

City of Chula Vista

Meeting Minutes - Draft

Tuesday, June 10, 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 2:00 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 Bensoussan arrived at 2:01 p.m.

Also Present: City Manager Sandoval, Senior Assistant City Attorney Miesfeld, Assistant City Clerk Bigelow, and Deputy City Clerk Kansas

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Deputy Mayor Aguilar led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

A. 14-0319 UPDATE ON CITY NOW, THE CITY'S CONTINUOUS IMPROVEMENT PROGRAM: NEW EMPLOYEE PROCESS

Development Services Department Director Broughton, Senior Human Resources Analyst Dempster, and Risk Manager Enos-Guerrero gave a presentation on the recent New Employee Process improvement program. Administrative Services Manager Chew and Assistant to the City Manager Mills provided information regarding the method used to select process improvement reviews.

CONSENT CALENDAR (Items 1 - 7)

Items 7C through 7F were removed from the Consent Calendar. Mayor Cox stated that Deputy Mayor Aguilar and Councilmember Salas would abstain from voting on items 7C through 7F due to potential property-related conflicts of interest.

1. 14-0353 APPROVAL OF MINUTES of May 6, and May 13, 2014.

Recommended Action: Council approve the minutes.

- 1.5 14-0369** ORDINANCE NO. 3311 OF THE CITY OF CHULA VISTA APPROVING THE SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY DISTRICT (FORM BASED CODE) REGULATIONS FOR OTAY RANCH VILLAGE 9 (SECOND READING AND ADOPTION)

Recommended Action: Council adopt the ordinance.

- 2. 14-0365** ORDINANCE NO. 3312 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.26 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA ENERGY CODE, 2013 EDITION (SECOND READING AND ADOPTION) (This ordinance was introduced on 11/5/13.)

Recommended Action: Council adopt the ordinance.

- 3. 14-0341** RESOLUTION NO. 2014-095 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SECOND AMENDMENT TO THE EXCLUSIVE NEGOTIATING AGREEMENT BETWEEN THE CITY AND HOMEFED CORPORATION FOR THE UNIVERSITY PARK AND INNOVATION DISTRICT

Recommended Action: Council adopt the resolution.

- 4. 14-0351** RESOLUTION NO. 2014-096 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FORM OF THE RE-ASSIGNMENT OF THE MASTER DEVELOPER ON THE MILLENIA PROJECT PER THE CITY COUNCIL APPROVED DEVELOPMENT AGREEMENT

Recommended Action: Council adopt the resolution.

- 5. 14-0323** INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2014

Recommended Action: Council accept the report.

- 6. 14-0331** RESOLUTION NO. 2014-097 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING THE GANN INITIATIVE APPROPRIATIONS LIMIT FOR THE CITY OF CHULA VISTA FOR FISCAL YEAR 2014-2015

Recommended Action: Council adopt the resolution.

7. **14-0320** Items 7A and 7B were adopted with the Consent Calendar; Items 7C through 7F were removed from the Consent Calendar.

A. RESOLUTION NO. 2014-098 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ENGINEER'S REPORT FOR THE FISCAL YEAR 2014/2015 FOR OPEN SPACE DISTRICTS 1 THROUGH 7, 9, 11, 14, 15, 17, 18, 20, 23, 24, 26, 31 AND 33, EASTLAKE MAINTENANCE DISTRICT NO. 1, AND BAY BOULEVARD MAINTENANCE DISTRICT

B. RESOLUTION NO. 2014-099 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SPREAD OF ASSESSMENTS; DECLARING THE INTENTION TO LEVY AND COLLECT THE ASSESSMENTS; AND SETTING A PUBLIC HEARING REGARDING THESE ASSESSMENTS FOR THE FISCAL YEAR 2014/2015 FOR OPEN SPACE DISTRICTS 1 THROUGH 7, 9, 11, 14, 15, 17, 18, 20, 23, 24, 26, 31 AND 33, EASTLAKE MAINTENANCE DISTRICT NO. 1, AND BAY BOULEVARD MAINTENANCE DISTRICT

