

City of Chula Vista

Meeting Minutes - Final

Tuesday, August 16, 2016

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 5:03 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

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

Deputy Mayor Miesen left the meeting at 6:10 p.m. due to abstaining from participating in the final item on the agenda.

Also Present: City Manager Halbert, City Attorney Googins, City Clerk Norris, and Assistant City Clerk Bigelow

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Deputy Mayor Miesen led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [16-0387](#) INTRODUCTION OF CHULA VISTA'S SISTER CITY, ODAWARA, JAPAN'S, YOUTH AMBASSADORS: RYOTA SAJI, IKUMI WATARAI, RITO HOSOYA AND IZUMI KIKUCHI, PARTICIPANTS IN THE ANNUAL INTERNATIONAL FRIENDSHIP COMMISSION'S EXCHANGE PROGRAM; AND A PRESENTATION BY THE CHULA VISTA YOUTH AMBASSADORS: BIANCA ELENA QUILANTAN, MIYUKI SOPHIA MCCLELLAN, LUCIO ALEJANDRO LIRA AND VIRGINIA PEREZ-GONZALEZ, REGARDING THEIR EXPERIENCE IN ODAWARA

Mayor Casillas Salas welcomed the youth ambassadors from Odawara, Japan. International Friendship Commission Chair Gene Yee spoke regarding the program and participants. Chula Vista Youth Ambassadors Bianca Quilantan, Miyuki McClellan, Lucio Lira, and Virginia Perez-Gonzalez introduced Odawara, Japan Youth Ambassadors Ryota Saji, Ikumi Watarai, Rito Hosoya, and Izumi Kikuchi.

- B. [16-0371](#) PRESENTATION OF A PROCLAMATION TO CALIFORNIA PROSTATE CANCER COALITION BOARD MEMBER CHAD LITTLE PROCLAIMING SEPTEMBER 2016 AS PROSTATE CANCER AWARENESS MONTH IN THE CITY OF CHULA VISTA

Mayor Casillas Salas read the proclamation and Councilmember Bensoussan presented it to Mr. Little. Mr. Little spoke regarding prostate cancer awareness.

- C. [16-0389](#) PRESENTATION BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION OF THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING AWARD FOR FISCAL YEAR ENDING JUNE 30, 2015 TO FINANCE DIRECTOR DAVID BILBY

Mayor Casillas Salas announced that the City had received a Certificate of Achievement for Excellence in Financial Reporting award from the Government Finance Officers Association. City Manager Halbert spoke regarding the award and commended Finance Director Bilby. Finance Director Bilby provided information regarding the requirements for the award and recognized the Finance Department.

CONSENT CALENDAR (Items 1 - 8)

Item 3 was removed from the Consent Calendar at the request of a member of the public.

1. [16-0408](#) APPROVAL OF MINUTES of August 9, 2016.
Recommended Action: Council approve the minutes.
2. [16-0406](#) ORDINANCE NO. 3372 OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO THE EASTERN URBAN CENTER PLANNED COMMUNITY DISTRICT REGULATIONS AND DESIGN PLAN (FORM BASED CODE) FOR 207 ACRES OF LAND IN THE EASTERN URBAN CENTER PORTION OF THE OTAY RANCH RELATING TO THE RELOCATION OF THE MILLENIA ELEMENTARY SCHOOL SITE, DELETION OF A PORTION OF MONTAGE AVENUE, REVISING THE PARKING RATES AND STANDARDS AND CLARIFYING THE APPROVAL PROCESS FOR THE PARKING MANAGEMENT PLAN, SUBSEQUENT PARKING RATES, AND FUTURE STREET DELETIONS (SECOND READING AND ADOPTION)

Recommended Action: Council adopt the ordinance.

Item 3 was removed from the Consent Calendar.

