

City of Chula Vista

Meeting Minutes - Final

Tuesday, July 24, 2018

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 5:01 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 Records Manager Turner

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Deputy Mayor Diaz led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [18-0273](#) EMPLOYEE SERVICE RECOGNITION HONORING STAFF WITH MILESTONE SERVICE ANNIVERSARIES

City Manager Halbert recognized employees with milestone service anniversaries.

- B. [18-0331](#) SPECIAL RECOGNITION OF CONNOR SZCZECHOWICZ UPON WINNING THE 2018 U.S. KIDS GOLF CALIFORNIA STATE INVITATIONAL

Mayor Casillas Salas read the proclamation and Councilmember Padilla presented Connor Szczechowicz with a City of Champions medal.

- C. [18-0337](#) RECOGNITION OF THE PUBLIC WORKS DEPARTMENT'S PARTICIPATION IN THE MAINTENANCE SUPERINTENDENT'S ASSOCIATION (MSA) 2018 EQUIPMENT RODEO AND WINNING THE FIRST PLACE TROPHY

Director of Public Works Quilantan recognized the Chula Vista Public Works team and Public Works Supervisor Cancio gave a presentation on the item.

CONSENT CALENDAR (Items 1 - 5)

Mayor Casillas Salas stated Councilmembers McCann and Padilla would be abstaining from voting on Item # 4B due to potential property-related conflicts of interest.

1. [18-0332](#) ORDINANCE NO. 3432 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 19.58 (USES) TO ADD SECTION 19.58.440 (MOBILE FOOD FACILITIES), AMENDING CHAPTER 8.20 (FOOD VENDORS), AMENDING CHAPTER 5.62 (VENDING VEHICLES), AMENDING CHAPTER 10.52 (STOPPING, STANDING, AND PARKING), AND AMENDING CHAPTER 5.07 (MASTER TAX SCHEDULE) (SECOND READING AND ADOPTION)

Recommended Action: Council adopt the ordinance.

2. [18-0333](#) ORDINANCE NO. 3433 OF THE CITY OF CHULA VISTA APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND NORTH C.V. WATERFRONT L.P. FOR THE DEVELOPMENT OF APPROXIMATELY 33 ACRES OF LAND LOCATED IN THE HARBOR DISTRICT OF THE CHULA VISTA BAYFRONT MASTER PLAN AREA (SECOND READING AND ADOPTION)

Recommended Action: Council adopt the ordinance.

3. [18-0302](#) RESOLUTION NO. 2018-147 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$103,078 FROM THE STATE OF CALIFORNIA DEPARTMENT OF JUSTICE AND APPROPRIATING SAID FUNDS TO THE POLICE GRANTS SECTION OF THE FEDERAL GRANTS FUND FOR THE TOBACCO LAW ENFORCEMENT GRANT (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

4. [18-0304](#) A. RESOLUTION NO. 148 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA LEVYING SPECIAL TAXES TO BE COLLECTED TO PAY THE COSTS OF FACILITIES AND SERVICES FOR COMMUNITY FACILITIES DISTRICTS 97-1, 97-2, 97-3, 98-1, 98-2, 98-3, 99-1, 99-2, 2000-1, 2001-1, 2001-2, 07-I, 08-I, 08-M, 09-M, 11-M, 12-I, 12-M, 13-I, 13-M, 14-M, 16-I, 17-I, 18-M AND 19-M WITHIN THE CITY OF CHULA VISTA AND DESIGNATING THE DIRECTOR OF FINANCE/TREASURER TO FILE A LIST OF TAXES TO BE LEVIED ON EACH PARCEL WITH THE COUNTY AUDITOR EACH YEAR

B. RESOLUTION NO. 149 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA LEVYING SPECIAL TAXES TO BE COLLECTED TO PAY THE COSTS OF FACILITIES AND SERVICES FOR COMMUNITY FACILITIES DISTRICTS 06-I AND 07-M, WITHIN THE CITY OF CHULA VISTA AND DESIGNATING THE DIRECTOR OF FINANCE/TREASURER TO FILE A LIST OF TAXES TO BE LEVIED ON EACH PARCEL WITH THE COUNTY AUDITOR EACH YEAR

Recommended Action: Council adopt the resolutions.

5. [18-0334](#)

A. RESOLUTION NO. 2018-150 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TAX AND ADMINISTRATION FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX

B. RESOLUTION NO. 2018-151 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE EXAMINATION OF TRANSACTIONS (SALES) AND USE TAX RECORDS

Recommended Action: Council adopt the resolutions.

Approval of the Consent Calendar

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Padilla, to approve staff's recommendations on the above Consent Calendar items, headings read, text waived. The motion carried by the following vote:

Items 1 through 4A, and 4C through 5:

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

No: 0

Abstain: 0

ACTION: Item 4B:

Yes: 3 - Aguilar, Diaz and Casillas Salas

No: 0

Abstain: 2 - McCann and Padilla

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

Laura Loza, Chula Vista resident, expressed concern regarding the impacts of a sober living home in the area of Valencia Loop.

Carolyn Reynolds, representing Coronado Cab, spoke regarding AB1069 and taxicab administration being transferred to the Metropolitan Transit System. At the request of Mayor Casillas Salas, there was consensus of the Council to add an item on the topic to a future agenda.

PUBLIC HEARINGS

6. [18-0236](#) A. RESOLUTION NO. 2018-152 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA LEVYING THE ASSESSMENTS AND COLLECTIBLES FOR THE FISCAL YEAR 2018/2019 FOR OPEN SPACE DISTRICTS 2 THROUGH 7, 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
- B. RESOLUTION NO. 2018-153 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA LEVYING THE ASSESSMENTS AND COLLECTIBLES FOR THE FISCAL YEAR 2018/2019 FOR OPEN SPACE DISTRICTS 9, 10 AND TOWN CENTRE MAINTENANCE DISTRICT
- C. RESOLUTION NO. 2018-154 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA LEVYING THE ASSESSMENTS AND COLLECTIBLES FOR THE FISCAL YEAR 2018/2019 FOR OPEN SPACE DISTRICT 8
- D. RESOLUTION NO. 2018-155 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA LEVYING THE ASSESSMENTS AND COLLECTIBLES FOR THE FISCAL YEAR 2018/2019 FOR OPEN SPACE DISTRICT 20 (ZONE 7)
- E. RESOLUTION NO. 2018-156 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA LEVYING THE ASSESSMENTS AND COLLECTIBLES FOR THE FISCAL YEAR 2018/2019 FOR OPEN SPACE DISTRICT 1
- F. RESOLUTION NO. 2018-157 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA LEVYING THE ASSESSMENTS AND COLLECTIBLES FOR THE FISCAL YEAR 2018/2019 FOR EASTLAKE MAINTENANCE DISTRICT 1 (ZONE C)

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 Manager Halbert announced staff was available for any questions.

City Attorney Googins described the following potential property-related conflicts of interest: Mayor Casillas Salas on Item 6B; Councilmember Aguilar on Item 6C; Councilmembers Aguilar and McCann on Item 6D; Councilmember McCann on Item 6E; and Councilmember Padilla on Item 6F.

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.

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, to adopt Resolution No. 2018-152 (Item 6A), heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

Mayor Casillas Salas left the dais at 5:33 p.m., during voting on Item 6B.

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, to adopt Resolution No. 2018-153 (Item 6B), heading read, text waived. The motion carried by the following vote:

Yes: 4 - Aguilar, Diaz, McCann and Padilla

No: 0

Abstain: 1 - Casillas Salas

Mayor Casillas Salas returned to the dais at 5:35 p.m.

Councilmember Aguilar left the dais at 5:35 p.m., during voting on Items 6C and 6D.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember McCann, to adopt Resolution No. 2018-154 (Item 6C), heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 1 - Aguilar

Councilmember McCann left the dais at 5:36 p.m., during voting on Items 6D and 6E.

ACTION: A motion was made by Deputy Mayor Diaz, seconded by Councilmember Padilla, to adopt Resolution No. 2018-155 (Item 6D), heading read, text waived. The motion carried by the following vote:

Yes: 3 - Diaz, Padilla and Casillas Salas

No: 0

Abstain: 2 - Aguilar and McCann

Councilmember Aguilar returned to the dais at 5:37 p.m.

ACTION: A motion was made by Councilmember Padilla, seconded by Mayor Casillas Salas, to adopt Resolution No. 2018-156 (Item 6E), heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 1 - McCann

Councilmember McCann returned to the dais at 5:38 p.m.

Councilmember Padilla left the dais at 5:38 p.m., during voting on Item 6F.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Deputy Mayor Diaz, to adopt Resolution No. 2018-157 (Item 6F), heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 1 - Padilla

ACTION ITEMS

7. [18-0235](#) A. ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHAPTER 5.21, "CANNABIS BUSINESS TAX," TO TITLE 5 OF THE CHULA VISTA MUNICIPAL CODE TO ESTABLISH A TAX ON CANNABIS BUSINESS ACTIVITY (FIRST READING)

B. RESOLUTION NO. 2018-158 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA: (A) AMENDING RESOLUTION NO. 2018-128 CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 6, 2018; (B) ORDERING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE SEEKING APPROVAL OF A GENERAL BUSINESS LICENSE TAX ON CANNABIS BUSINESS ACTIVITY IN THE CITY; (C) AUTHORIZING THE MAYOR TO SUBMIT BALLOT ARGUMENTS IN FAVOR OF THE MEASURE; AND (D) DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE

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

- Rhoda Campbell, San Diego resident
- Kathleen Lippett, Poway resident
- Jose Escobar, Chula Vista resident
- Janet Asaro
- Kelly McCormick
- Barbara Gordon
- Terry Lewis, Chula Vista resident
- David Reidy, Chula Vista resident
- Dale Drees, Chula Vista resident
- Damien Johnson, and he suggested a conditional use permit process for marijuana manufacturing facilities.
- Grace Rapp
- Megan Blaze
- April Drew, Chula Vista resident
- Steven Pavka, Chula Vista resident

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

- Ken Sobel, San Diego resident
- Daniel Green, Chula Vista resident
- Molly Jones, Chula Vista resident
- Shane Harris, Chula Vista resident
- Deuel Woodward, Chula Vista resident

Council discussion ensued and the Council provided revisions to the proposed ordinance and resolution.

The conclusion of Item 7 was discussed following Councilmembers' Comments.

Mayor Casillas Salas recessed the meeting at 7:28 p.m. The Council reconvened at 7:34 p.m., with all members present.

8. [18-0262](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS CHAPTERS OF TITLE 2 OF THE CHULA VISTA MUNICIPAL CODE, RELATED TO REGULATIONS AND PROCESSES APPLICABLE TO THE CITY'S BOARDS AND COMMISSIONS (FIRST READING)

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Aguilar, to place the ordinance 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

MAYOR'S REPORTS

9. [18-0340](#) RATIFICATION OF APPOINTMENTS OF THE FOLLOWING:

Roselle Ellison, Board of Library Trustees
Ken Muraoka, International Friendship Commission
Venus Molina, International Friendship Commission
Marnyce S. McKell, International Friendship Commission
Tuere Faaola, Safety Commission
John Richeson, Sustainability Commission
Maria E. Balolong, Veterans Advisory Commission
Patricia Larkin, Veterans Advisory Commission
Jan Buddingh, Charter Review Commission
Rachel McDonald, Charter Review Commission
Paul Crawford, Commission on Aging

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

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

No: 0

Abstain: 0

Mayor Casillas Salas stated she attended the ceremony to dedicate the Palomar Street bridge to San Diego Police Officer Jonathan DeGuzman. She also reported on the Bonita Valley All-Star softball team's visit to City Hall.

COUNCILMEMBERS' COMMENTS

Councilmember Padilla spoke regarding the Palomar Street bridge dedication in memory of Officer DeGuzman. Councilmember Padilla and Mayor Casillas Salas recognized Assemblywoman Lorena Gonzalez Fletcher for her efforts on the state resolution necessary for the dedication, as well as the donors who contributed to the signage.

Councilmember McCann congratulated his Navy unit for receiving the second Battle "E" award.

CITY MANAGER'S REPORTS

City Manager Halbert gave an update on the Bayfront development.

The beginning of Item 7 was heard in order, with the conclusion following City Manager's Reports.

7. [18-0235](#) A. ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHAPTER 5.21, "CANNABIS BUSINESS TAX," TO TITLE 5 OF THE CHULA VISTA MUNICIPAL CODE TO ESTABLISH A TAX ON CANNABIS BUSINESS ACTIVITY (FIRST READING)

B. RESOLUTION NO. 2018-158 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA: (A) AMENDING RESOLUTION NO. 2018-128 CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 6, 2018; (B) ORDERING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE SEEKING APPROVAL OF A GENERAL BUSINESS LICENSE TAX ON CANNABIS BUSINESS ACTIVITY IN THE CITY; (C) AUTHORIZING THE MAYOR TO SUBMIT BALLOT ARGUMENTS IN FAVOR OF THE MEASURE; AND (D) DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE

City Attorney Googins distributed a revised resolution and ordinance, based on Council's direction, and read the revised language.

ACTION: A motion was made by Councilmember Padilla, seconded by Mayor Casillas Salas, to place the ordinance on first reading as amended, and adopt Resolution No. 2018-158 as amended, headings read, text waived. The motion carried by the following vote:

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

No: 1 - McCann

Abstain: 0

CITY ATTORNEY'S REPORTS

City Attorney Googins announced that the Council would convene in closed session to discuss Item 10 below, and that Item 11 would not be discussed and would be continued to a future date.

Lynnette Tessitore, representing the Chula Vista Mid-Managers & Professional Association, spoke regarding Item 10, and stated that the bargaining group was committed to the City and available to answer any questions from the Council.

Mayor Casillas Salas recessed the meeting at 7:48 p.m. The Council reconvened in closed session at 8:00 p.m. with all members present.

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. [18-0286](#) 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: No reportable action.

11. [18-0301](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 318 4th Ave, Chula Vista, CA
Agency Negotiators: Rick Ryals and Eric Crockett
Negotiating Parties: City of Chula Vista and Heritage Group
Under Negotiation: Price and Terms for Acquisition

Item 11 was not discussed and was continued to a future date.

ADJOURNMENT

At 8:45 p.m., the meeting was adjourned to the Regular City Council Meeting on August 7, 2018, at 5:00 p.m., in the Council Chambers.

Kerry K. Bigelow, MMC, City Clerk