

City of Chula Vista

Meeting Minutes - Draft

Tuesday, May 5, 2015

5:00 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 5:00 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

Present: Councilmember Aguilar, Deputy Mayor Bensoussan, Councilmember McCann, Councilmember Miesen and Mayor Salas

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

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Councilmember Miesen led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [15-0117](#) PRESENTATION OF A PROCLAMATION TO SANDAG MARKETING COMMUNICATIONS MANAGER ELIZABETH COX PROCLAIMING MAY 2015 AS NATIONAL BIKE MONTH IN THE CITY OF CHULA VISTA

Mayor Salas read the proclamation and Deputy Mayor Bensoussan presented it to SANDAG Marketing Communications Manager Elizabeth Cox. Ms. Cox provided information about bike month and SANDAG's programs to encourage bicycle riding.

- B. [15-0127](#) PRESENTATION OF THE 2015 CLEAN CHAMPION AWARDS BY THE CITY'S RESOURCE CONSERVATION COMMISSION

Resource Conservation Commission Chair Kappes and members of the Commission presented the 2015 CLEAN Champion awards to: Oscar Romo, Resident Category; Bonita Learning Academy, Business Category; Garden Club of Chula Vista, Organization Category; Miguel Angel Aldrete, Youth Category; and Public Works Parks Division, Employee Category.

- C. [15-0141](#) PRESENTATION OF A PROCLAMATION TO DIRECTOR OF RECREATION KRISTI MCCLURE HUCKABY, PRINCIPAL RECREATION MANAGER TIM FARMER AND U.S. OLYMPIC TRAINING CENTER EXECUTIVE DIRECTOR TRACY LAMB PROCLAIMING MAY 16, 2015 AS KIDS TO PARKS DAY IN THE CITY OF CHULA VISTA

Mayor Salas read the proclamation and Deputy Mayor Bensoussan presented it to Recreation Director McClure Huckaby, Principal Recreation Manager Farmer, and U.S. Olympic Training Center Executive Director Tracy Lamb.

- D. [15-0142](#) PRESENTATION OF A PROCLAMATION TO DIRECTOR OF RECREATION KRISTI MCCLURE HUCKABY, FIRE CHIEF JIM GEERING, FIRE CAPTAIN MIKE FILSON AND AQUATIC SUPERVISOR ELIZABETH KOVAR PROCLAIMING MAY 2015 AS DROWNING PREVENTION MONTH

Mayor Salas read the proclamation and Councilmember Aguilar presented it to Director of Recreation McClure Huckaby, Fire Chief Geering, and Fire Captain Filson.

- E. [15-0172](#) PRESENTATION OF A PROCLAMATION TO CHULA VISTA HIGH SCHOOL DIRECTOR OF CHORAL MUSIC TONY ATIENZA IN RECOGNITION OF THE MAIN ATTRACTION & SILHOUETTES VICTORY

Mayor Salas read the proclamation and Councilmember Miesen presented it to Chula Vista High School Director of Choral Music Tony Atienza and the school's show choir. The choir performed A Salute to the Armed Forces.

- F. [15-0184](#) PRESENTATION OF A PROCLAMATION TO ELKS LODGE 2011 PROCLAIMING MAY 1 THROUGH MAY 8, 2015 AS YOUTH WEEK IN THE CITY OF CHULA VISTA

Mayor Salas read the proclamation and Councilmember McCann presented it to members of the Elks Lodge 2011.

CONSENT CALENDAR (Items 1 - 6)

Mayor Salas announced that a revision to the agreement for Item 3 had been distributed to the Council.

1. [15-0181](#) WRITTEN COMMUNICATIONS

Memorandum from Councilmember Aguilar requesting an excused absence from the April 2, 2015 City Council Workshop.

Recommended Action: Council excuse the absence.

2. [15-0125](#) RESOLUTION NO. 2015-092 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AWARDING THE CONTRACT FOR THE "OXFORD STREET SEWER IMPROVEMENT, BETWEEN BROADWAY TO WEST END OF CUL-DE-SAC, IN THE CITY OF CHULA VISTA, CALIFORNIA (CIP#SW266)" PROJECT TO PAL GENERAL ENGINEERING INC. IN THE AMOUNT OF \$488,675; WAIVING CITY COUNCIL POLICY NO. 574-01; AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE ALL CHANGE ORDERS; AND AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$73,300

Recommended Action: Council adopt the resolution.

3. [15-0134](#) RESOLUTION NO. 2015-093 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE COMPETITIVE FORMAL BID REQUIREMENT, APPROVING AN AGREEMENT WITH THE INVESTMENT BANKING FIRM OF STIFEL NICOLAUS & CO., INC. TO PROVIDE BOND UNDERWRITING SERVICES FOR REFUNDING OF COMMUNITY FACILITIES DISTRICT BONDED DEBT AND CERTIFICATES OF PARTICIPATION BONDED DEBT, IF DEEMED ECONOMICALLY FEASIBLE

Recommended Action: Council adopt the resolution.

4. [15-0153](#) RESOLUTION NO. 2015-094 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE 2015 BUDGET TO APPROPRIATE \$7,634 IN UNANTICIPATED REVENUE FROM THE METROPOLITAN WATER DISTRICT'S LANDSCAPE WATER CONSERVATION REBATE PROGRAM TO THE PUBLIC WORKS PARKS DIVISION BUDGET (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

5. [15-0154](#) RESOLUTION NO. 2015-095 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CONSENTING TO THE TERMINATION OF THE SAN DIEGO COUNTY CITIES JOINT POWERS AGREEMENT FOR RISK MANAGEMENT SERVICES AND RELATED INSURANCE COVERAGES CREATING THE SAN DIEGO POOLED INSURANCE AUTHORITY FOR MUNICIPAL ENTITIES (SANDPIPA) EFFECTIVE JULY 1, 2016 AND ASSOCIATED AMENDMENTS TO THE JOINT POWERS AGREEMENT, AND AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS REQUIRED TO CONFIRM AND IMPLEMENT THESE ACTIONS

Recommended Action: Council adopt the resolution.

6. [15-0159](#) RESOLUTION NO. 2015-096 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACKNOWLEDGING GRANT REQUIREMENTS OF SANDAG TO IMPLEMENT A MULTI-YEAR COASTAL CACTUS WREN HABITAT RESTORATION PROGRAM WITHIN THE CHULA VISTA OTAY RANCH PRESERVE MANAGEMENT AREA, AUTHORIZING ACCEPTANCE OF THE GRANT FUNDING SHOULD IT BE AWARDED FROM SANDAG, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH SANDAG

Recommended Action: Council adopt the resolution.

Approval of the Consent Calendar

ACTION: A motion was made by Councilmember McCann, seconded by Deputy Mayor Bensoussan, 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, McCann, Miesen and Salas

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

Penny Vaughn, Chula Vista resident, thanked Councilmember Aguilar for the public outreach event at The Hub on May 4, 2015.

PUBLIC HEARINGS

7. [15-0081](#) CONSIDERATION OF AMENDING CHAPTER 18 (MOBILEHOMES) OF THE CITY'S MASTER FEE SCHEDULE

RESOLUTION NO. 2015-097 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA SETTING THE ADMINISTRATIVE FEE FOR RENT CONTROL SERVICES AT \$40 FOR FISCAL-YEAR 2016 IN CHAPTER 18 (MOBILEHOMES) OF THE CITY'S MASTER FEE SCHEDULE

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.

Senior Project Coordinator Kurz and Housing Manager Hines gave a presentation on the item.

Mayor Salas opened the public hearing.

Penny Vaughn, Chula Vista resident, submitted a speaker slip but declined to speak.

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

ACTION: A motion was made by Deputy Mayor Bensoussan, seconded by Councilmember Aguilar, that Resolution No. 2015-097 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Salas

No: 0

Abstain: 0

ACTION ITEMS

8. [15-0006](#) CONSIDERATION OF APPROVING A FEE DEFERRAL AGREEMENT WITH STONE CREEK CASITAS, LLC

RESOLUTION NO. 2015-098 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A DEVELOPMENT IMPACT FEE DEFERRAL AGREEMENT WITH STONE CREEK CASITAS, LLC FOR APPROXIMATELY \$1.7 MILLION OF FEES IN CONNECTION WITH A 97 UNIT APARTMENT PROJECT ON MAIN STREET NEAR WALNUT DRIVE

Councilmember Miesen stated he would abstain from voting on the item due to a potential finance-related conflict of interest. He left the dais during discussion and voting on the item.

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, that Resolution No. 2015-098 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 4 - Aguilar, Bensoussan, McCann and Salas

No: 0

Abstain: 1 - Miesen

9. [15-0106](#) CONSIDERATION OF ADOPTING A SPECIAL EVENT SPONSORSHIP AND ENDORSEMENT POLICY

RESOLUTION NO. 2015-099 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE CITY OF CHULA VISTA SPECIAL EVENT SPONSORSHIP AND ENDORSEMENT POLICY

Councilmember Miesen returned to the dais.

ACTION: A motion was made by Deputy Mayor Bensoussan, seconded by Councilmember McCann, that Resolution No. 2015-099 be adopted, heading read, text waived. The motion carried by the following vote:

Yes: 5 - Aguilar, Bensoussan, McCann, Miesen and Salas

No: 0

Abstain: 0

MAYOR'S REPORTS

Mayor Salas wished everyone a happy Cinco de Mayo and provided information about the holiday.

At the request of Mayor Salas, there was consensus of the Council to add an item to the next agenda to discuss the lawn area in front of City Hall.

CITY MANAGER'S REPORTS

City Manager Halbert provided an update on the Smart Cities program.

COUNCILMEMBERS' COMMENTS

Deputy Mayor Bensoussan provided an update on the efforts to reinstate the City's Beautification Awards. She announced the upcoming Harbor Fest event on August 22, 2015.

Councilmember McCann recognized the Friends of the Chula Vista Library and reported on their recent fundraiser. He provided information on the City's Fallen Heroes exhibit, which opened on May 4, 2015, and thanked the exhibit supporters.

Mayor Salas expressed her condolences to the Jose Gomez family and adjourned the meeting in memory of Gabriel Roman Gomez. Adrian Gomez read a poem written by Gabriel.

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

Councilmember Miesen stated he would abstain from discussion and voting on Item 10, since he had been appointed to the Council and the matter was related to the appointment process.

At 6:34 p.m., the Council convened in Closed Session with all members present, except Councilmember Miesen.

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.

10. [15-0185](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

Name of case: Chris Shilling, et al. v. City of Chula Vista, et al., San Diego Superior Court, Case No. 37-2015-00006097-CU-MC-CTL

ACTION: No reportable action.

ADJOURNMENT

At 7:10 p.m., Mayor Salas adjourned the meeting to the Regular City Council Meeting on May 12, 2015, at 5:00 p.m., in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk