

City of Chula Vista

Meeting Minutes - Final

Tuesday, November 27, 2018

5:00 PM

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

SPECIAL MEETING OF THE HOUSING AUTHORITY MEETING JOINTLY WITH THE CITY COUNCIL OF THE CITY OF CHULA VISTA

CALL TO ORDER

A joint special meeting of the Housing Authority and regular meeting of the City Council of the City of Chula Vista, was called to order at 5:01 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

Present: Councilmember Aguilar, Deputy Mayor Diaz, Councilmember McCann, Councilmember Padilla and Mayor Casillas Salas

Also Present: City Manager Halbert, City Attorney Googins, City Clerk Bigelow, and Deputy City Clerk Kansas

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Deputy Mayor Diaz led the Pledge of Allegiance.

Mayor Casillas Salas announced, pursuant to AB 23, that she and each Councilmember would receive \$50 for their attendance at that Housing Authority meeting, which was held simultaneously with the City Council meeting.

SPECIAL ORDERS OF THE DAY

- A. [18-0455](#) PRESENTATION ON SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY (SDCRAA) UPDATES BY BOARD MEMBER AND IMPERIAL BEACH MAYOR PRO TEM MARK WEST

Imperial Beach Mayor Pro Tem Mark West and Brendan Reed, representing SDCRAA, gave a presentation on the item.

- B. [18-0546](#) PRESENTATION AND SPECIAL RECOGNITION OF EASTLAKE CHURCH FOR THEIR "I HEART CHULA VISTA" COMMUNITY SERVICE WEEKEND IN THE CITY OF CHULA VISTA

Public Works Director Quilantan recognized Eastlake Church and Linda Rankin, representing the church, gave a presentation on the item.

CONSENT CALENDAR (Items 1 - 6)

Items 2 and 3 were removed from the Consent Calendar at the request of members of the public.

- 1. [18-0537](#) ORDINANCE NO. 3445 OF THE CITY OF CHULA VISTA APPROVING THE SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY DISTRICT REGULATIONS (CHAPTER 3 - DEVELOPMENT CODE) FOR THE UNIVERSITY INNOVATION DISTRICT (SECOND READING AND ADOPTION)

Recommended Action: Council adopt the ordinance.

Items 2 and 3 were removed from the Consent Calendar.

- 4. [18-0436](#) A. RESOLUTION NO. 2018-229 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE PURCHASE OF ELECTRIC VEHICLES FROM NATIONAL AUTO FLEET GROUP IN ACCORDANCE WITH SOURCEWELL CONTRACT NUMBER 120716-NAF THROUGH THE CLIMATE MAYORS ELECTRIC VEHICLE PURCHASING PROGRAM IN AN AMOUNT NOT-TO-EXCEED TWO MILLION DOLLARS (\$2,000,000) THROUGH THE TERM OF THE CONTRACT (JANUARY 2021)

B. RESOLUTION NO. 2018-230 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE PURCHASE OF HEAVY-DUTY AND SPECIALIZED VEHICLES FROM NATIONAL AUTO FLEET GROUP IN ACCORDANCE WITH SOURCEWELL CONTRACT NUMBER 081716-NAF IN AN AMOUNT NOT-TO-EXCEED FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000) THROUGH THE TERM OF THE CONTRACT (NOVEMBER 2020)

C. RESOLUTION NO. 2018-231 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A 2-YEAR LEASE PURCHASE AGREEMENT WITH NATIONAL COOPERATIVE LEASING IN ACCORDANCE WITH SOURCEWELL CONTRACT NUMBER 032615 -NCL FOR THE ACQUISITION OF THIRTY-FOUR (34) ELECTRIC VEHICLES AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE FINAL PURCHASE AND LEASE AGREEMENT

Recommended Action: Council adopt the resolutions.

5. [18-0514](#) RESOLUTION NO. 2018-008 OF THE CHULA VISTA HOUSING AUTHORITY APPROVING THE ISSUANCE OF TAX-EXEMPT REVENUE BONDS BY CMFA IN A PRINCIPAL AMOUNT OF UP TO \$50,000,000 TO BE USED TO FINANCE THE ACQUISITION, REHABILITATION, IMPROVEMENT AND EQUIPPING OF A 271-UNIT MULTIFAMILY RENTAL HOUSING DEVELOPMENT, LOCATED AT 1325 SANTA RITA EAST AND 1392 EAST PALOMAR STREET, CHULA VISTA, CALIFORNIA

Recommended Action: Authority adopt the resolution.

6. [18-0529](#) INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2018

Recommended Action: Council receive the report.

Approval of the Consent Calendar

ACTION: A motion was made by Councilmember McCann, seconded by Deputy Mayor Diaz, 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, Diaz, McCann, Padilla and Casillas Salas

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. [18-0536](#) ORDINANCE NO. 3446 OF THE CITY OF CHULA VISTA AMENDING SECTIONS OF CHULA VISTA MUNICIPAL CODE CHAPTER 5.19 REGARDING COMMERCIAL CANNABIS (SECOND READING AND ADOPTION)

Theresa Acerro, Chula Vista resident, spoke in opposition to staff's recommendation and suggested revisions to the proposed ordinance.

Staff answered questions of the Council.

ACTION: A motion was made by Councilmember Padilla, seconded by Deputy Mayor Diaz, to adopt Ordinance No. 3446, heading read, text waived. The motion carried by the following vote:

Yes: 4 - Aguilar, Diaz, Padilla and Casillas Salas

No: 1 - McCann

Abstain: 0

- 3. [18-0538](#) ORDINANCE OF THE CITY OF CHULA VISTA REPEALING CHAPTER 5.66 OF THE CHULA VISTA MUNICIPAL CODE, WHICH IMPOSED A TOTAL BAN ON COMMERCIAL MARIJUANA ACTIVITY, CONDITIONED UPON EFFECTIVENESS OF CITY'S ORDINANCE BANNING UNLICENSED COMMERCIAL CANNABIS ACTIVITY AS PROVIDED IN CHAPTER 5.19 OF THE CHULA VISTA MUNICIPAL CODE (FIRST READING)

The following members of the public spoke in opposition to staff's recommendation on the item:

- Theresa Acerro, Chula Vista resident
- Becky Brundage
- Kelly McCormick

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember Padilla, that the above ordinance be placed on first reading, heading read, text waived. The motion carried by the following vote:

Yes: 4 - Aguilar, Diaz, Padilla and Casillas Salas

No: 1 - McCann

Abstain: 0

PUBLIC COMMENTS

Ken Sobel, San Diego resident, spoke regarding Measure Q and cannabis regulations.

PUBLIC HEARINGS

- 7. [18-0464](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE, SECTION 19.58.022 (ACCESSORY DWELLING UNITS); CHAPTER 19.26 (ONE- AND TWO-FAMILY RESIDENCE ZONE); AND CHAPTER 19.28 (APARTMENT RESIDENTIAL ZONE); WITH REGARD TO ACCESSORY DWELLING UNITS (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 Casillas Salas opened the public hearing.

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

Development Services Director Broughton responded to comments and questions of the Council.

ACTION: A motion was made by Councilmember Aguilar, seconded by Councilmember McCann, that the above ordinance be placed on first reading, heading read, text waived. The motion carried by the following vote:

Yes: 5 - Aguilar, Diaz, McCann, Padilla and Casillas Salas

No: 0

Abstain: 0

8. [18-0516](#) RESOLUTION NO. 2018-232 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE OTAY RANCH PHASE 2 RESOURCE MANAGEMENT PLAN UPDATE WHICH WILL BRING THE DOCUMENT UP-TO-DATE WITH CURRENT OTAY RANCH PRESERVE MANAGEMENT STRUCTURE AND ANNUAL OPERATING BUDGET, OWNERSHIP, AND BIOLOGICAL MONITORING AND MANAGEMENT REQUIREMENTS

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.

Staff answered questions of the Council.

Mayor Casillas Salas opened the public hearing.

Stephen Haase, representing Baldwin & Sons, submitted written documentation in support of staff's recommendation and declined to speak.

Mayor Casillas Salas closed the public hearing.

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Padilla, that Resolution No. 2018-232 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 5 - Aguilar, Diaz, McCann, Padilla and Casillas Salas

No: 0

Abstain: 0

9. [18-0535](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DENYING THE APPEAL BY ROD BISHARAT AND AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF DESIGN REVIEW PERMIT DR15-0037 AND CONDITIONAL USE PERMIT CUP15-0023 TO CONSTRUCT A 2,380 SQUARE-FOOT AUTOMATED CARWASH BUILDING WITH VACUUM STATIONS ON A 0.55 ACRE SITE LOCATED AT 495 TELEGRAPH CANYON ROAD, SUBJECT TO THE CONDITIONS CONTAINED IN THE RESOLUTION

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.

City Attorney Googins explained the procedure for hearing the item and requested Council report any ex parte communications.

The Council reported the following ex parte communications:

-Mayor Casillas Salas reported meeting with Rod Bisharat and Judy Wilson, project appellants, in her office on September 12, 2018.

-Councilmember McCann stated he had not met with individuals in support of or in opposition to the project. He stated he visited and looked around the project site.

-Deputy Mayor Diaz stated he had several meetings regarding the project. He met at the carwash with Mr. Moot to discuss the project and related noise and traffic concerns on March 21, 2018, and had communicated with Mr. Moot by email over the last week. He met with Mr. Watry on March 14, 2018. He met with Ms. Wilson regarding the impacts the project would have on her standard of living. He spoke with Mr. Moot by phone on November 27, 2018.

-Councilmember Padilla stated he attended an on-site meeting with Mr. Moot, representing the appellant, around October 5, 2018, at which Mr. Moot had shown him the site characteristics and dynamics regarding traffic impacts, potential traffic impacts, and traffic flow. He communicated by telephone with Mr. Moot on November 16, 2018, regarding Mr. Moot's desire for better communication with staff and Mr. Moot's concern regarding the timing of the scheduling of the hearing. Councilmember Padilla stated he communicated with Mr. Moot by phone on November 20, 2018, regarding the content of a meeting Mr. Moot had with staff and Mr. Moot's efforts to convey to staff that he believed a traffic study was needed. Councilmember Padilla also stated he had received written communications from Mr. Moot, Mr. Watry, and others, which had been added to the record.

-Councilmember Aguilar stated she communicated with the applicant, appellant, and their respective representatives on several occasions. She also stated she communicated with Judy Wilson and Peter Watry over the last six months.

Associate Planner Young gave a presentation on the item.

Principal Planner Power, Development Services Director Broughton, Deputy City Attorney Shirey, project applicant Neil Capin, and property owner Don Chrislock answered questions of the Council.

Mayor Casillas Salas opened the public hearing.

The applicant, represented by the following individuals, gave a presentation in support of the project and answered questions of the Council: Gene Cipparone, Neil Capin, Justin Schlaefli, and Don Chrislock.

John Moot and Justin Rasas, representing appellant Rod Bisharat, gave a presentation in opposition to the project and requested an independent traffic study be conducted.

The following members of the public spoke in opposition to staff's recommendation:

- Peter Watry, Chula Vista resident*
- Judy Wilson, Chula Vista resident*
- Reem Totry, Jamul resident*

Tina Torres, Chula Vista resident, submitted written documentation in opposition to staff's recommendation and did not wish to speak.

Justin Schlaefli and Neil Capin, representing the applicant, offered a rebuttal to the appellant's presentation.

There being no further members of the public who wished to speak, Mayor Casillas Salas closed the public hearing.

Staff and representatives of the applicant and appellant answered questions of the Council.

John Moot, representing the appellant, answered questions of the Council and spoke in support of a formal traffic study being conducted.

Mayor Casillas Salas re-opened the public hearing.

Justin Schlaefli and Gene Cipparone, responded to statements made by John Moot regarding the necessity of a formal traffic study.

Mayor Casillas Salas closed the public hearing.

Council discussion ensued.

Councilmember McCann made a motion to approve the resolution.

Mayor Casillas Salas offered a substitute motion to continue the item to allow for a comprehensive traffic analysis with review by Caltrans. The substitute motion was not accepted.

ACTION: A motion was made by Councilmember McCann, seconded by Deputy Mayor Diaz, to approve the resolution. The motion failed by the following vote:

Yes: 2 - Diaz and McCann

No: 3 - Aguilar, Padilla and Casillas Salas

Abstain: 0

Council discussion continued.

ACTION: A motion was made by Councilmember Padilla, seconded by Councilmember McCann, to direct staff to submit the existing traffic analysis for the project, along with additional traffic analysis the applicant may provide, to Caltrans for its review and clarification of its opinion on the matter, and to continue the item to January 22, 2019. The motion carried by the following vote:

Yes: 5 - Aguilar, Diaz, McCann, Padilla and Casillas Salas

No: 0

Abstain: 0

CITY MANAGER'S REPORTS

10. [18-0549](#) REPORT ON THE REALIGNMENT OF THE UNITED TECHNOLOGY AEROSPACE SYSTEMS BUSINESS UNIT IN CHULA VISTA

Assistant City Manager Kachadoorian announced that a memorandum on the item had been provided to the Council and Councilmember Aguilar spoke regarding the item.

MAYOR'S REPORTS

At the request of Mayor Casillas Salas, there was consensus of the Council to add an item to a future agenda to consider endorsing the 7th Annual International Mariachi Festival at Bayside Park.

Mayor Casillas Salas stated the City's Instagram account would be hosted for a day by internationally known Chef Marcela Valladolid from Chula Vista.

COUNCILMEMBERS' COMMENTS

Councilmember McCann recognized individuals affected by the fires in northern California. He reported on his attendance at a ribbon cutting event for Big Block Real Estate at Eastlake and expressed gratitude to the Salvation Army for serving meals on Thanksgiving.

Councilmember Aguilar spoke regarding the upcoming Starlight Parade & Children's Faire.

CITY ATTORNEY'S REPORTS

There were none.

CLOSED SESSION

Micki Bursalyan, representing SEIU 221, spoke regarding Item 11 and the Mid-Managers/Professional Association/Service Employees International Union negotiations.

City Attorney Googins announced that the Council would convene in closed session to discuss Item 11, listed below, and that the agency-designated representatives had been amended to remove Gary Halbert and include Maria Kachadoorian.

Mayor Casillas Salas recessed the meeting at 9:17 p.m. The Council reconvened in closed session at 9:22 p.m. with all members present.

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.

- 11. [18-0548](#) CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Agency designated representatives:

Gary Halbert, Glen Googins, Kelley Bacon, David Bilby, Courtney Chase, Ed Prendell and Simon Silva

Employee organization(s): Mid-Managers/Professional Association/ Service Employees International Union, Local 221 (MM/PROF/SEIU)

ACTION: There was no reportable action.

ADJOURNMENT

At 9:53 p.m., the meeting was adjourned to a special City Council meeting on November 28, 2018, at 3:00 p.m. in the Executive Conference Room; and thence to the Regular City Council Meeting on December 11, 2018 at 5:00 p.m., in the Council Chambers.

Kerry K. Bigelow, MMC, City Clerk