

# City of Chula Vista

## Meeting Minutes - Draft

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Tuesday, December 2, 2014

2:00 PM

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

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### 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 2:07 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.*

#### ROLL CALL:

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

**Absent:** Deputy Mayor Aguilar

*Also Present: Assistant City Manager Kachadoorian, City Attorney Googins, City Clerk Norris (left at 4:24 p.m.), Assistant City Clerk Bigelow (left at 4:24 p.m.), Records Manager Turner (arrived at 4:24 p.m.), and Deputy City Clerk Kansas (arrived at 4:24 p.m.).*

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

*Councilmember Ramirez led the Pledge of Allegiance.*

#### SPECIAL ORDERS OF THE DAY

- \* **14-0708** PRESENTATION BY CHULA VISTA ANIMAL CARE FACILITY ANIMAL ADOPTION COUNSELOR LINDA SEPTON REGARDING ROSE, A DOG AVAILABLE FOR ADOPTION, AND THE FACILITY'S ADOPTION PROGRAMS

*Animal Adoption Counselor Septon presented Rose, a dog available for adoption, and spoke regarding the Facility's adoption programs.*

- A. **14-0673** OATH OF OFFICE  
Marie Zhivago, Cultural Arts Commission

*City Clerk Norris administered the oath of office to Commissioner Zhivago, and Councilmember Salas presented her with a certificate of appointment.*

- B. **14-0691** PRESENTATION BY SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) CHAIRMAN JACK DALE OF A PLAQUE IN RECOGNITION OF MAYOR CHERYL COX'S SERVICE ON THE SANDAG BOARD OF DIRECTORS

*SANDAG Chairman Jack Dale read the proclamation and presented it to Mayor Cox.*

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- C. 14-0655** PRESENTATION BY BOARD OF PORT COMMISSIONERS CHAIRMAN, BOB NELSON OF A PROCLAMATION TO MAYOR CHERYL COX RECOGNIZING HER FOR HER EXEMPLARY PUBLIC SERVICE TO THE CITY OF CHULA VISTA AND HER DEDICATION TO THE DEVELOPMENT OF CHULA VISTA'S BAYFRONT

*Board of Port Commissioners Chairman Bob Nelson read the proclamation and presented it to Mayor Cox.*

- D. 14-0634** PRESENTATION OF A SPECIAL AWARD BY CIRCULATE SAN DIEGO PRESIDENT STEPHEN HAASE TO THE CITY OF CHULA VISTA AND MCMILLIN COMMUNITIES FOR PLANNING EFFORTS FOR INNOVATIVE LAND USE AND WALKABLE COMMUNITIES IN THE FUTURE MILLENIA EASTERN URBAN CENTER

*Circulate San Diego President Stephen Haase presented the City and the McMillin Companies with an award for the Millenia Eastern Urban Center project. Mr. Haase presented the award to Todd Galarneau, representing McMillin, Councilmember Bensoussan, and Principal Civil Engineer Adler.*

- E. 14-0678** PRESENTATION BY CHULA VISTA CHARITABLE FOUNDATION CHAIR MICHAEL MEACHAM AND VICE CHAIR DEBBIE ESPE REGARDING THE CVCF'S SUCCESS IN INCREASING LOCAL PHILANTHROPY AND COMMUNITY LEADERSHIP OPPORTUNITIES

*Chula Vista Charitable Foundation Chair Michael Meacham and Vice Chair Debbie Espe thanked Mayor Cox for her leadership and gave a presentation on the history of the Foundation.*

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

*Items 7, 9, and 10 were removed from the Consent Calendar at the request of Councilmember Salas, City Attorney Googins, and Councilmember Ramirez, respectively.*

- 1. 14-0690** APPROVAL OF MINUTES of November 18, 2014.
- Recommended Action: Council approve the minutes.**
- 2. 14-0670** ORDINANCE NO. 3327 OF THE CITY OF CHULA VISTA UPDATING THE WESTERN TRANSPORTATION DEVELOPMENT IMPACT FEE TO MITIGATE TRANSPORTATION IMPACTS WITHIN WESTERN CHULA VISTA, AMENDING THE WESTERN TRANSPORTATION DEVELOPMENT IMPACT FEE BENEFIT AREA, ESTABLISHING THE BAYFRONT TRANSPORTATION DEVELOPMENT IMPACT FEE AND AMENDING CHAPTER 3.55 OF THE MUNICIPAL CODE (SECOND READING AND ADOPTION)
- Recommended Action: Council adopt the ordinance.**
- 3. 14-0669** ORDINANCE NO. 3328 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 3.54, RELATING TO DEVELOPMENT IMPACT FEES TO PAY FOR THE TRANSPORTATION FACILITIES IN THE CITY'S EASTERN TERRITORIES (SECOND READING AND ADOPTION)

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

4. **14-0671** ORDINANCE NO. 3329 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 RELATING TO THE ESTABLISHMENT OF UNCLASSIFIED POSITIONS TO ADD POLICE ADMINISTRATIVE SERVICES ADMINISTRATOR, CHIEF OF STAFF, POLICY AIDE AND TREASURY AND BUSINESS MANAGER AND DELETE TREASURY MANAGER (SECOND READING AND ADOPTION) (4/5 VOTE REQUIRED)

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

5. **14-0642** RESOLUTION NO. 2014-225 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE CITY OF CHULA VISTA CAFETERIA BENEFITS PLAN FOR 2015

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

6. **14-0674** A. RESOLUTION NO. 2014-226 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE CITY OF CHULA VISTA AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS AFL-CIO LOCAL 2180 BARGAINING UNIT ("IAFF") RELATED TO COMPENSATION AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING AND ANY NECESSARY DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT THE MEMORANDUM OF UNDERSTANDING; AND APPROPRIATING FUNDS ACCORDINGLY (4/5 VOTE REQUIRED)

B. RESOLUTION NO. 2014-227 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2014/15 COMPENSATION SCHEDULE AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

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

*Item 7 was removed from the Consent Calendar.*

8. **14-0629** RESOLUTION NO. 2014-229 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MODIFYING THE APPENDIX TO THE LOCAL CONFLICT OF INTEREST CODE TO AMEND THE LIST OF OFFICIALS, CANDIDATES AND DESIGNATED EMPLOYEES WHO ARE REQUIRED TO FILE PERIODIC STATEMENTS OF ECONOMIC INTERESTS AND THE DISCLOSURE CATEGORIES FOR SAID FILERS, AND DESIGNATING THOSE FILERS AS "LOCAL AGENCY OFFICIALS" FOR PURPOSES OF AB 1234, THEREBY REQUIRING THEM TO PARTICIPATE IN MANDATED ETHICS TRAINING

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

*Items 9 and 10 were removed from the Consent Calendar.*

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

**No:** 0

**Absent:** 1 - Aguilar

**Abstain:** 0

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

- 7. **14-0687** RESOLUTION NO. 2014-228 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA NAMING THE NEW MULTI-PURPOSE BUILDING AT THE ANIMAL CARE FACILITY AFTER MAYOR CHERYL COX IN HONOR OF HER SUPPORT OF THE FACILITY DURING HER EIGHT YEARS OF SERVICE

*Councilmember Salas spoke regarding the item and read the proposed resolution.*

**ACTION:** A motion was made by Councilmember Salas, seconded by Councilmember Bensoussan, that Resolution No. 2014-228 be adopted, heading read, text waived. The motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Aguilar

**Abstain:** 1 - Cox

- 9. **14-0645** RESOLUTION NO. 2014-230 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE PAYMENT OF PREVAILING WAGES ON CITY PUBLIC WORKS CONTRACTS AND OTHER MEASURES REQUIRED TO REMAIN ELIGIBLE FOR STATE FUNDING AND FINANCIAL ASSISTANCE FOR CITY CONSTRUCTION PROJECTS UNDER CALIFORNIA LABOR CODE SECTION 1782 (ALSO KNOWN AS SB 7) UNLESS AND UNTIL SB 7 IS ENJOINED OR INVALIDATED

*City Attorney Googins presented information on the item.*

**ACTION:** A motion was made by Councilmember Bensoussan, seconded by Councilmember Salas, that Resolution No. 2014-230 be adopted, heading read, text waived. The motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Aguilar

**Abstain:** 0

*Item 10 was heard following Closed Session Item 15.*

**PUBLIC COMMENTS**

*There were none.*

**PUBLIC HEARINGS**

*Mayor Cox stated that Items 11, 12, and 13 would be heard concurrently.*

- 11. **14-0596** CONSIDERATION OF AN ENVIRONMENTAL IMPACT REPORT FOR OTAY RANCH VILLAGES THREE, A PORTION OF FOUR, EIGHT EAST, AND TEN

RESOLUTION NO. 2014-232 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 ENVIRONMENTAL IMPACT REPORT (EIR-13-01; SCH NO. 2013071077) FOR THE OTAY RANCH UNIVERSITY VILLAGES SECTIONAL PLANNING AREA PLANS, GENERAL PLAN AMENDMENT, GENERAL DEVELOPMENT PLAN AMENDMENT AND TENTATIVE MAPS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

- 12. **14-0606** CONSIDERATION OF AMENDING THE GENERAL PLAN, THE OTAY RANCH GENERAL DEVELOPMENT PLAN, VARIOUS OTAY RANCH VILLAGE SECTIONAL PLANNING AREA PLANS, AND APPROVING VILLAGE THREE NORTH AND A PORTION OF FOUR, EIGHT EAST, AND TEN SECTIONAL PLANNING AREA PLANS AND RELATED TENTATIVE MAPS

A. RESOLUTION NO. 2014-233 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO THE CITY'S GENERAL PLAN AND THE OTAY RANCH GENERAL DEVELOPMENT PLAN TO REFLECT LAND USE, CIRCULATION AND POLICY CHANGES FOR APPROXIMATELY 1,375 ACRES WITHIN THE OTAY RANCH PLANNED COMMUNITY, INCLUDING ASSOCIATED TEXT, MAPS AND TABLES

B. RESOLUTION NO. 2014-234 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE OTAY RANCH VILLAGE THREE NORTH AND A PORTION OF FOUR SECTIONAL PLANNING AREA (SPA) PLAN PROPOSING 1,002 SINGLE-FAMILY DWELLING UNITS, 595 MULTI-FAMILY DWELLING UNITS, APPROXIMATELY 40 GROSS ACRES OF INDUSTRIAL AND OFFICE USES, AND A MINIMUM OF 20,000 SQUARE FEET OF RETAIL USES FOR AN APPROXIMATELY 436.0 ACRE SITE LOCATED PRIMARILY NORTH OF MAIN STREET AND NORTHWEST AND SOUTHEAST OF HERITAGE ROAD

C. RESOLUTION NO. 2014-235 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE OTAY RANCH VILLAGE EIGHT EAST SECTIONAL PLANNING AREA (SPA) PLAN PROPOSING 943 SINGLE-FAMILY DWELLING UNITS, 2,617 MULTI-FAMILY DWELLING UNITS, AND A MINIMUM OF 20,000 SQUARE FEET OF RETAIL COMMERCIAL USES FOR AN APPROXIMATELY 575.3 ACRE SITE LOCATED PRIMARILY SOUTH OF MAIN STREET AND WEST OF SR-125

D. RESOLUTION NO. 2014-236 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE OTAY RANCH VILLAGE TEN SECTIONAL PLANNING AREA (SPA) PLAN PROPOSING 695 SINGLE-FAMILY DWELLING UNITS, AND 1,045 MULTI-FAMILY DWELLING UNITS FOR AN APPROXIMATELY 363.4 ACRE SITE LOCATED SOUTH OF HUNTE PARKWAY AND THE FUTURE UNIVERSITY SITE

E. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING THE SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY DISTRICT REGULATIONS FOR OTAY RANCH VILLAGE THREE NORTH AND A PORTION OF FOUR (FIRST READING)

F. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING THE SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY DISTRICT REGULATIONS FOR OTAY RANCH VILLAGE EIGHT EAST (FIRST READING)

G. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING THE SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY DISTRICT REGULATIONS FOR OTAY RANCH VILLAGE TEN (FIRST READING)

H. RESOLUTION NO. 2014-237 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING TENTATIVE MAP CVT-13-02 (PCS-13-02) FOR THE OTAY RANCH VILLAGE THREE NORTH AND A PORTION OF FOUR PROJECT SUBJECT TO THE CONDITIONS CONTAINED HEREIN

I. RESOLUTION NO. 2014-238 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING TENTATIVE MAP CVT-13-03 (PCS-13-03) FOR THE OTAY RANCH VILLAGE EIGHT EAST PROJECT SUBJECT TO THE CONDITIONS CONTAINED HEREIN

J. RESOLUTION NO. 2014-239 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING TENTATIVE MAP CVT-13-04 (PCS-13-04) FOR THE OTAY RANCH VILLAGE TEN PROJECT SUBJECT TO THE CONDITIONS CONTAINED HEREIN

**13. 14-0597**

CONSIDERATION OF APPROVING AMENDMENTS TO TWO DEVELOPMENT AGREEMENTS PURSUANT TO THE LAND OFFER AGREEMENT BETWEEN THE CITY AND SSBT LCRE V, LLC

A. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING A FIRST AMENDMENT TO THE RESTATED AND AMENDED PRE-ANNEXATION DEVELOPMENT AGREEMENT BETWEEN SSBT LCRE V, LLC AND THE CITY OF CHULA VISTA (FORMER SNMB DEVELOPMENT AGREEMENT) (FIRST READING)

B. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING A FIRST AMENDMENT TO THE RESTATED AND AMENDED PRE-ANNEXATION DEVELOPMENT AGREEMENT BETWEEN SSBT LCRE V, LLC AND THE CITY OF CHULA VISTA (FORMER JEWELS OF CHARITY DEVELOPMENT AGREEMENT) (FIRST READING)

*Notice of the hearings for Items 11, 12, and 13 was given in accordance with legal requirements, and the hearings were held on the date and no earlier than the time specified in the notice.*

*Director of Development Services Broughton, Planning Manager Batchelder, Principal Civil Engineer Adler, and Marni Borg, consultant, presented information on the item.*

*Ranie Hunter, representing SSBT LCRE V, LLC, applicant, spoke in support of staff's recommendation and submitted written documentation of an understanding between the City and SSBT LCRE V, LLC regarding Village 10.*

*Mayor Cox opened the public hearings for Items 11, 12, and 13.*

*The following members of the public spoke in support of staff's recommendation:*

- Jeff O'Connor, representing Otay Land Company*
- Tom Story, representing Main Street Car Dealers Association*

*There being no other members of the public who wished to speak, Mayor Cox closed the public hearings for Items 11, 12, and 13.*

*In response to questions from Councilmember Bensoussan, Ranie Hunter, representing SSBT LCRE V, LLC, applicant, provided information regarding the proposed landscaping.*

**ACTION: A motion was made by Mayor Cox, seconded by Councilmember Bensoussan, that Resolution No. 2014-232 be adopted, heading read, text waived. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 1 - Aguilar

**Abstain:** 0

**ACTION:** A motion was made by Councilmember Bensoussan, seconded by Councilmember Salas, that Resolution Nos. 2014-233, 2014-234, 2014-235, 2014-236, 2014-237, 2014-238, and 2014-239 be adopted, and the ordinances under Items 12.E, 12.F, and 12.G be placed on first reading, headings read, text waived. The motion carried by the following vote:

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

**No:** 1 - Ramirez

**Absent:** 1 - Aguilar

**Abstain:** 0

**ACTION:** A motion was made by Councilmember Salas, seconded by Councilmember Bensoussan, that the ordinances under Items 13.A and 13.B be placed on first reading, headings read, text waived. The motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Aguilar

**Abstain:** 0

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

*Mayor Cox recessed the meeting at 4:24 p.m. The Council reconvened in Closed Session at 4:39 p.m., with Councilmembers Bensoussan, Salas, and Ramirez, and Mayor Cox 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.

- 15. 14-0692** 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.

*The Council reconvened in open session at 5:05 p.m., with Councilmembers Bensoussan, Salas, and Ramirez, and Mayor Cox present.*

## ITEMS REMOVED FROM THE CONSENT CALENDAR (Part 2 of 2)

- 10. 14-0668** RESOLUTION NO. 2014-231 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA REDUCING THE TRANSFER FROM THE GENERAL FUND TO THE PUBLIC LIABILITY EXPENSE FUND BY \$300,000 AND APPROPRIATING SAID FUNDS TO THE NON-DEPARTMENTAL SUPPLIES AND SERVICES BUDGET FOR PROJECTED ATTORNEY SERVICES EXPENSES (4/5 VOTE REQUIRED)



**ACTION:** A motion was made by Councilmember Ramirez, seconded by Councilmember Salas, that Resolution No. 2014-231 be adopted, heading read, text waived. The motion carried by the following vote:

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

**No:** 0

**Absent:** 1 - Aguilar

**Abstain:** 0

### CITY MANAGER'S REPORTS

*On behalf of City Manager Halbert, Deputy City Manager Kachadoorian thanked Mayor Cox and Councilmember Ramirez for their service on the Council.*

### MAYOR'S REPORTS

**14. 14-0672** RATIFICATION OF APPOINTMENTS TO THE FOLLOWING COMMISSIONS:

NANCY SEDGWICK TO THE RESOURCE CONSERVATION COMMISSION

JORGE MARROQUIN AND JERRY MUNOZ TO THE SAFETY COMMISSION

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

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

**No:** 0

**Absent:** 1 - Aguilar

**Abstain:** 0

*Mayor Cox stated that the swearing in ceremony for the newly elected and re-elected officials would be held on December 9, 2014, at 6:00 p.m.*

### COUNCILMEMBERS' COMMENTS

*Councilmember Salas thanked Councilmembers Aguilar and Ramirez for their work on the Starlight Parade.*

*Councilmember Ramirez announced the Starlight Parade on December 6, 2014, and thanked staff, supporters, and Councilmember Aguilar who worked on the event. He also reported on his recent tour of the Chula Vista Police Department's crime lab and evidence room.*

*Mayor Cox announced the upcoming Holiday in the Village event and the Starlight Parade on December 6, 2014.*

### CLOSED SESSION

*Item 15 was taken out of order and discussed following Item 13.*

**ADJOURNMENT**

*At 5:12 p.m., Mayor Cox adjourned the meeting to the Special City Council Meeting on December 9, 2014, at 6:00 p.m., in the Council Chambers.*

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Kerry K. Bigelow, Assistant City Clerk