

# City of Chula Vista

## Meeting Minutes - Final

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Tuesday, September 23, 2014

2:00 PM

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

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### 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 2:03 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.*

#### ROLL CALL:

**Present:** Deputy Mayor Aguilar, Councilmember Bensoussan, Councilmember Ramirez, Councilmember Salas and Mayor Cox

*Councilmember Bensoussan arrived at 2:04 p.m. and Councilmember Ramirez arrived at 2:21 p.m.*

#### PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

*Retired Police Agent Martin Brady led the Pledge of Allegiance.*

#### 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

*City Clerk Norris administered the oaths of office to Commissioners Lengyel, Perez, and Wunder, and Deputy Mayor Aguilar presented them with certificates of appointment.*

- B. [14-0481](#) PRESENTATION OF A PROCLAMATION TO KRISTINE WUNDER,  
CHULA VISTA'S 2014-2015 VETERAN OF THE YEAR

*Mayor Cox read the proclamation and Councilmember Bensoussan presented it to Ms. Wunder.*

- 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

*Chief Bejarano introduced retired Police Agent Brady. Mayor Cox read the proclamation and Councilmember Salas presented it to Mr. Brady.*

- 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

*Mayor Cox read the proclamation and Councilmember Bensoussan presented it to Ms. Milbrand, Dr. Escobedo, Ms. Butler, and Mr. Sanchez.*

### CONSENT CALENDAR (Items 1 - 14)

1. [14-0549](#) APPROVAL OF MINUTES of September 9, and 11, 2014.

**Recommended Action: Council approve the minutes.**

*Item 2 was removed from the Consent Calendar.*

3. [14-0542](#) ORDINANCE NO. 3320 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)

**Recommended Action: Council adopt the ordinance.**

4. [14-0543](#) ORDINANCE NO. 3321 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)

**Recommended Action: Council adopt the ordinance.**

5. [14-0515](#) ORDINANCE NO. 3258 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.

**Recommended Action: Council adopt the ordinance.**

6. [14-0501](#) RESOLUTION NO. 2014-178 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

**Recommended Action: Council adopt the resolution.**

7. [14-0476](#) RESOLUTION NO. 2014-179 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)

**Recommended Action: Council adopt the resolution.**

8. [14-0517](#) RESOLUTION NO. 2014-180 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS; AWARDING 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

**Recommended Action: Council adopt the resolution.**

9. [14-0548](#) RESOLUTION NO. 2014-181 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

**Recommended Action: Council adopt the resolution.**

10. [14-0497](#) RESOLUTION NO. 2014-182 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

**Recommended Action: Council adopt the resolution.**

11. [14-0503](#) RESOLUTION NO. 2014-183 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

**Recommended Action: 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

**Recommended Action: 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.**

*Item 13 was removed from the Consent Calendar.*

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

**Recommended Action: Council accept the report.**

### Approval of the Consent Calendar

**ACTION:** A motion was made by Mayor Cox, seconded by Councilmember Salas, 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, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

### ITEMS REMOVED FROM THE CONSENT CALENDAR

- 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)

*At the request of Councilmember Salas, there was consensus of the Council to continue the item and request that staff reword the definition of "Alcohol," making it clear that the definition, as stated, applied to types of alcohol that may be considered under a permit.*

- 13. [14-0328](#) RESOLUTION NO. 2014-184 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

*Director of Recreation McClure presented information on the item.*

*Ben Vallejos, Executive Director, representing the Living Coast Discovery Center, provided information regarding the Center and its strategic plan.*

**ACTION:** A motion was made by Councilmember Bensoussan, seconded by Councilmember Ramirez, that Resolution No. 2014-184 be adopted, heading read, text waived. The motion carried by the following vote:

**Yes:** 5 - Aguilar, Bensoussan, Ramirez, Salas and Cox

**No:** 0

**Abstain:** 0

### PUBLIC COMMENTS

*There were none.*

### CITY MANAGER'S REPORTS

*There were none.*

## MAYOR'S REPORTS

Mayor Cox announced a back-to-school adoption event during the month of September 2014 at the Chula Vista Animal Care Facility, as well as the upcoming Beautify Chula Vista event on October 11, 2014.

At the request of Mayor Cox, there was consensus of the Council to add an item to the agenda of October 14, 2014 to consider a resolution in opposition to Proposition 47 on California's November 2014 ballot, related to criminal sentences.

## COUNCILMEMBERS' COMMENTS

Councilmember Ramirez expressed concern regarding issues related to homelessness. Mayor Cox stated there would be a Council workshop on the topic on November 6, 2014.

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

Councilmember Salas gave a presentation on the recent Chula Vista Train Festival and recognized the event's sponsors.

Deputy Mayor Aguilar congratulated Councilmember Salas on the Chula Vista Train Festival.

At the request of Deputy Mayor Aguilar, there was consensus of the Council to add an item to the agenda of October 14, 2014 to consider City endorsement of the Veteran's Day parade and ceremony to be held on November 7, 2014 at Veteran's Elementary School.

Mayor Cox announced that the Council would convene in closed session to discuss the items listed below.

Mayor Cox recessed the meeting at 3:09 p.m. The Council reconvened in Closed Session at 3:17 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.

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 Kachadoorian, Simon Silva and Gary Ficacci

Employee organization: POA

**ACTION:** No reportable action.

- 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 Kachadoorian, Simon Silva and Jim Geering

Employee organization: IAFF

**ACTION:** No reportable action.

- 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

**ACTION:** No reportable action.

- 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

**ACTION:** No reportable action.

- 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

**ACTION:** No reportable action.

- 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

**ACTION:** No reportable action.

**ADJOURNMENT**

*At 5:22 p.m., Mayor Cox adjourned the meeting to the Regular City Council Meeting on October 14, 2014, at 2:00 p.m., in the Council Chambers.*

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Kerry K. Bigelow, Assistant City Clerk