C. RESOLUTION NO. 2014-100 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ENGINEER'S REPORT FOR THE FISCAL YEAR 2014/2015 FOR OPEN SPACE DISTRICT NO. 8

D. RESOLUTION NO. 2014-101 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SPREAD OF ASSESSMENTS, DECLARING THE INTENTION TO LEVY AND COLLECT THE ASSESSMENTS, AND SETTING A PUBLIC HEARING REGARDING THESE ASSESSMENTS FOR THE FISCAL YEAR 2014/2015 FOR OPEN SPACE DISTRICT NO. 8

E. RESOLUTION NO. 2014-102 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ENGINEER'S REPORT FOR THE FISCAL YEAR 2014/2015 FOR OPEN SPACE MAINTENANCE DISTRICT NO. 10 AND THE TOWN CENTRE MAINTENANCE DISTRICT

F. RESOLUTION NO. 2014-103 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SPREAD OF ASSESSMENTS DECLARING THE INTENTION TO LEVY AND COLLECT THE ASSESSMENTS, AND SETTING A PUBLIC HEARING REGARDING THESE ASSESSMENTS FOR THE FISCAL YEAR 2014/2015 FOR OPEN SPACE MAINTENANCE DISTRICT NO. 10 AND TOWN CENTRE MAINTENANCE DISTRICT

Recommended Action: Council adopt the resolutions and set the public hearing for July 8, 2014.

Approval of the Consent Calendar

ACTION: A motion was made by Mayor Cox, seconded by Councilmember Ramirez, to approve staff's recommendations on Consent Calendar Items 1 through 6, 7A and 7B, 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

7. **14-0320** Items 7A and 7B were adopted with the Consent Calendar; Items 7C through 7F were removed from the Consent Calendar.

A. RESOLUTION NO. 2014-098 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ENGINEER'S REPORT FOR THE FISCAL YEAR 2014/2015 FOR OPEN SPACE DISTRICTS 1 THROUGH 7, 9, 11, 14, 15, 17, 18, 20, 23, 24, 26, 31 AND 33, EASTLAKE MAINTENANCE DISTRICT NO. 1, AND BAY BOULEVARD MAINTENANCE DISTRICT

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Councilmembers Aguilar and Salas abstained from voting on Items 7C through 7F due to potential property-related conflicts of interest.

ACTION: A motion was made by Councilmember Ramirez, seconded by Mayor Cox, that Resolution Nos. 2014-100, 2014-101, 2014-102, and 2014-103 (Items 7C through 7F) be adopted, headings read, text waived. The motion carried by the following vote:

Yes: 3 - Bensoussan, Ramirez and Cox

No: 0

Abstain: 2 - Aguilar and Salas

PUBLIC COMMENTS

Dave Kaplan and Muna Cuthbert, representing the Western Council of Engineers (WCE), spoke in support of additional funds being used toward employee compensation in the fiscal year 2014/2015 budget.

PUBLIC HEARINGS

- 8. 14-0094** CONSIDERATION OF UPHOLDING THE DECISION OF THE HISTORIC PRESERVATION COMMISSION TO NOT AMEND THE HISTORIC ELIGIBILITY STATUS OF THE SEARS BUILDING LOCATED AT 565 BROADWAY

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA UPHOLDING THE DECISION OF THE HISTORIC PRESERVATION COMMISSION TO NOT AMEND THE HISTORIC ELIGIBILITY STATUS OF THE SEARS BUILDING LOCATED AT 565 BROADWAY

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.

Councilmember Bensoussan stated she would abstain from participation and voting on Item 8 due to a potential business-related conflict of interest. She left the dais at 2:33 p.m.

Associate Planner Tessitore-Lopez gave a presentation regarding the item.

Mayor Cox opened the hearing.

Ivor Sampson, representing Sears, gave a presentation and spoke in opposition to staff's recommendation.

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

Deputy City Attorney Shirey and Shannon Davis, architectural historian, representing ASM, provided additional information regarding the item. Ms. Davis spoke regarding Sears' rebuttal and the recommendation for the historic eligibility status of the Sears building.

In response to a question from Councilmember Salas, David Marshall of Heritage Architecture, representing Sears, stated that the Chula Vista Sears building design was not unique and that similar designs were used for other Sears buildings during the timeframe of the Chula Vista building's construction.

In response to a question from Deputy Mayor Aguilar, Ms. Davis stated that there was not a legal definition of the term "master architect," which was used in the proposed resolution to describe Stiles Clements, the architect associated with the building's original design.

In response to a question from Deputy Mayor Aguilar, Deputy City Attorney Shirey stated that the Council's decision should be based on judgment, not on legal findings.

In response to a question from Mayor Cox, Principal Planner Pongeggi provided information regarding the applicability of CEQA for a property on a historic eligibility list or eligible for historic preservation.

In response to a question from Mayor Cox, Associate Planner Tessitore-Lopez provided information regarding the historic eligibility criteria.

At the request of Mayor Cox, Associate Planner Tessitore-Lopez stated that final minutes of the Historic Preservation Commission would be provided to Sears, and that the draft minutes previously provided were approved by the Commission without changes.

Mr. Sampson restated legal errors that Sears asserted were made by the Historic Preservation Commission.

At the request of Mayor Cox, there was consensus of the Council to request that the City Attorney provide a revised resolution for Council consideration that would remove the Sears building from the historic eligibility list.

- 9. 14-0272 CONSIDERATION OF AMENDING CHAPTER 9.13 OF THE CHULA VISTA MUNICIPAL CODE RELATED TO THE REGULATION OF SEXUALLY ORIENTED BUSINESSES

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 9.13 OF THE CHULA VISTA MUNICIPAL CODE REGULATING THE LICENSING AND OPERATIONAL STANDARDS FOR SEXUALLY ORIENTED BUSINESSES (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.

Mayor Cox opened the public hearing and continued the hearing to the City Council meeting of July 8, 2014.

- 10. 14-0273 CONSIDERATION OF AMENDING TITLE 19 OF THE CHULA VISTA MUNICIPAL CODE RELATED TO LOCATIONAL AND ZONING PROVISIONS FOR REGULATION OF SEXUALLY ORIENTED BUSINESSES

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 19 OF THE CHULA VISTA MUNICIPAL CODE REGULATING PLANNING AND ZONING (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.

Mayor Cox opened the public hearing and continued the hearing to the City Council meeting of July 8, 2014.

CITY MANAGER’S REPORTS

City Manager Sandoval announced the receipt of \$1 million from the Otay Land Company, which would be used to further development of the future university site in Chula Vista. He also distributed a report of the status of past referrals made by the Council to staff.

MAYOR’S REPORTS

- 11. 14-0361 RATIFICATION OF APPOINTMENT OF MELISSA BALDWIN AND CRYSTAL ALONSO TO THE CULTURAL ARTS COMMISSION

ACTION: A motion was made by Mayor Cox, seconded by Councilmember Bensoussan, that the above appointments be ratified. The motion carried by the following vote:

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

No: 0

Abstain: 0

COUNCILMEMBERS' COMMENTS

Deputy Mayor Aguilar spoke regarding the future of the Olympic Training Center.

Councilmember Bensoussan announced the upcoming Chula Vista HarborFest on August 16, 2014.

Councilmember Ramirez reported on the outcome of the recent International Friendship Games and thanked sponsors and participants.

Mayor Cox announced the Chula Vista Community Padres series at Petco Park.

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

Mayor Cox recessed the meeting at 4:05 p.m. The Council reconvened in Closed Session at 4:07 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.

- 12. 14-0364** CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

California Policy Center v. City of Chula Vista, San Diego Superior Court, Case Number 37-2014-00016061-CU-WM-CTL

ACTION: No reportable action.

- 13. 14-0366** CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code Section 54956.9 (b)

One Case

ACTION: No reportable action.

ADJOURNMENT

At 4:25 p.m., Mayor Cox adjourned the meeting to the Regular City Council Meeting on June 17, 2014, at 2:00 p.m., in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk