

City of Chula Vista

Meeting Minutes - Final

Tuesday, February 16, 2021

5:00 PM

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

REGULAR MEETING OF THE CITY COUNCIL

Pursuant to the Governor of the State of California's Executive Order N-29-20, and in the interest of public health and safety during the COVID-19 pandemic, members of the City Council and staff participated in this meeting via teleconference.

Members of the public participated remotely and were not present in Council Chambers. All votes were taken by roll call and public comments were submitted electronically or otherwise in writing.

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda items may be taken out of order during the meeting. The agenda items at this meeting were considered in the order presented.

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. via teleconference and in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

Present: Councilmember Cardenas, Councilmember Galvez, Deputy Mayor McCann, Councilmember Padilla and Mayor Casillas Salas

Also Present: City Manager Kachadoorian, City Attorney Googins, City Clerk Bigelow, and Assistant City Clerk Turner

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Adam and Kathy Sparks led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [21-0021](#) COVID-19 UPDATE BY CITY OF CHULA VISTA EMERGENCY SERVICES COORDINATOR MARLON KING

Fire Chief Muns and Emergency Services Coordinator King gave a presentation on the item.

- B. [20-0527](#) PRESENTATION BY INTERIM CHIEF EXECUTIVE OFFICER, BILL CARNAHAN OF THE SAN DIEGO COMMUNITY POWER PHASE ONE LAUNCH UPDATE

Councilmember Padilla introduced Mr. Carnahan who, along with Cody Hooven, gave a presentation on the item.

*The following members of the public spoke in support of the item:
- Rita Clement, Chula Vista resident*

- Sara Kent
- Carolyn Scofield, Chula Vista resident
- Becky Thimm, Chula Vista resident

- C. [21-0019](#) PRESENTATION BY CHULA VISTA POLICE CAPTAIN DON REDMOND OF THE POLICE DEPARTMENT'S LIVE 911

Police Chief Kennedy and Captain Redmond gave a presentation on the item.

- D. [21-0030](#) PRESENTATION OF A PROCLAMATION TO KATHY AND ADAM SPARKS IN RECOGNITION OF MANGIA ITALIANO'S SIGNIFICANT CONTRIBUTIONS TO THE CITY AND RESIDENTS OF CHULA VISTA

Mayor Casillas Salas read the proclamation and presented it virtually to Kathy and Adam Sparks.

CONSENT CALENDAR (Items 1 - 7)

Mayor Casillas Salas stated she would abstain from voting on Item 5 due to a potential property-related conflict of interest. Item 7 was removed from the consent calendar at the request of staff.

1. [21-0018](#) APPROVAL OF MINUTES of August 4 and 25, and September 15 and 22, 2020.

Recommended Action: Council approve the minutes.

2. [21-0014](#) A. RESOLUTION NO. 2021-022 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACKNOWLEDGING RECEIPT OF COUNCIL POLICY NO. 220-01, THE CITY OF CHULA VISTA INVESTMENT POLICY AND GUIDELINES; AMENDING THE EXISTING POLICY; AND DELEGATING INVESTMENT ACTIVITY AUTHORITY TO THE DIRECTOR OF FINANCE/TREASURER-

B. INVESTMENT REPORT FOR THE QUARTER ENDED DECEMBER 31, 2020

Recommended Action: Council adopt the resolution and receive the report.

3. [20-0392](#) RESOLUTION NO. 2021-023 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FIRST AMENDED AND RESTATED AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND SCG - SPICER CONSULTING GROUP, LLC. FOR SPECIAL TAX CONSULTANT SERVICES FOR ASSESSMENT DISTRICTS, COMMUNITY FACILITIES DISTRICTS, OPEN SPACE DISTRICTS AND ANNUAL SEWER ASSESSMENT ADMINISTRATION SERVICES

Recommended Action: Council adopt the resolution.

4. [20-0558](#) RESOLUTION NO. 2021-024 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA TEMPORARILY WAIVING ALL LATE FEES IMPOSED UPON DELINQUENT PAYMENTS OF BUSINESS LICENSE FEES FOR THE CALENDAR YEAR 2021 RENEWAL PERIOD

Recommended Action: Council adopt the resolution.

- 5. [20-0560](#) RESOLUTION NO. 2021-025 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE 2021 ANNUAL REPORT FOR THE DOWNTOWN CHULA VISTA PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT

Recommended Action: Council adopt the resolution.

- 6. [20-0550](#) RESOLUTION NO. 2021-026 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A JOINT USE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE CITY OF CHULA VISTA FOR THE COLOCATION OF AN EXISTING CITY OF SAN DIEGO SOUTH METRO INTERCEPTOR SEWER PIPELINE IN A SEGMENT OF E STREET

Recommended Action: Council adopt the resolution.

Item 7 was removed from the consent calendar.

Approval of the Consent Calendar

ACTION: A motion was made by Mayor Casillas Salas, seconded by Deputy Mayor McCann, to approve staff's recommendations on the above Consent Calendar items, headings read, text waived. The motion carried by the following roll call vote:

Yes: 5 - Cardenas, Galvez, McCann, Padilla and Casillas Salas

No: 0

Abstain: 0

ACTION: Item 5:

Yes: 4 - Cardenas, Galvez, McCann and Padilla

No: 0

Abstain: 1 - Casillas Salas

ITEMS REMOVED FROM THE CONSENT CALENDAR

- 7. [21-0029](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (1) RESCINDING CITY COUNCIL RESOLUTION NO. 2021-001 AND CANCELLING THE AWARD OF THE CONTRACT FOR THE "MAJOR PAVEMENT REHABILITATION FY 2018/2019 (STM0397)" PROJECT TO FRANK AND SON PAVING, INC. AND (2) AWARDED THE PROJECT CONTRACT TO THE NEXT APPARENT LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, HAZARD CONSTRUCTION COMPANY, IN THE AMOUNT OF \$2,082,419.70

Engineering Director Valle spoke regarding the item.

A representative from Frank & Son Paving Inc. submitted comments and spoke in opposition to staff's recommendation.

Jason Mordhorst, representing Hazard Construction, submitted comments and spoke in support of staff's recommendation.

Cyndi Beilman, representing Surety Associates of Southern California, submitted written comments regarding the circumstances surrounding the obtaining of a bond by Frank & Son Paving.

Alicia Vasquez, representing Frank & Son Paving Inc., submitted comments in opposition to staff's recommendation.

There was consensus of the Council, based on evidence presented orally and in writing, to make the determination that, under the extenuating circumstances, the failure of Frank and Son Paving, Inc. to timely provide the required performance and payment bonds for the "Major Pavement Rehabilitation FY 2018/19 (STM0397)" project in a timely manner was excusable and constituted a minor defect.

PUBLIC COMMENTS

8. [21-0025](#) PUBLIC COMMENTS RECEIVED for February 16, 2021

The following members of the public submitted written comments expressing concern regarding the condition of a shopping center on Bonita Road:

- Stephen Stonehouse, Bonita resident
- Sharmane Estolano, Bonita resident

Jonathan Hawes expressed concern regarding an issue in City of El Monte.

Bernadette Clowers submitted comments in support of upgrading the Council meeting video quality.

ACTION ITEMS

9. [20-0556](#) CONSIDERATION OF ESTABLISHING NEW GREENS FEES AT THE CHULA VISTA MUNICIPAL GOLF COURSE

RESOLUTION NO. 2021-027 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 8 (GREENS FEES) OF THE CITY'S MASTER FEE SCHEDULE AND ESTABLISHING NEW GREENS FEES AT THE CHULA VISTA MUNICIPAL GOLF COURSE

Deputy City Manager Crockett spoke regarding the item.

Council discussion ensued.

Bob Strahl submitted comments in support of staff's recommendations.

ACTION: A motion was made by Deputy Mayor McCann, seconded by Councilmember Galvez, to adopt Resolution No. 2021-027, heading read, text waived. The motion carried by the following roll call vote:

Yes: 5 - Cardenas, Galvez, McCann, Padilla and Casillas Salas

No: 0

Abstain: 0

10. [20-0557](#) CONSIDERATION OF ESTABLISHING ENERGY BENCHMARKING AND CONSERVATION REQUIREMENTS FOR MULTIFAMILY AND COMMERCIAL BUILDINGS

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.26 OF THE CHULA VISTA MUNICIPAL CODE TO ESTABLISH ENERGY BENCHMARKING AND CONSERVATION REQUIREMENTS FOR MULTIFAMILY AND COMMERCIAL BUILDINGS (FIRST READING)

(THIS ITEM WAS PREVIOUSLY ON THE AGENDA OF 1/5/2021.)

Chief Sustainability Officer Gakunga and Environmental Sustainability Manager Wisniewski gave a presentation on the item.

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

- Darbi Berry, representing San Diego Regional Climate Collaborative*
- Jason Anderson, representing Cleantech San Diego*
- Carolyn Scofield, Chula Vista resident*
- Becky Thimm, Chula Vista resident*
- Noah Harris, San Diego resident*
- Rita Clement, Chula Vista resident*

Council discussion ensued.

Matt Adams, representing Building Industry Association of San Diego County, submitted comments in opposition to staff's recommendation and in support of the item being considered at a future date.

Lisa Cohen, representing the Chula Vista Chamber of Commerce, submitted written comments requesting the item be considered at a future date.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember Padilla, to place the above ordinance on first reading, as amended to change enforcement provisions by deleting Section 1.2.b. The heading was read, text waived. The motion carried by the following roll call vote:

Yes: 4 - Cardenas, Galvez, Padilla and Casillas Salas

No: 1 - McCann

Abstain: 0

11. [20-0570](#) CONSIDERATION OF APPROVING AMENDED AND RESTATED REVENUE SHARING AND JOINT COMMUNITY FACILITIES AGREEMENTS WITH THE SAN DIEGO UNIFIED PORT DISTRICT AND CHANGES TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES FOR THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT

A. RESOLUTION NO. 2021-028 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A THIRD AMENDED AND RESTATED REVENUE SHARING AGREEMENT BY AND AMONG THE CITY OF CHULA VISTA, THE SAN DIEGO UNIFIED PORT DISTRICT, AND THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY

B. RESOLUTION NO. 2021-029 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDED AND RESTATED JOINT COMMUNITY FACILITIES AGREEMENT BY AND BETWEEN THE CITY

OF CHULA VISTA AND THE SAN DIEGO UNIFIED PORT DISTRICT FOR THE CHULA VISTA BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT

C. RESOLUTION NO. 2021-030 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, ACTING AS THE LEGISLATIVE BODY OF THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT DECLARING ITS INTENTION TO CONSIDER CHANGES TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES AUTHORIZED TO BE LEVIED THEREIN AND EXPAND TERRITORY WHEREIN IMPROVEMENTS MAY BE LOCATED AND SERVICES MAY BE PROVIDED

City Manager Kachadoorian and Ann Moore, representing the San Diego Unified Port District, spoke regarding the item and recognized staff and others involved in the Bayfront efforts.

ACTION: A motion was made by Councilmember Padilla, seconded by Mayor Casillas Salas, to adopt Resolution Nos. 2021-028 through 2021-030, headings read, text waived. The motion carried by the following roll call vote:

Yes: 5 - Cardenas, Galvez, McCann, Padilla and Casillas Salas

No: 0

Abstain: 0

12. [21-0010](#) CONSIDERATION OF ACCEPTING FEDERAL FUNDS AND APPLYING FOR STATE FUNDS FOR AN EMERGENCY RENTAL ASSISTANCE PROGRAM AND ENTERING INTO A CONTRACTOR/SERVICE PROVIDER AGREEMENT WITH SOUTH BAY COMMUNITY SERVICES

A. RESOLUTION NO. 2021-031 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE ACCEPTANCE OF A CONSOLIDATED APPROPRIATIONS ACT OF 2021 ALLOCATION FROM THE UNITED STATES DEPARTMENT OF TREASURY FOR AN EMERGENCY RENTAL ASSISTANCE PROGRAM AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

B. RESOLUTION NO. 2021-032 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE CITY TO PURSUE AND ACCEPT A BLOCK GRANT FROM STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) FOR A STATE EMERGENCY RENTAL ASSISTANCE PROGRAM, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A STANDARD AGREEMENT WITH HCD FOR THE IMPLEMENTATION OF A STATE EMERGENCY RENTAL ASSISTANCE PROGRAM PURSUANT TO SENATE BILL 91, AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

C. RESOLUTION NO. 2021-033 OF THE CITY COUNCIL OF THE CITY

OF CHULA VISTA WAIVING THE COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO CHULA VISTA MUNICIPAL CODE SECTION 2.56.070(B)(3) AND APPROVING A CONTRACTOR/SERVICE PROVIDER AGREEMENT WITH SOUTH BAY COMMUNITY SERVICES TO PROVIDE AN EMERGENCY RENTAL AND UTILITY ASSISTANCE PROGRAM FUNDED BY STATE AND FEDERAL CONSOLIDATED APPROPRIATIONS ACT OF 2021 ALLOCATIONS

City Attorney Googins announced that Deputy Mayor McCann would abstain from voting on the item due to a potential property-related conflict of interest. Deputy Mayor McCann left the meeting during discussion and action on the item.

Housing Manager Hines gave a presentation on the item. She, Marketing and Communications Manager Steinberger, and Senior Management Analyst Dorado responded to questions of the Council.

The following members of the public submitted comments expressing a neutral position on the item and concern regarding landlords receiving potential funds:

- Edward A
- Maty Adato

Margaret Baker, representing South Bay People Power, submitted comments in support of the item.

City Attorney Googins announced that a revised resolution for Item 12B had been distributed to the Council and that action would be with respect to the revised document.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember Galvez, to adopt Resolution Nos. 2021-031 through 2021-033, headings read, text waived. The motion carried by the following roll call vote:

Yes: 4 - Cardenas, Galvez, Padilla and Casillas Salas

No: 0

Abstain: 1 - McCann

CITY MANAGER'S REPORTS

City Manager Kachadoorian acknowledged the successful issuance of the City's pension obligation bonds at a rate of 2.54% and recognized the City Council for its work on the City's reserve policy, as well as Finance Director Bilby and the Finance Department

13. [21-0037](#) CITY MANAGER'S PROPOSED EMERGENCY ORDER, ACTING AS THE CITY'S DIRECTOR OF EMERGENCY OPERATIONS, TO CAP THIRD PARTY RESTAURANT DELIVERY FEES AT 15%, AND TO POTENTIALLY CAP RELATED SERVICE FEES, UNTIL SUCH TIME AS THE STATE TAKES PREEMPTIVE ACTION OR RESTAURANTS ARE ALLOWED TO OPERATE INDOORS, AND SOLICITING CITY COUNCIL/PUBLIC INPUT REGARDING SAME

City Manager Kachadoorian gave a presentation on 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 Council agenda to consider joining the Mayor's Monarch Pledge to support Monarch butterflies.

Mayor Casillas Salas spoke regarding the following events: COVID-19 Community Champion nominations, grand opening of La Central Urban Grill, 3rd Ave Streetscape ribbon cutting, County virtual town hall on vaccines, and Veteran's Park reopening. She spoke regarding COVID-19 vaccination availability and recognized the Library and Fire Departments.

Mayor Casillas Salas provided an update from former Councilmember Pamela Bensoussan.

COUNCILMEMBERS' COMMENTS

Councilmember Cardenas recognized staff for the items presented to the Council. She spoke regarding the Chula Vista superstation and thanked the staff. She thanked to those watching the meeting for the participation in a long meeting.

Councilmember Galvez spoke regarding the following events: Envision Broadway mixer, 111th National City Chamber of Commerce induction, 3rd Avenue Streetscape ribbon cutting, Veteran's Park reopening and the grand opening of La Central Urban Grill. She thanked and recognized the Fire Department for Operation Immunity and spoke regarding the City's pension obligation bonds.

Deputy Mayor McCann recognized employees and health care workers, spoke regarding Operation Immunity and thanked City Manager Kachadoorian and Finance Director Bilby for their work on the City's Pension Obligation Bonds. He spoke regarding poke regarding the following events: Third Avenue Streetscape ribbon cutting, Veteran's Playground grand reopening and the virtual Chula Vista golf course forum.

CITY ATTORNEY'S REPORTS

There was none.

CLOSED SESSION

City Attorney Googins announced that the Council would convene in Closed Session to discuss Items 14 and 15 listed below.

Mayor Casillas Salas recessed the meeting at 9:03 P.M. The Council reconvened in Closed Session at 9:10 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.

14. [21-0575](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(1)

Name of case:

A. Estate of Oral Nunis, Sr. by and through Roxie A. Nunis, et al. v. City of Chula Vista, San Diego Superior Court, Case No. 37-2020-43271 -CU-CR-CTL;

B. Lucy Ludwig-Melendez, et al. v. City of Chula Vista, San Diego Superior Court, Case No. 37-2019-34737-CU-EI-CTL

ACTION: No Reportable Action

15. [21-0576](#) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) [or] (3):

(2) Cases:

A. Claim presented 07/17/20; and

B. Claim re: Notice of Potential Liability, Request for Information, Request for Payment, and Request for Performance of Work Associated with Releases and Threatened Releases of Hazardous Substances at the San Diego Bay National Wildlife Refuge Site in Chula Vista and National City, California

ACTION: No Reportable Action

ADJOURNMENT

Mayor Casillas Salas paid tribute to James Alderete Borboa and adjourned the meeting in his memory.

The meeting was adjourned at 10:10 p.m.

Minutes prepared by: Tyshar L. Turner, Assistant City Clerk

Kerry K. Bigelow, MMC, City Clerk