City.

ACTION ITEMS

7. [20-0513](#) RESOLUTION NO. 2020-278 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RATIFYING THE CITY MANAGER'S APPOINTMENT OF THE DIRECTOR OF PUBLIC WORKS - MATTHEW LITTLE

City Manager Kachadoorian spoke regarding the item.

ACTION: A motion was made by Councilmember Cardenas, seconded by Councilmember McCann, to adopt Resolution No. 2020-278, heading read, text waived. The motion carried by the following roll call vote:

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

No: 0

Abstain: 0

8. [20-0511](#) RESOLUTION NO. 2020-279 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RATIFYING THE CITY MANAGER'S APPOINTMENT OF THE FIRE CHIEF - HARRY MUNS

City Manager Kachadoorian introduced the new Fire Chief Harry Muns who extended gratitude to family, friends and staff.

ACTION: A motion was made by Councilmember Cardenas, seconded by Councilmember Padilla, to adopt Resolution No. 2020-279, heading read, text waived. The motion carried by the following roll call vote:

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

No: 0

Abstain: 0

PUBLIC HEARINGS

9. [20-0475](#) CONSIDERATION OF A RECOMMENDATION FROM THE PLANNING COMMISSION TO APPROVE A 141-UNIT CONDOMINIUM PROJECT OFF MOSS STREET, BETWEEN INDUSTRIAL BOULEVARD AND BROADWAY

A. RESOLUTION NO. 2020-280 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION, MONITORING AND REPORTING PROGRAM IS18-0004 AND APPROVING AN AMENDMENT TO THE CHULA VISTA GENERAL PLAN INCLUDING ASSOCIATED TEXT, MAPS AND TABLES TO REFLECT A LAND USE CHANGE FROM LIMITED INDUSTRIAL TO RESIDENTIAL HIGH FOR APPROXIMATELY 6.9 ACRES AT 676 MOSS STREET

B. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING A REZONE FOR A 6.94-ACRE SITE LOCATED AT 676 MOSS STREET (FIRST READING)

C. RESOLUTION NO. 2020-281 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING TENTATIVE SUBDIVISION MAP PCS18-0006 TO CONSOLIDATE A 7.29-ACRE SITE FROM THREE (3) PARCELS INTO ONE 6.94-ACRE SITE FOR (141) MULTIFAMILY RESIDENTIAL UNITS, FOR INDIVIDUAL OWNERSHIP AT 676 MOSS STREET

D. RESOLUTION NO. 2020-282 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING DESIGN REVIEW PERMIT DR18-0028 TO CONSTRUCT 18 THREE-STORY BUILDINGS TOTALING 104,416 SQUARE FEET, CONSISTING OF 141 TOWNHOMES ON A 6.94 ACRE SITE LOCATED AT 676 MOSS STREET, WEST OF BROADWAY AND EAST OF INDUSTRIAL BOULEVARD

E. RESOLUTION NO. 2020-283 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A VARIANCE, ZAV18-0001 TO DEVIATE THE FRONT SETBACK FROM 15 TO 10 FEET TO ALLOW AN EXISTING DOUBLE-BARRELED CULVERT TO REMAIN IN ITS CURRENT LOCATION ON A 6.94-ACRE SITE LOCATED AT 676 MOSS STREET

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.

City Attorney Googins outlined the public hearing steps and process.

Mayor Casillas Salas opened the public hearing.

Associate Planner Romero gave a presentation on the item.

Mayor Casillas Salas requested the Council disclose any ex parte communications.

Councilmember Galvez stated that on December 16, 2019, she met with Matthew Brady of Shopoff Realty Investments. She stated she had also been in communications with the following: Theresa Acerro, Jo Anne Springer, Kenn Colclasure, Peter Watry and Greg Moore, representing Boat Yard San Diego.

Development Services Director Allen, Associate Planner Romero and Principal Civil Engineer Salem responded to questions of the Council.

James O'Malley representing Shopoff Realty gave a presentation in support of staff's recommendation for the item and responded to questions from the Council.

The following members of the public submitted comments regarding the item:

- JoAnne Springer, Chula Vista resident*
- Kathy Green*
- Theresa Acerro, Chula Vista resident*
- Greg Moore, Chula Vista resident*

At the conclusion of the public commenting period, Mayor Casillas Salas closed the public hearing.

Council discussion ensued.

ACTION: A motion was made by Councilmember Cardenas, seconded by Councilmember McCann, to adopt Resolution Nos. 2020-280 through 2020-283 and to place the above ordinance (Item 9B) on first reading. The headings were read, text waived. The motion carried by the following roll call vote:

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

No: 0

Abstain: 0

CITY MANAGER'S REPORTS

City Manager Kachadoorian extended holiday greetings to the community.

MAYOR'S REPORTS

10. [20-0493](#) APPOINTMENT OF CITY COUNCILMEMBERS TO OUTSIDE AGENCIES:
- Chula Vista Veterans Home Support Foundation - Member
 - Chula Vista Veterans Home Support Foundation - Alternate
 - Interagency Water Task Force - Two (2) Members
 - 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) - 1st Member (Mayor)
 - Metropolitan Transit System Board of Directors (MTS) - 2nd Member (City Councilmember)
 - Metropolitan Transit System Board of Directors (MTS) - Alternate
 - Metropolitan Transit System Board of Directors (MTS) -

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- South Bay MTS Executive Committee Representative
 - Metropolitan Wastewater Commission (Metro) - Member
 - Metropolitan Wastewater Commission (Metro) - Alternate
 - Otay Valley Regional Park (OVRP) Policy Committee- Member
 - Otay Valley Regional Park (OVRP) Policy Committee- Alternate
 - Otay Ranch Preserve Owner Manager (POM) Policy Committee - Member
 - Otay Ranch Preserve Owner Manager (POM) Policy Committee - 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
 - San Diego Association of Governments (SANDAG) Shoreline Preservation Working Group - Member
 - South County Economic Development Council (EDC)- Member
 - South County Economic Development Council (EDC)- Alternate
 - University Project Task Force with Southwestern College - Two (2) Members
 - Chula Vista Bayfront Facilities Financing Authority Board of Directors - Two (2) Members

Mayor Casillas Salas distributed and read the list of proposed appointments for Item 10.

ACTION: A motion was made by Councilmember Galvez, seconded by Councilmember McCann, that the following appointments to outside agencies be made:

Councilmember McCann: Chula Vista Veterans Home Support Foundation - Member; Interagency Water Task Force - Member; League of California Cities (LLC), San Diego Division - Alternate; San Diego Association of Governments (SANDAG) Board of Directors - 2nd Alternate; South County Economic Development Council (EDC) - Member; and San Diego Community Power Authority - Alternate

Deputy Mayor Galvez: International Council for Local Environmental Initiatives (ICLEI) - Alternate; Metropolitan Transit System Board of Directors (MTS) - 2nd Member (City Councilmember); Metropolitan Wastewater Commission (Metro) - Member; and San Diego Association of Governments (SANDAG) Bayshore Bikeway Committee

Councilmember Padilla: Metropolitan Wastewater Commission (Metro) - Alternate; Otay Ranch Preserve Owner Manager (POM) Policy Committee - Alternate; Otay Valley Regional Park (OVRP) Policy Committee - Alternate; San Diego Association of Governments (SANDAG) Board of Directors - 1st Alternate; SANDAG Shoreline Preservation Working Group - Member; University Project Task Force with Southwestern College - Member; Chula Vista Bayfront Facilities Financing Authority Board of Directors - Member; and San Diego Community Power Authority - Member.

Councilmember Cardenas: Chula Vista Veterans Home Support Foundation - Alternate; Metropolitan Transit System Board of Directors (MTS) - Alternate; Otay Ranch Preserve Owner Manager (POM) Policy Committee - Member; Otay Valley Regional Park (OVRP) Policy Committee - Member; and South County Economic Development Council (EDC) - Alternate

Mayor Casillas Salas: International Council for Local Environmental Initiatives (ICLEI) – Environmental Lead; Interagency Water Task Force - Member; League of California Cities (LCC) San Diego Division - Member; Metropolitan Transit System (MTS) - South Bay MTS Executive Committee Representative; Metropolitan Transit System Board of Directors (MTS) – 1st Member (Mayor); San Diego Association of Governments (SANDAG) Board of Directors - Member; University Project Task Force with Southwestern College - Member; and Chula Vista Bayfront Facilities Financing Authority Board of Directors - Member.

The motion carried by the following roll call vote:

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

No: 0

Abstain: 0

11. [20-0494](#) APPOINTMENT OF DEPUTY MAYOR

Mayor Casillas Salas recognized Deputy Mayor Galvez for her work as Deputy Mayor.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Deputy Mayor Galvez, to appoint Councilmember McCann as Deputy Mayor beginning in 2021. The motion carried by the following roll call vote:

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

No: 0

Abstain: 0

At the request of Mayor Casillas Salas there was consensus of the Council to make a referral to staff to return with a report on the Police Department contract with Vigilant Solutions. Mayor Casillas Salas stated that Police Chief Kennedy had blocked any data sharing with Immigration and Customs Enforcement (ICE) until the Council considered the matter.

COUNCILMEMBERS' COMMENTS

Councilmember Padilla expressed his support for the referral made by Mayor Casillas Salas. He congratulated newly elected Councilmember Cardenas and extended holiday greetings to the community.

Councilmember McCann congratulated newly elected Councilmember Cardenas and re-elected Councilmember Padilla. He extended holiday greetings to the community.

Deputy Mayor Galvez expressed well wishes to the outgoing and incoming staff and Councilmembers. She extended holiday greetings to the community and thanked Mayor Casillas Salas for addressing concerns regarding Christmas Circle.

Councilmember Cardenas extended holiday greetings to the community.

CITY ATTORNEY'S REPORTS

City Attorney Googins congratulated newly elected Councilmember Cardenas and re-elected Councilmember Padilla.

CLOSED SESSION

City Attorney Googins announced that the Council would convene in closed session to discuss the item listed below.

At 8:34 p.m., the Council convened in Closed Session with all members present.

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.

- 12. [20-0507](#) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9d)(2) [or](3): One [1] Case. City of Chula Vista Claim No. CV20153.

ACTION: No reportable action.

ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

Minutes prepared by: Tyshar L. Turner, Assistant City Clerk

Kerry K. Bigelow, MMC, City Clerk