

# City of Chula Vista

## Meeting Minutes - Draft

---

Tuesday, March 25, 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

*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

*Dr. Melinda Nish led the Pledge of Allegiance.*

#### SPECIAL ORDERS OF THE DAY

- A. 14-0136** PRESENTATION BY DR. MELINDA NISH, SUPERINTENDENT/PRESIDENT OF SOUTHWESTERN COLLEGE: FROM THE PRECIPICE TO PROSPERITY

*Dr. Melinda Nish, Superintendent/President of Southwestern College, made a presentation on Southwestern College's enrollment, transfers, and other information about the college.*

*Item C was taken out of order and heard at this time.*

- C. 14-0169** PRESENTATION OF A PROCLAMATION TO SOUTHWESTERN COLLEGE'S CHICANO/LATINO COALITION CO-PRESIDENTS VERONICA CADENA AND ALMA AGUILAR CELEBRATING THE AWARDING OF SIX SCHOLARSHIPS AT THE COLLEGE'S ANNUAL CESAR E. CHAVEZ SCHOLARSHIP BREAKFAST

*Mayor Cox read the proclamation and Deputy Mayor Aguilar presented it to Dr. Nish.*

- B. 14-0174** PRESENTATION OF A PROCLAMATION PROCLAIMING TUESDAY, APRIL 1, 2014 AS NATIONAL SERVICE RECOGNITION DAY IN THE CITY OF CHULA VISTA

*Mayor Cox read the proclamation and Councilmember Ramirez presented it to Chula Vista community volunteers.*

- D. 14-0142** PRESENTATION OF A PROCLAMATION TO FIRE CHIEF DAVID HANNEMAN AND DEPUTY FIRE CHIEF JUSTIN GIPSON PROCLAIMING MARCH 23 THROUGH MARCH 29, 2014 AS TSUNAMI PREPAREDNESS WEEK IN THE CITY OF CHULA VISTA

*Emergency Services Coordinator Balmer stated that as part of Tsunami Preparedness Week, a mailing to increase tsunami awareness would be sent to coastal residents. Mayor Cox read the proclamation and Councilmember Bensoussan presented it to Chief Hanneman, Deputy Fire Chief Gipson, and Emergency Services Coordinator Balmer.*

- E. 14-0149** UPDATE ON CITY NOW, THE CITY OF CHULA VISTA'S CONTINUOUS IMPROVEMENT PROGRAM: POLICE DEPARTMENT PAYROLL

*Administrative Services Manager Chew, Principal Management Analyst Alegre, Administrative Analyst Cheung, Senior Recreation Manager Farmer, and Principal Management Analyst Nguyen presented information on a recent Continuous Improvement initiative in the Police Department.*

*Item 10 was taken out of order and heard at this time.*

#### **ITEMS REMOVED FROM THE CONSENT CALENDAR (part 1 of 2)**

- 10. 14-0135** RESOLUTION NO. 2014-050 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE DONATION OF TWO FIRE ENGINES TO THE MUNICIPALITIES OF TECATE AND ENSENADA IN BAJA CALIFORNIA

*Ignacio Hernandez, Tecate resident, representing Grupo 21, thanked the Council for the invitation to attend the meeting and for its consideration of the item.*

*C.P. Efrain Kantel Sanchez, representing City of Ensenada, thanked the Council for consideration of the item and invited the Council to a celebration on May 15, 2014 in recognition of Ensenada's 125th anniversary.*

*Deputy Mayor Aguilar left the meeting at 3:35 p.m. and was absent for the following action. She returned at 3:38 p.m.*

**ACTION: A motion was made by Councilmember Bensoussan, seconded by Councilmember Ramirez, to adopt Resolution No 2014-050, heading read, text waived. The motion carried by the following vote:**

**Yes:** 4 - Bensoussan, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

**CONSENT CALENDAR (Items 1 - 10)**

*Item 5 was removed from the Consent Calendar at the request of Councilmember Aguilar.*

1. **14-0172** APPROVAL OF MINUTES OF January 7, 2014.  
  
**Recommended Action: Council approve the minutes.**
  
2. **14-0139** WRITTEN COMMUNICATIONS  
Letter of resignation from Jeannie Barnes, Board of Library Trustees.  
  
**Recommended Action: Council accept the resignation.**
  
3. **14-0137** ORDINANCE NO. 3305 OF THE CITY OF CHULA VISTA ADDING CHULA VISTA MUNICIPAL CODE CHAPTER 2.51 - "DISTRICTING COMMISSION" (SECOND READING AND ADOPTION)  
  
**Recommended Action: Council adopt the ordinance.**
  
4. **14-0079** RESOLUTION NO. 2014-046 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A CITY COUNCIL POLICY FOR PUBLIC REVIEW OF CITY COUNCIL AND CITIZEN-SPONSORED INITIATIVES, INCLUDING FISCAL ANALYSIS, AND CHARTER REVIEW COMMISSION REVIEW FOR CHARTER-RELATED PROPOSALS  
  
**Recommended Action: Council adopt the resolution.**

*Item 5 was removed from the Consent Calendar.*

6. **14-0099** RESOLUTION NO. 2014-047 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS, AWARDING THE CONTRACT FOR THE "EAST ORANGE AVENUE BIKE LANE IMPROVEMENTS BETWEEN MAX AVENUE AND MELROSE AVENUE IN THE CITY OF CHULA VISTA (CIP# STM377)" PROJECT TO PALM ENGINEERING CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$173,977.05, WAIVING CITY COUNCIL POLICY 574-01, AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$30,000  
  
**Recommended Action: Council adopt the resolution.**

7. **14-0112** RESOLUTION NO. 2014-048 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS, AWARDING THE CONTRACT FOR THE "INDUSTRIAL BOULEVARD SEWER IMPROVEMENT PROJECT FROM MAIN STREET TO ANITA STREET IN THE CITY OF CHULA VISTA, CALIFORNIA (CIP# SW263)" TO GRFCO INC. IN THE AMOUNT OF \$674,500 WAIVING CITY COUNCIL POLICY 574-01, AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$101,175.

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

8. **14-0114** ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING A 45 MPH SPEED LIMIT ON SAN MIGUEL RANCH ROAD BETWEEN PROCTOR VALLEY ROAD AND SR-125 AND REVISING SCHEDULE X OF THE REGISTER MAINTAINED IN THE OFFICE OF THE CITY ENGINEER TO INCLUDE THIS ESTABLISHED SPEED LIMIT (FIRST READING) (4/5 VOTE REQUIRED)

**Recommended Action: Council place the ordinance on first reading.**

9. **14-0120** RESOLUTION NO. 2014-049 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2013-14 EQUIPMENT REPLACEMENT FUND BUDGET AND APPROPRIATING \$38,868 TO THE CAPITAL EXPENSES CATEGORY FROM THE AVAILABLE FUND BALANCE AND AWARDING A PURCHASE AGREEMENT IN THE AMOUNT OF \$182,768.10 FOR A STREET POTHOLE ASPHALT PATCH TRUCK IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF REQUEST FOR BID NUMBER B02-13/14 (4/5 VOTE REQUIRED)

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

## Approval of the Consent Calendar

**ACTION:** A motion was made by Mayor Cox, seconded by Councilmember Ramirez, 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 (part 2 of 2)**

- 5. **14-0124** ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.25.110(C) RELATED TO EXCUSED ABSENCES FOR MEMBERS OF CITY BOARDS AND COMMISSIONS DUE TO UNEXPECTED, EMERGENCY SITUATIONS (FIRST READING)

**ACTION:** A motion was made by Mayor Cox, seconded by Deputy Mayor Aguilar, to place the above ordinance on first reading, heading read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

- 4. **14-0079** RESOLUTION NO. 2014-046 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A CITY COUNCIL POLICY FOR PUBLIC REVIEW OF CITY COUNCIL AND CITIZEN-SPONSORED INITIATIVES, INCLUDING FISCAL ANALYSIS, AND CHARTER REVIEW COMMISSION REVIEW FOR CHARTER-RELATED PROPOSALS

*There was consensus of a majority of the Council to rescind the action on Item 4 and reconsider the item.*

*Assistant City Attorney Maland provided additional information on the item.*

**ACTION:** A motion was made by Councilmember Bensoussan, seconded by Councilmember Salas, to adopt Resolution No. 2014-046, heading read, text waived. The motion carried by the following vote:

**Yes:** 3 - Bensoussan, Salas and Cox

**No:** 2 - Aguilar and Ramirez

**Abstain:** 0

**PUBLIC COMMENTS**

*There were none.*

**ACTION ITEMS**

11. 14-0123 CONSIDERATION OF THE SPONSORSHIP OF HARBORFEST 2014 AND RATIFYING THE FILING OF AN APPLICATION WITH THE COUNTY OF SAN DIEGO FOR FUNDING

RESOLUTION NO. 2014-051 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SPONSORSHIP OF THE 2014 HARBORFEST EVENT, APPROVING AND RATIFYING THE FILING OF AN APPLICATION WITH THE COUNTY OF SAN DIEGO FOR COMMUNITY ENHANCEMENT PROGRAM FUNDING DURING THE COUNTY'S 2014-2015 FISCAL YEAR; AND AUTHORIZING THE CITY MANAGER TO SIGN THE GRANT AGREEMENT

*Marketing and Communications Manager Steinberger provided information on the item.*

**ACTION:** A motion was made by Councilmember Bensoussan, seconded by Councilmember Salas, that Resolution No. 2014-051 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**

*City Manager Sandoval thanked the Kaiser Foundation for its continued funding of a swim program for fourth graders, as well as the Rethink Your Drink campaign, aimed at educating children about nutritious beverage choices.*

*He also announced that the Council meeting of April 1, 2014 would be cancelled.*

**MAYOR'S REPORTS**

12. 14-0163 RATIFICATION OF APPOINTMENT OF EMMANUEL SOTO AND KIRIN MACAPUGAY TO THE CULTURAL ARTS COMMISSION

**ACTION:** A motion was made by Mayor Cox, seconded by Councilmember Bensoussan, to ratify the appointments of Soto and Macapugay to the Cultural Arts Commission, heading read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

**COUNCILMEMBERS' COMMENTS**

*Councilmember Salas announced an upcoming film showing on March 28, 2014 titled "Cesar Chavez, an American Hero," in honor of Cesar Chavez' birthday on March 3.*

*Councilmember Ramirez spoke in support of a Council discussion to clarify the Council's direction to staff on the use of the available Telephone Users Tax (TUT) funds.*

*Councilmember Bensoussan announced the Dog Day in the Park fundraiser, benefitting a future dog park in Eucalyptus Park, on April 5, 2014. She acknowledged Baldwin and Son's for its \$5,000 contribution toward the dog park.*

*Mayor Cox paid tribute to Lt. Commander Sidney Morris, Jr., father of former Chula Vista City Manager Sid Morris.*

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

*Mayor Cox recessed the meeting at 4:33 p.m. The Council reconvened in Closed Session at 4:50 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.

- 13. 14-0148** CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

City of Chula Vista, et al. v. Tracy Sandoval, Sacramento Superior Court, Case No. 34-2014-80001723

*Reportable Action: The City Council voted 5-0 to approve authorization to provide waiver of conflict of interest to the firm of Procopio, Cory, Hargreaves & Savitch in the identified litigation.*

- 14. 14-0173** CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Government Code Section 54956.9(c)

One Case.

*There was no reportable action.*

**15. 14-0175** CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Agency designated representatives: Jim Sandoval, Kelley Bacon, Maria Kachadoorian, Simon Silva, Dave Hanneman, Jim Garcia and Gary Ficacci

Employee organizations: CVEA, IAFF, POA, Mid-Managers/Prof and WCE

*There was no reportable action.*

**ADJOURNMENT**

*At 7:15 p.m., Mayor Cox adjourned the meeting to the Regular City Council Meeting on April 8, 2014, at 2:00 p.m., in the Council Chambers.*

---

Kerry K. Bigelow, Assistant City Clerk