4. [16-0373](#) RESOLUTION NO. 2016-172 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR THE IMPLEMENTATION AND LEASING OF ENTERPRISE RESOURCE PLANNING SOFTWARE, AND APPROPRIATING FUNDS ACCORDINGLY (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

5. [16-0378](#) RESOLUTION NO. 2016-173 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE PURCHASE OF TWO DUMP TRUCKS IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF NATIONAL JOINT POWERS ASSOCIATION CONTRACT NUMBER 102811 AND THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP IN THE AMOUNT OF \$250,621
- Recommended Action: Council adopt the resolution.**
6. [16-0384](#) INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2016
- Recommended Action: Council accept the report.**
7. [16-0385](#) A. RESOLUTION NO. 2016-174 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE 2015/2016 SAN DIEGO COUNTY GRAND JURY REPORT ON CITIZEN OVERSIGHT BOARDS OF POLICE BEHAVIOR AND AUTHORIZING THE MAYOR TO SIGN THE RESPONSE ON BEHALF OF THE MAYOR AND CITY COUNCIL
- B. RESOLUTION NO. 2016-175 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE 2015/2016 SAN DIEGO COUNTY GRAND JURY REPORT ON THE CHULA VISTA JAIL AND AUTHORIZING THE MAYOR TO SIGN THE RESPONSE ON BEHALF OF THE MAYOR AND CITY COUNCIL
- Recommended Action: Council adopt the resolutions.**
8. [16-0386](#) RESOLUTION NO. 2016-176 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE AUTHORIZED STAFFING LEVEL OF THE POLICE DEPARTMENT TO REFLECT THE ADDITION OF 2.0 POLICE SERGEANT POSITIONS AND THE ELIMINATION OF 2.0 POLICE AGENT POSITIONS

Recommended Action: Council adopt the resolution.

Approval of the Consent Calendar

ACTION: A motion was made by Councilmember McCann, 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: 5 - Aguilar, Bensoussan, McCann, Miesen and Casillas Salas

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

- 3. [16-0323](#) ORDINANCE OF THE CITY OF CHULA VISTA DELETING SECTION 15.24.070, SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS, OF THE CHULA VISTA MUNICIPAL CODE AND ADDING CHAPTER 15.29, EXPEDITED PERMIT PROCESSING, RELATED TO PERMITS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS AND ELECTRIC VEHICLE CHARGING STATIONS, TO THE CHULA VISTA MUNICIPAL CODE (FIRST READING)

Vanessa Garcia, representing SDG&E, spoke in support of staff's recommendation on the item.

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

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

No: 0

Abstain: 0

PUBLIC COMMENTS

Steven Pavka, Chula Vista resident, expressed concern regarding issues related to homelessness and towing fees.

Mark Twohey, representing the Youth Sports Council, thanked the Council for its support and reported on local youth sports standings. He paid tribute to Olympicos Soccer Club player Alexis Sepulveda.

Mayor Casillas Salas stated that Item 9 had been noticed as time certain for 6:00 p.m. and that the item would be taken out of order following City Manager's and Mayor's Reports, and Councilmembers' Comments.

CITY MANAGER'S REPORTS

City Manager Halbert provided an update on the Bayfront development.

MAYOR'S REPORTS

- 10. [16-0403](#) RATIFICATION OF APPOINTMENT OF JAMES MERINO TO THE HOUSING ADVISORY COMMISSION AND JASON PRATER TO THE CULTURAL ARTS COMMISSION

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

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

No: 0

Abstain: 0

Mayor Casillas Salas reported that Park View Little League won the Western Regional Championship and would play in the Little League World Series, and that Bonita Valley Girls Softball 12 and under were the 2016 National Champions.

Mayor Casillas Salas spoke regarding her attendance at the recent Stylus Park opening and Odawara Youth Ambassadors welcome reception. She announced the following openings of new Chula Vista businesses: T.I.P. Services on Quintard St. and Valero Gas Station on Palomar St. at Interstate 5. She congratulated Benjamin Walker for his recent recognition at an Eagle Scout Court of Honor ceremony.

COUNCILMEMBERS' COMMENTS

Deputy Mayor Miesen spoke regarding the recent Stylus Park opening.

Councilmember McCann stated he attended the recent Stylus Park opening, a work party at the Veterans Home where volunteers assisted with maintenance needs, the Chamber of Commerce trade show, and various school openings.

Councilmember Bensoussan spoke regarding the upcoming HarborFest and thanked the event sponsors.

Mayor Casillas Salas recessed the meeting at 5:45 p.m. The Council reconvened at 6:02 p.m., with all members present.

PUBLIC HEARINGS

9. [16-0372](#)

CONSIDERATION OF AN APPEAL BY THE CORRIDOR COALITION OF THE PLANNING COMMISSION'S DECISION TO ADOPT AN ADDENDUM TO URBAN CORE SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT AND MITIGATION MONITORING AND REPORTING PROGRAM FEIR 06-01 AND APPROVING DESIGN REVIEW (URBAN CORE DEVELOPMENT) PERMIT DR15-0015 TO REDEVELOP THE SITE AT 795 THIRD AVENUE WITH 71 RESIDENTIAL CONDOMINIUM UNITS AND ASSOCIATED SITE IMPROVEMENTS AND TENTATIVE MAP PCS15-006 TO CONSOLIDATE TWO PARCELS INTO ONE CONDOMINIUM LOT FOR 71 RESIDENTIAL UNITS AND ONE COMMERCIAL UNIT FOR INDIVIDUAL OWNERSHIP ON 795 THIRD AVENUE, SUBJECT TO THE CONDITIONS CONTAINED THEREIN

RESOLUTION NO. 2016-177 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DENYING THE APPEAL BY THE CORRIDOR COALITION AND REAFFIRMING THE PLANNING COMMISSION'S ADOPTION OF THE ADDENDUM TO URBAN CORE SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT AND MITIGATION MONITORING AND REPORTING PROGRAM FEIR 06-01 AND APPROVAL OF DESIGN REVIEW (URBAN CORE DEVELOPMENT) PERMIT DR15-0015 TO REDEVELOP THE SITE AT 795 THIRD AVENUE WITH 71 RESIDENTIAL CONDOMINIUM UNITS AND ASSOCIATED SITE IMPROVEMENTS AND APPROVAL OF TENTATIVE MAP PCS15-006 TO CONSOLIDATE TWO PARCELS INTO ONE CONDOMINIUM LOT FOR 71 RESIDENTIAL UNITS AND ONE COMMERCIAL UNIT FOR INDIVIDUAL OWNERSHIP ON 795 THIRD AVENUE, SUBJECT TO THE CONDITIONS CONTAINED THEREIN

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 introduced the item and explained the proceedings.

Deputy Mayor Miesen stated he would abstain from participating and voting on the item due to a potential conflict of interest related to a business entity in which he had a financial interest. He left the meeting at 6:10 p.m.

Mayor Casillas Salas requested the Council disclose ex parte communications.

Councilmember McCann reported on his communications with Dr. Mani and John Wainio. He stated he attended a presentation by Humberto Peraza regarding the project through the Chula Vista Chamber of [Commerce] Public Policy Committee. He also stated he met with Earl Jentz, Tino Martinez and his spouse, and several members of the community.

Mayor Casillas Salas stated that on June 30, 2016, she met with John Wainio and Humberto Peraza on a matter other than the proposed project but that the possibility of an appeal came up during the meeting. She stated that on July 19, 2016, she met with Earl Jentz. Also on July 19, 2016, she met with James Tingle and other members of the Chula Vista Corridor Coalition.

Councilmember Bensoussan stated she met with James Tingle and two of his neighbors on August 15, 2016. She met in early spring 2016 with Dr. Mani and Humberto Peraza. She stated she had received email communications in support of and opposition to the project, and that the emails had been forwarded to the City Clerk and were entered into the record.

Councilmember Aguilar stated she received numerous written communications on the proposed project, estimated at close to 100, and that the overwhelming majority were opposed to the proposed project, one or two asked factual questions regarding the proposed project, and a few were in favor of the proposed project. She stated she visited the proposed project site many times and drove around the neighborhood. Councilmember Aguilar reported that she met with Dr. Mani in December 2015 and Earl Jentz on May 6, 2016. She stated she attended a meeting of the Crossroads II Board of Directors in July 2016, at which the project was on the agenda. She met with Mr. Tingle, Ms. Vainik and two other neighbors, and she spoke with community members by phone, including Tino Martinez, a representative at Studio E, and approximately 20 other individuals.

City Attorney Googins recommended that Councilmembers report any communications or facts that were material to their decision during the deliberation on the item so that everyone would have the benefit of the information.

Councilmember Bensoussan stated that it was reported to her by members of the community that Councilmember Aguilar's office had sent two email messages that were produced by the Crossroads II organization in advocacy against the project.

Councilmember Aguilar spoke regarding the email messages referenced by Councilmember Bensoussan and stated the messages did not support or oppose the project.

Senior Planner Tapia and Principal Planner Power gave a presentation on the item.

Senior Planner Tapia and Director of Development Services Broughton responded to questions from the Council regarding the proposed project's public plaza and the project findings.

Mayor Casillas Salas opened the public hearing.

Steve Danon with The San Diego Group and Eric Naslund with Studio E Architects, representing Dr. Hamid Mani, the applicant, gave a presentation in support of staff's recommendation on the item and responded to questions from the Council.

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

- Estela Ruiz, Chula Vista resident
- Chris Lewis, Bonita resident
- Ronda Rodriguez, Chula Vista resident
- Randy Bellamy, Chula Vista resident
- Christine Moore, Chula Vista resident
- Richard D'Ascoli, representing the Pacific Southwest Association of Realtors
- Max Zaker, Chula Vista resident
- Mike Spethman, Chula Vista resident
- Lisa Cohen, Chula Vista resident, representing the Chula Vista Chamber of Commerce
- Tom Money, Chula Vista resident

Ana Melgoza, Chula Vista resident, representing the San Ysidro Health Center, spoke regarding Dr. Mani's partnership with the organization and the no-cost treatments he provided their program participants who could not afford to pay.

Mayor Casillas Salas recessed the meeting at 8:25 p.m. The Council reconvened at 8:50 p.m., with Councilmembers Bensoussan and McCann, and Mayor Casillas Salas present. Councilmember Aguilar arrived at 8:51 p.m.

Mayor Casillas Salas announced she had received the following names of individuals who indicated they were part of the organized presentation in opposition to staff's recommendation, which would be presented by Evelyn Heidelberg and Will Rogers, representing the Corridor Coalition:

- Joan Berg, Chula Vista resident
- Marty Coulson, Chula Vista resident
- Penny Vaughn, Chula Vista resident
- Earl Jentz, Chula Vista resident
- Karen Jentz, Chula Vista resident
- Larry Boyle, Chula Vista resident
- Anne K. Pering, Chula Vista resident
- Pandra Boyle, Chula Vista resident
- Robert Sullivan, Chula Vista resident
- Helen Thompson, Chula Vista resident
- G. Loffredo, Chula Vista resident
- Lydia Morales, Chula Vista resident
- Cesar J. Morales, Chula Vista resident
- Margarita Morales, Chula Vista resident
- Lucy S. Aginiga, Chula Vista resident
- Alberto Rivas, Chula Vista resident
- Marcela Rivas, Chula Vista resident
- Antonio Rivas, Chula Vista resident

Evelyn Heidelberg and Will Rogers, representing the Corridor Coalition, gave presentations on the project in opposition to staff's recommendation and responded to questions from the Council.

Martha Coulson stated she wished to speak as an individual and not be represented by the organized group. Mayor Casillas Salas stated she would be heard following speaker Paula Perry.

Mayor Casillas Salas restated the names she had received of individuals who indicated they wished to be represented by the organized presentation made by Ms. Heidelberg and Mr. Rogers. She invited anyone to come forward who desired an individual opportunity to speak. The names were as follows:

Joan Berg, Penny Vaughn, Earl Jentz, Karen Jentz, Larry Boyle, Anne K. Pering, Pandra Boyle, Robert Sullivan, Helen Thompson, G. Loffredo, Lydia Morales, Cesar Morales, Margarita Morales, Lucy S. Aginiga, Alberto Rivas, Marcela Rivas, and Antonio Rivas.

Lydia Morales stated she wished to speak as an individual and not be represented by the organized group. Mayor Casillas Salas stated she would be given an opportunity to speak. There were no others who indicated a desire to speak individually.

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

- James Tingle, Chula Vista resident*
- Paula Perry, Chula Vista resident*
- Marty Coulson, Chula Vista resident*
- Theresa Acerro, Chula Vista resident*
- Lydia Morales, Chula Vista resident*
- Tino Martinez, Chula Vista resident*
- Patricia Vainik, Chula Vista resident*
- Julie Andre, Chula Vista resident*
- Stacy Bridges, Chula Vista resident*
- Jackie Lancaster, Chula Vista resident*
- Gwen McCarghey, Chula Vista resident*
- Glenda de Vaney, Chula Vista resident*
- Judi Bounds, Chula Vista resident*
- Dario Martinez, Chula Vista resident*
- William Richter, Chula Vista resident*
- Gloria Gonzales, Chula Vista resident*
- Andrea Boggs, Chula Vista resident*

The following members of the public submitted written documentation in opposition to staff's recommendation but were not present to speak when their names were called:

- Angela Martinez, Chula Vista resident*
- Pam Keel, Chula Vista resident*
- Benaiah Pemberton, Chula Vista resident*
- Kathy Day, Chula Vista resident*

Mayor Casillas Salas announced the following individuals had submitted written documentation in opposition to staff's recommendation and indicated that they did not wish to speak:

- Jerry Boyd, Chula Vista resident*
- John Hubler, Chula Vista resident*
- Sheree Hubler, Chula Vista resident*
- Herendira Vazquez, Chula Vista resident*
- Alexander Vazquez, Chula Vista resident*
- Weichang Szeto, Chula Vista resident*
- Pei Yao Yu, Chula Vista resident*
- Sharron Hall, Chula Vista resident*
- Steven C. Pavka, Chula Vista resident*

Mayor Casillas Salas said that several letters in opposition had been received from individuals who had also spoken regarding the item. She also stated that two letters in support of staff's recommendation had been received and that all of the written communications had been provided to the Council.

Richard Schulman and Eric Naslund, representing the applicant, responded to speakers' comments regarding the proposed project.

Mayor Casillas Salas closed the public hearing.

Senior Planner Tapia provided additional information regarding the project in response to speakers' comments.

Council discussion ensued regarding the item.

Councilmember McCann moved to adopt the resolution. Mayor Casillas Salas seconded the motion.

City Attorney Googins stated that the record of the proceeding included the written staff report and supporting documents that were presented to the Planning Commission, the audio recording of the Planning Commission deliberations on the item that was distributed with the Council agenda packet and was available on the City's website, the written information that staff received in time to include in the agenda packet, and the written communications received later, which were distributed to the Council on the dais.

City Attorney Googins said that the applicant had offered a specific implementation measure to address privacy concerns and recommended that the Council include the condition in its action, if it so desired.

Development Services Director Broughton restated the condition to address privacy concerns, which was that the balconies be designed in substantial conformance with the statements made during this public hearing, where the developer represented the heights and opaqueness of the railing, which would be designed to the satisfaction of the Development Services Director.

Councilmember McCann modified his motion to include the condition regarding the balconies, as stated by Development Services Director Broughton. Mayor Casillas Salas, as seconder of the motion, agreed.

Development Services Director Broughton read a neighborhood enhancement proposal offered by the developer, which was as follows: "The applicant agrees to offer landscape improvements consisting of ground covers, street trees, and irrigation along the east side of 3rd Avenue, starting approximately 100 feet south of L Street and continuing south for approximately 500 feet, to enhance the visual quality of the Third Avenue Corridor in this location. This work would be subject to the approval of the Development Services Director and the authorization by the San Diego Country Club. If authorization is not granted by the San Diego Country Club, the applicant agrees to offer a comparable substitute neighborhood amenity to be approved by the Development Services Director."

Councilmember McCann further modified his original motion to also include the condition regarding the neighborhood amenity, as stated by Development Services Director Broughton. Mayor Casillas Salas, as seconder of the motion, agreed.

City Attorney Googins spoke regarding an additional modification suggested by staff in response to a question from Councilmember Aguilar, which would ensure public access to the project's plaza in perpetuity.

Richard Schulman, representing the applicant, agreed to the proposed modification to the language regarding the plaza, and other modifications as project conditions, as stated.

Director of Development Services Broughton suggested the condition, as augmented by City Attorney Googins and City Manager Halbert, be to record a public access easement, or such other mechanism as may be approved by the City Attorney, over the plaza at the corner of 3rd and K Street to provide public access in perpetuity, and that the improvements would be maintained by the property owner. City Attorney Googins stated that the modification including those elements would be drafted into a final condition.

Councilmember McCann further modified his original motion to also include the condition regarding public access to the owner-maintained plaza in perpetuity. Mayor Casillas Salas, as seconder of the motion, agreed.

ACTION: A motion was made by Councilmember McCann, seconded by Mayor Casillas Salas, that Resolution No. 2016-177 be adopted as amended to include the conditions related to the heights and opaqueness of the balcony railings, neighborhood enhancement along a portion of the Third Avenue Corridor, and public access to the owner-maintained plaza in perpetuity. The heading was read, text waived. The motion carried by the following vote:

Yes: 3 - Bensoussan, McCann and Casillas Salas

No: 1 - Aguilar

Abstain: 1 - Miesen

ADJOURNMENT

At 11:36 p.m., Mayor Casillas Salas adjourned the meeting to the Regular City Council Meeting on September 13, 2016, at 5:00 p.m., in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk