



MEETING OF THE CITY COUNCIL

Agenda

Cheryl Cox, Mayor
Patricia Aguilar, Councilmember
Pamela Bensoussan, Councilmember
Rudy Ramirez, Councilmember
Mary Salas, Councilmember

Gary Halbert, City Manager
Glen R. Googins, City Attorney
Donna R. Norris, City Clerk

Tuesday, September 23, 2014

2:00 PM

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

REGULAR MEETING OF THE CITY COUNCIL

REVISED 9/19/14

CALL TO ORDER

ROLL CALL:

Councilmembers Aguilar, Bensoussan, Ramirez, Salas and Mayor Cox

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

SPECIAL ORDERS OF THE DAY

- A. 14-0545 OATHS OF OFFICE
Michael Lengyel, Growth Management Oversight Commission
Cheryl Perez and Kristine Wunder, Veterans Advisory Commission
B. 14-0481 PRESENTATION OF A PROCLAMATION TO KRISTINE WUNDER, CHULA VISTA'S 2014-2015 VETERAN OF THE YEAR

- C. [14-0490](#) PRESENTATION OF A PROCLAMATION TO CHULA VISTA POLICE DEPARTMENT AGENT MARTIN BRADY ON 31 YEARS OF SERVICE TO THE CITY OF CHULA VISTA
- D. [14-0509](#) PRESENTATION OF A PROCLAMATION TO REACH OUT AND READ SAN DIEGO PROJECT DIRECTOR TARA MILBRAND, MSW, CHULA VISTA ELEMENTARY SCHOOL DISTRICT SUPERINTENDENT DR. FRANCISCO ESCOBEDO, CVESD STUDENT PLACEMENT MANAGER LISA BUTLER AND SWEETWATER UNION HIGH SCHOOL DISTRICT ATTENDANCE COORDINATOR JOSE SANCHEZ, PROCLAIMING SEPTEMBER 2014 AS SCHOOL ATTENDANCE MONTH IN CHULA VISTA

### CONSENT CALENDAR (Items 1 - 14)

*The Council will enact the Consent Calendar staff recommendations by one motion, without discussion, unless a Councilmember, a member of the public, or staff requests that an item be removed for discussion. If you wish to speak on one of these items, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting. Items pulled from the Consent Calendar will be discussed immediately following the Consent Calendar.*

1. [14-0549](#) APPROVAL OF MINUTES of September 9, and 11, 2014.
- Staff Recommendation:* Council approve the minutes.
2. [14-0541](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTIONS 1.04.010, 2.66.310 AND 2.66.330 DELEGATING AUTHORITY TO PARK RANGER TO ISSUE INFRACTION CITATIONS AND GENERAL UPDATES TO CHAPTER 2.66 (SECOND READING AND ADOPTION)
- Department:* Public Works Department
- Staff Recommendation:* Council adopt the ordinance.
3. [14-0542](#) ORDINANCE OF THE CITY OF CHULA VISTA ESTABLISHING A 1-HOUR TIME LIMITED PARKING ZONE ALONG THE WEST SIDE OF SILVAS STREET IN FRONT OF 2620 MAIN STREET (SECOND READING AND ADOPTION)
- Department:* Public Works Department
- Staff Recommendation:* Council adopt the ordinance.

4. [14-0543](#) ORDINANCE OF THE CITY OF CHULA VISTA APPROVING THE FIRST AMENDMENT TO THE RESTATED AND AMENDED PRE-ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE OTAY LAND COMPANY, LLC AND THE CITY OF CHULA VISTA FOR PROPERTIES WITHIN THE OTAY RANCH PLANNED COMMUNITY (SECOND READING AND ADOPTION)

*Department:* Development Services Department

*Staff Recommendation:* Council adopt the ordinance.

5. [14-0515](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 6.24.040 (BARKING DOGS) TO BETTER ADDRESS AND MORE EFFICIENTLY RESOLVE THE BARKING DOG COMPLAINT AND ENFORCEMENT PROCESS, REMOVING SECTION 6.24.050, DISTURBING THE PEACE PROHIBITED, AND REMOVING SECTION 6.24.060, NUISANCE (REVISED SECOND READING AND ADOPTION)

The first reading of this ordinance was unanimously passed by the City Council on March 5, 2013, which included amending one section of the Chula Vista Municipal Code and removing sections 6.24.050 and 6.24.060. At the second reading and adoption on March 19, 2013, only the amended section was presented and the removal of sections 6.24.050 and 6.24.060 was inadvertently omitted. This revised second reading intends to correct the error. The title of the ordinance has been changed to reflect the amendment and the deletions.

*Department:* Animal Care Facility

*Staff Recommendation:* Council adopt the ordinance.

6. [14-0501](#) RESOLUTION 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 A CITY OF SAN DIEGO WATERLINE WITHIN SEGMENTS OF LA MEDIA ROAD AND OTAY VALLEY ROAD AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

*Department:* Development Services Department

*Staff Recommendation:* Council adopt the resolution.

7. [14-0476](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2014-15 CIP BUDGET AND ESTABLISHING A NEW CAPITAL IMPROVEMENT PROJECT "EMERGENCY STORM DRAIN REPAIRS AT BRANDYWINE AVENUE & SEQUOIA STREET (DR197)"; ACCEPTING THE FINAL REPORT OF EXPENDITURES FOR THE "BRANDYWINE AVENUE & SEQUOIA STREET (DR197)" PROJECT; REDUCING THE DR193 CIP BUDGET BY \$196,000 IN TRANSNET FUNDS AND APPROPRIATING THE EQUIVALENT AMOUNT TO DR197; MAKING A FINDING THAT AN EMERGENCY EXISTED; AND, RATIFYING THE CONTRACT WITH ARRIETA CONSTRUCTION, INC. FOR SAID EMERGENCY REPAIR (4/5 VOTE REQUIRED)

*Department:* Public Works Department

*Staff Recommendation:* Council adopt the resolution.

8. [14-0517](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS; AWARDED THE CONTRACT FOR "BRUSH CLEARANCE IN RICE CANYON" (CIP # OP225) TO AZTEC LANDSCAPING, INC. IN THE AMOUNT OF \$216,747.20 IN ACCORDANCE WITH MULTIPLE SPECIES CONSERVATION SUBAREA PLAN (MSCP) OF 2003 AND AREA SPECIFIC MANAGEMENT DIRECTIVES (ASMDs); AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT

*Department:* Public Works Department

*Staff Recommendation:* Council adopt the resolution.

9. [14-0548](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA SUPPORTING SAN DIEGO'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MODIFIED PERMIT FOR THE POINT LOMA WASTEWATER TREATMENT PLANT
- Department:* Public Works Department
- Staff Recommendation:* Council adopt the resolution.
10. [14-0497](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2014-15 AUTHORIZED POSITION COUNT FOR THE LIBRARY DEPARTMENT BY ADDING 1.0 LIBRARIAN I POSITION AND ELIMINATING 1.0 LIBRARY ASSOCIATE POSITION
- Department:* Library Department
- Staff Recommendation:* Council adopt the resolution.
11. [14-0503](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE CITY OF CHULA VISTA OR ITS DESIGNEE TO ENTER INTO A SOLE SOURCE PURCHASE WITH PIERCE MANUFACTURING FOR THE ACQUISITION OF A PIERCE ARROW XT TRIPLE COMBINATION PUMPER/FIRE ENGINE
- Department:* Fire Department
- Staff Recommendation:* Council adopt the resolution.
12. [14-0514](#) REPORT GIVING NOTICE OF INTENT TO AMEND THE CONFLICT OF INTEREST CODE OF THE CITY OF CHULA VISTA AND DIRECTING THE CITY CLERK AND CITY ATTORNEY TO RETURN TO COUNCIL TO PRESENT THE PROPOSED AMENDMENTS WITHIN 90 DAYS
- Department:* City Attorney & City Clerk
- Staff Recommendation:* Council accept the report and direct the City Clerk and City Attorney to present proposed amendments to the conflict of interest code within 90 days.

13. [14-0328](#) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDED AND RESTATED OPERATING AGREEMENT BETWEEN THE CITY AND LIVING COAST DISCOVERY CENTER

*Department:* Recreation Department

*Staff Recommendation:* Council adopt the resolution.

14. [14-0546](#) INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2014

*Department:* Finance Department

*Staff Recommendation:* Council accept the report.

## ITEMS REMOVED FROM THE CONSENT CALENDAR

## PUBLIC COMMENTS

*Persons speaking during Public Comments may address the Council on any subject matter within the Council's jurisdiction that is not listed as an item on the agenda. State law generally prohibits the Council from discussing or taking action on any issue not included on the agenda, but, if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. Comments are limited to three minutes.*

## CITY MANAGER'S REPORTS

## MAYOR'S REPORTS

## COUNCILMEMBERS' COMMENTS

15. [14-0547](#) COUNCILMEMBER SALAS  
Presentation of highlights from the Chula Vista Train Festival held on August 30, 2014

**CLOSED SESSION**

*Announcements of actions taken in Closed Session shall be made available by noon on Wednesday following the Council Meeting at the City Attorney's office in accordance with the Ralph M. Brown Act (Government Code 54957.7).*

16. [14-0550](#) CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Agency designated representatives: Gary Halbert, Bart C. Miesfeld, Kelley Bacon, Maria Kachadorian, Simon Silva and Gary Ficacci

Employee organization: POA

17. [14-0551](#) CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Agency designated representatives: Gary Halbert, Bart C. Miesfeld, Kelley Bacon, Maria Kachadorian, Simon Silva and Jim Geering

Employee organization: IAFF

18. [14-0523](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a):

Rudy Diaz v. Chula Vista Civil Service Commission, San Diego Superior Court, Case No. 37-2013-00035036-CU-WM-CTL

19. [14-0524](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

Tommy LaNier v. City of Chula Vista, et al., San Diego Superior Court, Case No. 37-2014-00019774-CU-DF-CTL

20. [14-0525](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

Valerie Taylor v. City of Chula Vista, et al., San Diego Superior Court, Case No. 37-2014-00028754-CU-OE-CTL

21. [14-0528](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

In re John Hess v. City of Chula Vista, et al., Government Claim for Damages

## ADJOURNMENT

*to the Regular City Council Meeting on October 14, 2014, at 2:00 p.m., in the Council Chambers.*

*Materials provided to the City Council related to any open-session item on this agenda are available for public review at the City Clerk's Office, located in City Hall at 276 Fourth Avenue, Building A, during normal business hours.*

*In compliance with the  
AMERICANS WITH DISABILITIES ACT*

*The City of Chula Vista requests individuals who require special accommodations to access, attend, and/or participate in a City meeting, activity, or service, contact the City Clerk's Office at (619) 691-5041 (California Relay Service is available for the hearing impaired by dialing 711) at least forty-eight hours in advance of the meeting.*

*Sign up at [www.chulavistaca.gov](http://www.chulavistaca.gov) to receive email notifications when City Council agendas are published online.*