



MEETING OF THE CITY COUNCIL

Agenda

Mary Casillas Salas, Mayor
John McCann, Councilmember - District 1
Jill M. Galvez, Councilmember - District 2
Stephen C. Padilla, Councilmember - District 3
Mike Diaz, Councilmember - District 4

Gary Halbert, City Manager
Glen R. Googins, City Attorney
Kerry K. Bigelow, City Clerk

Tuesday, May 7, 2019

5:00 PM

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

REGULAR MEETING OF THE CITY COUNCIL

*Special pre-meeting performance by the
San Diego Youth Symphony Community Opus Project*

CALL TO ORDER

ROLL CALL:

Councilmembers Diaz, Galvez, McCann, Padilla and Mayor Casillas Salas

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

SPECIAL ORDERS OF THE DAY

- A. [19-0168](#) SPECIAL RECOGNITION OF ELVENE ALCOS, DOUG GORHAM AND FEASTER CHARTER SCHOOL FOR RECEIVING THE 2019 CHULA VISTA ELEMENTARY SCHOOL DISTRICT "WELLNESS CHAMPION AWARD" IN THE CITY OF CHULA VISTA
- B. [19-0169](#) SPECIAL RECOGNITION OF OLYMPIAN HIGH SCHOOL FOR ITS PARTICIPATION IN THE CALIFORNIA HIGHWAY PATROL'S "EVERY 15 MINUTES" PROGRAM IN THE CITY OF CHULA VISTA

- C. [19-0250](#) PRESENTATION OF A PROCLAMATION TO SAN DIEGO POLICE OFFICERS ASSOCIATION "POLICE OFFICER OF THE YEAR" RECIPIENT SERGEANT FRANK GIAIME AND PROCLAIMING WEDNESDAY, MAY 15, 2019 AS NATIONAL PEACE OFFICERS MEMORIAL DAY IN THE CITY OF CHULA VISTA
- D. [19-0256](#) PRESENTATION OF A PROCLAMATION PROCLAIMING MAY 10, 2019 AS WORLD LUPUS AWARENESS DAY IN THE CITY OF CHULA VISTA
- E. [19-0257](#) PRESENTATION OF A PROCLAMATION TO PRINCIPAL CIVIL ENGINEER FRANK RIVERA PROCLAIMING MAY 2019 AS NATIONAL BIKE MONTH IN THE CITY OF CHULA VISTA

CONSENT CALENDAR (Items 1 - 8)

The Council will enact the Consent Calendar staff recommendations by one motion, without discussion, unless a Councilmember, a member of the public, or staff requests that an item be removed for discussion. If you wish to speak on one of these items, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting. Items pulled from the Consent Calendar will be discussed immediately following the Consent Calendar.

1. [19-0277](#) APPROVAL OF MINUTES of December 18, 2018.
Recommended Action: Council approve the minutes.
2. [19-0081](#)
- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A MAINTENANCE AND REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TO PROVIDE MAINTENANCE FOR THE BENEFIT OF THE SOUTH BAY RAPID PROJECT
- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ADDITION OF 1.0 EQUIPMENT OPERATOR AND 1.0 SENIOR MAINTENANCE WORKER TO THE AUTHORIZED STAFFING COUNT FOR THE PUBLIC WORKS DEPARTMENT TO BE FULLY OFFSET BY CONTRACT REVENUE AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

Department: Public Works Department

Environmental Notice: The Project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act State Guidelines Section 15301 Class 1 (Existing Facilities) and Section 15061(b)(3).

Recommended Action: Council adopt the resolutions.

3. [19-0209](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING COUNCIL COMMITMENT AND SUPPORT FOR THE FIRE DEPARTMENT APPLICATION FOR THE 2018 DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT TO HIRE 12 FIREFIGHTERS

Department: Fire Department

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Recommended Action: Council adopt the resolution.

4. [19-0215](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING AND APPROPRIATING REIMBURSEMENT FUNDS FROM THE CITY OF SAN DIEGO FIRE-RESCUE DEPARTMENT VIA THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S NATIONAL URBAN SEARCH AND RESCUE SYSTEM AS A RESULT OF FIRE DEPARTMENT PERSONNEL WHO RESPONDED TO HURRICANES HARVEY AND IRMA IN 2017, ALLOCATING A PORTION OF SAID FUNDS FOR STAFF REIMBURSEMENTS AND ALLOCATING THE REMAINDER OF SAID FUNDS INTO THE VEHICLE REPLACEMENT FUND FOR THE PURCHASE OF FIRE DEPARTMENT MUTUAL AID RESPONSE UTILITY VEHICLES (4/5 VOTE REQUIRED)

Department: Fire Department

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Recommended Action: Council adopt the resolution.

5. [19-0221](#)

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2019/20 FOR OPEN SPACE DISTRICTS 1 THROUGH 11, 14, 15, 17, 18, 20, 23, 24, 26, 31, EASTLAKE, AND BAY BOULEVARD OF THE CITY OF CHULA VISTA PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ENGINEER'S REPORT; DECLARING THE INTENTION TO LEVY AND COLLECT ASSESSMENTS; AND SETTING A PUBLIC HEARING REGARDING THE FISCAL YEAR 2019/20 ASSESSMENTS FOR OPEN SPACE DISTRICTS 2 THROUGH 7, 8, 11, 14, 15, 17, 18, 20 (ZONES 1 THROUGH 6, 8, AND 9), 23, 24, 26, 31, 33, EASTLAKE MAINTENANCE DISTRICT NO 1 (ZONES A, B, D, AND E), AND BAY BOULEVARD MAINTENANCE DISTRICT

C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ENGINEER'S REPORT; DECLARING THE INTENTION TO LEVY AND COLLECT ASSESSMENTS; AND SETTING A PUBLIC HEARING REGARDING THE FISCAL YEAR 2019/20 ASSESSMENTS FOR OPEN SPACE DISTRICTS 9, 10 AND TOWN CENTRE MAINTENANCE DISTRICT

D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ENGINEER'S REPORT; DECLARING THE INTENTION TO LEVY AND COLLECT ASSESSMENTS; AND SETTING A PUBLIC HEARING REGARDING THE FISCAL YEAR 2019/20 ASSESSMENTS FOR OPEN SPACE DISTRICT 20 (ZONE 7)

E. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ENGINEER'S REPORT; DECLARING THE INTENTION TO LEVY AND COLLECT ASSESSMENTS; AND SETTING A PUBLIC HEARING REGARDING THE FISCAL YEAR 2019/20 ASSESSMENTS FOR OPEN SPACE DISTRICT 1

F. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ENGINEER'S REPORT; DECLARING THE INTENTION TO LEVY AND COLLECT ASSESSMENTS; AND SETTING A PUBLIC HEARING REGARDING THE FISCAL YEAR 2019/20 ASSESSMENTS FOR OPEN SPACE DISTRICT EASTLAKE MAINTENANCE DISTRICT NO 1 (ZONE C)

Department: Finance Department

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Recommended Action: Council adopt the resolutions.

6. [19-0246](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF CHULA VISTA IS ELIGIBLE AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE ALL GRANT DOCUMENTS AND IMPLEMENT PROJECTS FUNDED BY CALRECYCLE GRANTS, FOR A PERIOD OF FIVE (5) YEARS

Department: Economic Development Department

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required. Notwithstanding the foregoing, the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines.

Recommended Action: Council adopt the resolution.

7. [19-0255](#) A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND DAVY ARCHITECTURE, INC FOR DESIGN AND CONSTRUCTION ADMINISTRATION FOR A DECK IN FRIENDSHIP PARK

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2018/19 CIP PROGRAM BUDGET AND APPROPRIATING FUNDS FOR THE CIVIC CENTER LIBRARY OUTDOOR DECK ADDITION (CIP NO. GGV0244) (4/5 VOTE REQUIRED)

Department: Community Services Department

Environmental Notice: The Project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act State Guidelines Section 15301 Class 1 (Existing Facilities), Section 15303 class 3 (New Construction or Conversion of Small Structures), and Section 15061(b)(3).

Recommended Action: Council adopt the resolutions.

8. [19-0265](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RESCINDING RESOLUTIONS 2017-110 AND 2017-111, WHICH OTHERWISE WOULD HAVE ENDED EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) FOR CHULA VISTA POLICE OFFICERS ASSOCIATION (CVPOA) REPRESENTED TIER 1 EMPLOYEES ON MAY 10, 2019; CONTINUING THE STATUS QUO UNDER THE TERMS OF ARTICLE 2.18 OF THE 2014-2017 MEMORANDUM OF UNDERSTANDING (AS EXTENDED) BETWEEN THE CITY AND CVPOA DURING LABOR NEGOTIATIONS REGARDING EPMC; AND TERMINATING EPMC EFFECTIVE JUNE 7, 2019, WITH A CORRESPONDING CESSATION OF GOVERNMENT CODE SECTION 20615 PAYMENTS BY CVPOA REPRESENTED TIER 1 EMPLOYEES

Department: Human Resources Department

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Recommended Action: Council adopt the resolution.

ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC COMMENTS

Persons speaking during Public Comments may address the Council on any subject matter within the Council's jurisdiction that is not listed as an item on the agenda. State law generally prohibits the Council from discussing or taking action on any issue not included on the agenda, but, if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. Comments are limited to three minutes.

PUBLIC HEARINGS

The following item(s) have been advertised as public hearing(s) as required by law. If you wish to speak on any item, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting.

9. [18-0519](#)
- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 14M-2 (EASTERN URBAN CENTER/MILLENIA) FORMING AND ESTABLISHING SUCH COMMUNITY FACILITIES DISTRICT, AND AUTHORIZING SUBMITTAL OF THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS OF SUCH COMMUNITY FACILITIES DISTRICT
- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 14M-2 (EASTERN URBAN CENTER/MILLENIA), DECLARING THE RESULTS OF A SPECIAL ELECTION IN SUCH COMMUNITY FACILITIES DISTRICT
- C. ORDINANCE OF THE CITY OF CHULA VISTA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 14M-2 (EASTERN URBAN CENTER/MILLENIA), AUTHORIZING THE LEVY OF A SPECIAL TAX IN SUCH COMMUNITY FACILITIES DISTRICT (FIRST READING)

Department: Development Services Department

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Recommended Action: Council conduct the public hearing, adopt the resolutions, and place the ordinance on first reading.

10. [19-0121](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RETAINING THE ADMINISTRATIVE FEE FOR RENT CONTROL SERVICES AT \$25 FOR FISCAL YEAR 2019/20 IN CHAPTER 18 (MOBILEHOMES) OF THE CITY'S MASTER FEE SCHEDULE

Department: Development Services Department

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Recommended Action: Council adopt the resolution.

ACTION ITEMS

The Item(s) listed in this section of the agenda will be considered individually by the Council and are expected to elicit discussion and deliberation. If you wish to speak on any item, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting.

11. [19-0225](#) A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE FIRE CHIEF OF THE CHULA VISTA FIRE DEPARTMENT REGARDING SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY CODE WHICH REQUIRES ANNUAL INSPECTIONS OF SCHOOLS, APARTMENT HOUSES AND HOTELS/MOTELS
- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CERTAIN SECTIONS OF CHAPTER 15 (FIRE) OF THE CITY'S MASTER FEE SCHEDULE RELATING TO STATE-MANDATED FIRE INSPECTIONS

Department: Fire Department

Environmental Notice: The Project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act State Guidelines Section 15309 Class 9 (Inspections) and Section 15061(b)(3).

Recommended Action: Council adopt the resolutions.

12. [19-0241](#) A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE COMPENSATION SCHEDULE AND CLASSIFICATION PLAN TO REFLECT CHANGES IN THE COMPENSATION FOR THE FA DEPUTY EXECUTIVE DIRECTOR AND FA DIRECTOR OF SD LECC EFFECTIVE JANUARY 1, 2019

B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2018/19 COMPENSATION SCHEDULE EFFECTIVE MAY 10, 2019, AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5 TO REFLECT SALARY INCREASES FOR FA DEPUTY EXECUTIVE DIRECTOR AND FA DIRECTOR OF SD LECC

Department: Police Department

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Recommended Action: Council adopt the resolutions.

13. [19-0242](#) DISCUSSION AND CONSIDERATION OF ESTABLISHING A PILOT PROGRAM TO ALLOW OFF-LEASH DOG ACCESS WITHOUT FENCED BOUNDARIES IN A PARK, OR PARKS, IN NORTHWEST CHULA VISTA

Department: Community Services Department

Environmental Notice: The Project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act State Guidelines Section 15301 Class 1 (Existing Facilities) and Section 15061(b)(3).

Recommended Action: Council consider the program and, if approved, identify a park location or park locations and provide direction to staff as appropriate.

14. [19-0243](#) DISCUSSION AND CONSIDERATION OF DEVELOPING A DESIGNATED OFF-LEASH, FENCED DOG AREA AT ROHR PARK

Department: Community Services Department

Environmental Notice: The Project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act State Guidelines Section 15301 Class 1 (Existing Facilities), Section 15303 class 3 (New Construction or Conversion of Small Structures), and Section 15061(b)(3).

Recommended Action: Council consider the project and, provide direction to staff as appropriate.

15. [19-0266](#) FISCAL YEAR 2020 BUDGET DISCUSSION

Department: Finance Department

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Recommended Action: Council receive the report and provide feedback as appropriate.

CITY MANAGER'S REPORTS

MAYOR'S REPORTS

COUNCILMEMBERS' COMMENTS

CITY ATTORNEY'S REPORTS

16. [19-0271](#) UPDATE ON FEDERAL LITIGATION CHALLENGING CALIFORNIA'S SB 54 IMMIGRATION POLICIES

17. [19-0273](#) CITY COUNCIL CONSIDERATION OF JOINING AMICUS BRIEF IN SUPPORT OF INJUNCTION PREVENTING DENIAL OF FEDERAL FUNDS IF LOCAL AGENCIES CHOOSE TO LIMIT THEIR PARTICIPATION IN IMMIGRATION ENFORCEMENT, IN CONNECTION WITH CASES SAN FRANCISCO V. BARR (CASE NO. 18-17308) AND STATE OF CA V. WHITAKER (CASE NO. 18-17311)

CLOSED SESSION

Announcements of actions taken in Closed Session shall be made available by noon on Wednesday following the Council meeting at the City Attorney's office in accordance with the Ralph M. Brown Act (Government Code 54957.7).

18. [19-0274](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(1)

Name of case: Christian Medina v. Marcela Ruvalcaba, et al., San Diego Superior Court, Case No. 37-2019-00012567 -CU-PA-CTL.

19. [19-0278](#) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):

One [1] Case. City of Chula Vista and Chula Vista Redevelopment Agency Successor Agency v. Keely Bosler, in her official capacity as California State Director of Finance; Tracy M. Sandoval, in her official capacity as San Diego Auditor-Controller.

ADJOURNMENT

to the special State of the City Address on May 14, 2019, at 6:00 p.m., in the Council Chambers; and then to the regular City Council meeting on May 21, 2019, at 5:00 p.m., in the Council Chambers.

Materials provided to the City Council related to any open-session item on this agenda are available for public review at the City Clerk's Office, located in City Hall at 276 Fourth Avenue, Building A, during normal business hours.

*In compliance with the
AMERICANS WITH DISABILITIES ACT*

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