

# City of Chula Vista

## Meeting Minutes - Final

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Tuesday, June 3, 2014

2:00 PM

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

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### SPECIAL MEETINGS OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND THE HOUSING AUTHORITY MEETING JOINTLY WITH THE CITY COUNCIL OF THE CITY OF CHULA VISTA

#### CALL TO ORDER

*A Regular Meeting of the City Council and Special Meetings of the Successor Agency to the Redevelopment Agency and the Housing Authority of the City of Chula Vista were called to order at 2:01 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.*

*Mayor Cox announced, pursuant to AB 23, that she and each Councilmember would receive \$50 for their attendance at this Housing Authority meeting, being held simultaneously with the City Council meeting.*

#### ROLL CALL:

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

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

#### PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

*Administrative Analyst Cosio led the Pledge of Allegiance.*

#### SPECIAL ORDERS OF THE DAY

- A. [14-0339](#) OATHS OF OFFICE  
Rochelle Carrol, Commission on Aging

*City Clerk Norris administered the Oath of Office to Commissioner Carrol, and Deputy Mayor Aguilar presented her with a certificate of appointment.*

- B. [14-0333](#) PRESENTATION BY PUBLIC WORKS DIRECTOR RICHARD HOPKINS, OF EMPLOYEE OF THE MONTH SILVIA COSIO, ADMINISTRATIVE ANALYST II

*Public Works Director Hopkins introduced employee of the month, Silvia Cosio. Mayor Cox read the proclamation and Councilmember Bensoussan presented it to Ms. Cosio.*

**CONSENT CALENDAR (Items 1 - 3)**

1. [14-0332](#) ORDINANCE NO. 3309 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 RELATING TO THE ESTABLISHMENT OF UNCLASSIFIED POSITIONS TO ADD A FISCAL AGENT SENIOR SECRETARY (SECOND READING AND ADOPTION) (4/5 VOTE REQUIRED)

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

2. [14-0343](#) ORDINANCE NO. 3310 OF THE CITY OF CHULA VISTA AMENDING TITLE 8, HEALTH AND SANITATION, BY ADDING CHAPTER 8.27, TRAINING IN RESPONSIBLE ALCOHOLIC BEVERAGE SERVICE REQUIRED FOR ON-SALE LICENSEES AND EMPLOYEES, TO THE CHULA VISTA MUNICIPAL CODE (SECOND READING AND ADOPTION)

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

3. [14-0285](#) RESOLUTION NO. 2014-089 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING COUNCIL POLICY 570-01, SEWER LATERAL MAINTENANCE POLICY AND COUNCIL POLICY 576-05 TREES - PRESERVATION AS IT RELATES TO SEWER LATERAL MAINTENANCE

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

**Approval of the Consent Calendar**

**ACTION: A motion was made by Mayor Cox, seconded by Deputy Mayor Aguilar, 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**

*Camilo Marquez, Chula Vista resident, expressed concern regarding the handling of an incident by the Police Department. Mayor Cox stated the matter would be referred to the City Manager.*

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**PUBLIC HEARINGS**

*Items 4 and 5 were discussed jointly.*

4. [14-0286](#) CONSIDERATION OF THE FINAL SECOND TIER ENVIRONMENTAL IMPACT REPORT (EIR 10-04) FOR THE OTAY RANCH VILLAGE 9 SECTIONAL PLANNING AREA PLAN AND TENTATIVE MAP

RESOLUTION NO. 2014-090 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 AND CERTIFYING THE FINAL SECOND TIER ENVIRONMENTAL IMPACT REPORT (EIR 10-04/SCH 2010061090) FOR THE OTAY RANCH VILLAGE 9 SECTIONAL PLANNING AREA PLAN AND TENTATIVE MAP PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

*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.*

*Principal Planner Donaghe presented a summary of the project. Senior Planner Laube presented information regarding the environmental considerations.*

*Jeff O'Connor, representing HomeFed Corporation, applicant, spoke in support of the item.*

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

*Dino Serafini, representing the PNC, spoke regarding the fiscal considerations.*

**ACTION: A motion was made by Councilmember Bensoussan, seconded by Deputy Mayor Aguilar, that Resolution No. 2014-090 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

5. [14-0289](#) CONSIDERATION OF A SECTIONAL PLANNING AREA (SPA) PLAN AND TENTATIVE SUBDIVISION MAP FOR THE VILLAGE 9 AREA OF OTAY RANCH

A. RESOLUTION NO. 2014-091 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A SECTIONAL PLANNING AREA PLAN INCLUDING PLANNED COMMUNITY DISTRICT REGULATIONS/DESIGN PLAN (FORM BASED CODE), PUBLIC FACILITIES FINANCE PLAN, AFFORDABLE HOUSING PLAN AND OTHER REGULATORY DOCUMENTS ON APPROXIMATELY 323 ACRES OF LAND IN THE VILLAGE 9 PORTION OF OTAY RANCH

B. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING THE SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY DISTRICT (FORM BASED CODE) REGULATIONS FOR OTAY RANCH VILLAGE 9 (FIRST READING)

C. RESOLUTION NO. 2014-092 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING TENTATIVE MAP CVT-09-05 (PCS-09-05) FOR THE OTAY RANCH VILLAGE 9 PROJECT SUBJECT TO THE CONDITIONS CONTAINED HEREIN

*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.*

*Mayor Cox opened the public hearing. 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 Councilmember Ramirez, that Resolution Nos. 2014-091 and 2014-092 be adopted and the above ordinance be placed 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

## ACTION ITEMS

6. [14-0338](#) PRESENTATION OF THE CITY MANAGER'S PROPOSED BUDGET FOR FISCAL YEAR 2014/2015 (Continued from 5/27)

RESOLUTION NO. 2014-093 OF THE CITY COUNCIL/ NO. 2014-006 OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/AND NO. 2014-002 OF THE HOUSING AUTHORITY OF THE CITY OF CHULA VISTA ACCEPTING THE OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR THE CITY OF CHULA VISTA FOR FISCAL YEAR 2014/2015 AS THEIR PROPOSED BUDGETS, RESPECTIVELY, AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON THE BUDGET AND THEIR FINAL CONSIDERATION AND BUDGET ADOPTION

*Budget & Analysis Manager Aguilar presented information on the item.*

*City Attorney Googins provided information on the schedule for the adoption of the budget.*

*Dave Kaplan, representing the Western Council of Engineers (WCE), spoke in support of allocating additional funds for employee compensation.*

**ACTION:** A motion was made by Mayor Cox, seconded by Councilmember Bensoussan, that City Council Resolution No. 2014-093, Successor Agency Resolution No. 2014-006, and Housing Authority Resolution No. 2014-002 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

**ACTION:** A motion was made by Councilmember Ramirez, seconded by Mayor Cox, to support staff's recommendation for the use of one-time funds in the fiscal year 2014-15 Telephone User's Tax (TUT) Common Fund Budget (Minutes Resolution No. 2014-094). 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 that Gary Halbert would assume the position of City Manager effective June 27, 2014. She also spoke regarding the qualities desired by the community for the future leadership of the Sweetwater Union High School District.*

## **COUNCILMEMBERS' COMMENTS**

*Councilmember Salas spoke regarding the recent special meeting of the City Council on the topic of the City's image.*

*Councilmember Bensoussan thanked the Chula Vista Charitable Foundation for its efforts related to the community discussion on the City's image. She also acknowledged Aquatica's recent donations toward the Living Coast Discovery Center, the Chula Vista Animal Care Facility, and the Chula Vista Charitable Foundation during an event celebrating the opening of a new attraction at the theme park.*

*Councilmember Ramirez announced the seventh International Friendship Games would be held on June 7, 2014 and thanked the event's supporters. He also spoke in support of a Council policy related to the release of some public employee records.*

*City Attorney Googins provided some information on the issue related to the release of records and stated that an item would be added to a future Council agenda to further discuss the issue.*

*At the request of Councilmember Ramirez, there was consensus of a majority of the Council to add an item to a future agenda to discuss the disclosure of records relating to employees.*

*Mayor Cox announced that the Council would convene in closed session to discuss the items listed below.*

*Mayor Cox recessed the meeting at 3:52 p.m. The Council reconvened in Closed Session at 4:00 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.

7. [14-0347](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

City of Chula Vista v. Bay & E, Inc., et al., San Diego Superior Court, Case No. 37-2013-00055103-CU-MC-CTL.

**ACTION: No reportable action.**

8. [14-0348](#) 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 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.

**ACTION: No reportable action.**

9. [14-0349](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

City of El Centro; et al. v. David Lanier, et al., San Diego Superior Court, Case No. 37-2014-00003824-CU-WM-CTL. Legal challenge to SB 7, SB 829 and/or SB 922 as violations of Chula Vista's Charter City "home rule" authority.

**ACTION: No reportable action.**

**ADJOURNMENT**

*At 5:01 p.m., Mayor Cox adjourned the meeting to the Regular City Council Meeting on June 10, 2014, at 2:00 p.m., in the Council Chambers.*

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Kerry K. Bigelow, Assistant City Clerk