

City of Chula Vista

Meeting Minutes - Draft

Tuesday, February 18, 2014

2:00 PM

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

REGULAR MEETINGS OF THE CITY COUNCIL AND PUBLIC FINANCING AUTHORITY

CALL TO ORDER

Regular Meetings of the City Council and the Public Financing Authority of the City of Chula Vista were called to order at 2:02 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

Deputy Mayor Aguilar arrived at 2:10 p.m. and Councilmember Bensoussan arrived at 2:17 p.m.

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

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Director of Library Waznis led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. 14-0023** PRESENTATION BY LIBRARY DIRECTOR BETTY WAZNIS OF LEAN PROCESSES TO RE-THINK SPACE USE AT THE CHULA VISTA CIVIC CENTER PUBLIC LIBRARY

Director of Library Waznis, Library Digital Services Manager Sawina, and Senior Librarians Taylor and Whatley presented information on efficiency (Lean) efforts at the Chula Vista Public Library.

- B. 14-0074** PRESENTATION BY ASSOCIATE PLANNER LYNNETTE TESSITORE-LOPEZ, DEVELOPMENT SERVICES DEPARTMENT, ADVANCE PLANNING DIVISION, OF THE GREENBELT CENTENNIAL TRAIL MARKER PROGRAM AND CENTENNIAL TRAIL MAP

Associate Planner Tessitore-Lopez gave a presentation regarding the Greenbelt Centennial Trail Marker Program.

CONSENT CALENDAR (Items 1-14)

1. **14-0092** APPROVAL OF MINUTES of December 17, 2013.

Recommended Action: Council approve the minutes.

2. **14-0093** WRITTEN COMMUNICATIONS

Memorandum from Deputy Mayor Aguilar requesting an excused absence from the January 28, 2014 City Council meeting.

Recommended Action: Council excuse the absence.

3. **14-0061** ORDINANCE NO. 3304 OF THE CITY OF CHULA VISTA AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN THE IMPROVEMENT AREAS OF COMMUNITY FACILITIES DISTRICT NO. 14M (EASTERN URBAN CENTER/MILLENNIA) (SECOND READING AND ADOPTION)

Recommended Action: Council adopt the ordinance.

4. **13-0183** RESOLUTION NO. 2014-025 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING REVISIONS TO COUNCIL POLICY NO. 478-01 THAT REFERS TO THE PARTICIPATION BY PRIVATE DEVELOPERS IN THE FINANCING AND/OR INSTALLATION OF TRAFFIC SIGNALS AND APPROPRIATING \$16,358 TO THE FISCAL YEAR 2013-2014 TRAFFIC SIGNAL FUND (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

5. **14-0027** RESOLUTION NO. 2014-026 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVES PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84) FOR THE F STREET PROMENADE STREETScape MASTER PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE FUNDING AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF CONSERVATION

Recommended Action: Council adopt the resolution.

6. **14-0035** RESOLUTION NO. 2014-027 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING THE CONTRACT FOR THE "TRAFFIC SIGNAL MODIFICATIONS, THIRD AVENUE/J STREET AND THIRD AVENUE/NAPLES STREET IN THE CITY OF CHULA VISTA, CA (TF382) FEDERAL NO. HSIPL 5203(038)" PROJECT TO T&M ELECTRIC, INC. DBA PERRY ELECTRIC IN THE AMOUNT OF \$264,035

Recommended Action: Council adopt the resolution.

7. **14-0050** RESOLUTION NO. 2014-028 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE SUBMITTAL OF REGIONAL GRANT APPLICATIONS FOR CALRECYCLE GRANTS FOR WHICH CHULA VISTA IS THE LEAD AGENCY AND AUTHORIZING THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO EXECUTE ALL GRANT DOCUMENTS AND IMPLEMENT PROJECTS FUNDED BY CALRECYCLE REGIONAL GRANTS, FOR A PERIOD OF FIVE YEARS, ON BEHALF OF THE PARTICIPATING AGENCIES

Recommended Action: Council adopt the resolution.

8. **14-0057** RESOLUTION NO. 2014-029 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING A MASTER LICENSE AGREEMENT WITH VERIZON WIRELESS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR THE INSTALLATION AND OPERATION OF AS MANY AS 25 WIRELESS TELECOMMUNICATIONS FACILITIES OR SUBSTANTIALLY SIMILAR FACILITIES ON CITY-OWNED AND CONTROLLED PROPERTY, SUBJECT TO ALL NECESSARY APPROVALS, FOR A PERIOD OF 5 YEARS WITH AN OPTION TO RENEW FOR AS MANY AS FOUR ADDITIONAL 5-YEAR TERMS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

Recommended Action: Council adopt the resolution.

9. **14-0040** RESOLUTION NO. 2014-030 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$120,000 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND APPROPRIATING SAID FUNDS TO THE POLICE GRANT FUND FOR OPERATION STONEGARDEN (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

- 10. 14-0055** RESOLUTION NO. 2014-031 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$50,000 FROM THE U.S. DEPARTMENT OF JUSTICE AND APPROPRIATING SAID FUNDS TO THE POLICE GRANT FUND FOR THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

- 11. 14-0058** RESOLUTION NO. 2014-032 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$75,507 FROM THE COUNTY OF SAN DIEGO AND APPROPRIATING SAID FUNDS TO THE FISCAL YEAR 2013/2014 POLICE GRANT FUND FOR REGIONAL REALIGNMENT RESPONSE PROGRAMS (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

- 12. 14-0051** RESOLUTION NO. 2014-033 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (A) AUTHORIZING THE TRANSFER OF \$8,017,453 IN WIRELESS TELEPHONE USERS TAX (T.U.T.) REVENUES FROM THE GENERAL FUND TO THE T.U.T. COMMON FUND AND APPROPRIATING FUNDS THEREFORE (B) APPROPRIATING \$3,789,234 IN THE T.U.T. COMMON FUND FOR EXPENSES RELATED TO THE SETTLEMENT AGREEMENT IN THE MATTER OF CARLA VILLA, ET. AL., V. CITY OF CHULA VISTA (4/5THS VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

- 13. 14-0056** INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2013

Recommended Action: Council accept the report.

- 14. 14-0089** RESOLUTION NO. 2014-034 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING \$38,750 TO FUND THE LAW OFFICE MANAGER POSITION IN THE CITY ATTORNEY'S OFFICE FOR THE REMAINDER OF FISCAL YEAR 2013/2014 TO BE OFFSET BY REVENUES FROM REIMBURSEMENTS FOR LEGAL SERVICES PROVIDED TO THE SUCCESSOR AGENCY RESULTING IN NO NET FISCAL IMPACT (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

Approval of the Consent Calendar

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

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

John Hess, representing International Association of Fire Fighters, expressed lack of confidence in the Fire department leadership. He requested professional mediation services and the presence of the fire chief. Mayor Cox stated the item would be referred to City Manager Sandoval and requested that he provide an update to the Council.

PUBLIC HEARINGS

- 15. 14-0052** CONSIDERATION OF THE PROPOSED ASSESSMENT OF CERTAIN DELINQUENT SEWER SERVICE CHARGES AS RECORDED LIENS UPON THE RESPECTIVE OWNER-OCCUPIED PARCELS OF LAND AND PLACEMENT OF DELINQUENT CHARGES ON THE NEXT REGULAR TAX BILL FOR COLLECTION

RESOLUTION NO. 2014-035 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ASSESSING CERTAIN DELINQUENT SEWER SERVICE CHARGES AS RECORDED LIENS UPON THE RESPECTIVE OWNER-OCCUPIED PARCELS OF LAND AND APPROVING THE PLACEMENT OF DELINQUENT CHARGES ON THE NEXT REGULAR TAX BILL FOR COLLECTION

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 Cox opened the public hearing. There being no members of the public who wished to speak, Mayor Cox closed the public hearing.

In response to Councilmembers' questions, Treasury Manager Allen provided additional information regarding the accrual of fees on certain account types. Director of Finance Kachadoorian stated that staff time for managing the billing of trash and sewer is paid for via reimbursement or fees and that the funds are not paid by the City's general fund.

ACTION: A motion was made by Councilmember Bensoussan, seconded by Deputy Mayor Aguilar, that this item 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

16. 14-0054 CONSIDERATION OF THE PROPOSED ASSESSMENT OF CERTAIN DELINQUENT SOLID WASTE SERVICE CHARGES AS RECORDED LIENS UPON THE RESPECTIVE PARCELS OF LAND AND PLACEMENT OF DELINQUENT CHARGES ON THE NEXT REGULAR TAX BILL FOR COLLECTION

RESOLUTION NO. 2014-036 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ASSESSING CERTAIN DELINQUENT SOLID WASTE SERVICE CHARGES AS RECORDED LIENS UPON THE RESPECTIVE PARCELS OF LAND AND APPROVING THE PLACEMENT OF DELINQUENT CHARGES ON THE NEXT REGULAR TAX BILL FOR COLLECTION

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 Cox opened the public hearing. There being no members of the public who wished to speak, Mayor Cox closed the public hearing.

ACTION: A motion was made by Councilmember Ramirez, seconded by Deputy Mayor Aguilar, that this item 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

ACTION ITEMS

17. 13-0225 CONSIDERATION OF APPROVAL OF THE REFUNDING OF THE 2002 CERTIFICATES OF PARTICIPATION TO GENERATE DEBT SERVICE SAVINGS TO BE SHARED BETWEEN THE GENERAL FUND AND THE PUBLIC FACILITIES DEVELOPMENT IMPACT FEE FUND

A. RESOLUTION NO. 2014-037 OF THE CITY OF CHULA VISTA MAKING REQUIRED FINDINGS, AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION WITH THE SALE AND DELIVERY OF THE 2014 REFUNDING CERTIFICATES OF PARTICIPATION (POLICE FACILITY PROJECT), IN A PRINCIPAL AMOUNT NOT TO EXCEED \$49,000,000 AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS IN CONNECTION THEREWITH.

B. RESOLUTION NO. 2014-001 OF THE CHULA VISTA PUBLIC FINANCING AUTHORITY APPROVING THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION WITH THE SALE AND DELIVERY OF THE CITY OF CHULA VISTA 2014 REFUNDING CERTIFICATES OF PARTICIPATION (POLICE FACILITY PROJECT), IN A PRINCIPAL AMOUNT NOT TO EXCEED \$49,000,000 AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS IN CONNECTION THEREWITH.

Director of Finance Kachadoorian provided additional information and background on the item.

Raul Amezcua, Consultant, representing De La Rosa and Company provided information regarding the status of the current financial market, as well as anticipated savings the City would realize through approval of the item.

ACTION: A motion was made by Councilmember Ramirez, seconded by Councilmember Salas, that this item 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

CITY MANAGER'S REPORTS

City Manager Sandoval reported he and the Port of San Diego would be making a presentation on the Chula Vista Bayfront to potential investors in Dallas, Texas.

MAYOR'S REPORTS

Mayor Cox announced a fundraiser supporting the Mosaic Community Garden of Chula Vista on February 18, 2014.

18. 14-0097 RATIFICATION OF APPOINTMENT OF MAX ZAKER TO THE HOUSING ADVISORY COMMISSION

ACTION: A motion was made by Mayor Cox, seconded by Councilmember Salas, to ratify the appointment of Max Zaker to the Housing Advisory Commission. The motion carried by the following vote:

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

No: 0

Abstain: 0

COUNCILMEMBERS' COMMENTS

Councilmember Ramirez announced that Team California would be holding a reception on February 18, 2014.

Councilmember Bensoussan announced the Harbor Fest 2014 and encouraged individuals interested in volunteering for the event to contact her office. She also announced opportunities to assist in fundraising for a dog park in Chula Vista.

Councilmember Salas thanked Councilmembers Ramirez and Bensoussan for their initiative in supporting community events. She also spoke in support of requesting City Manager Sandoval to provide an update on labor negotiations at an upcoming meeting in closed session. Mayor Cox confirmed that her referral to the City Manager was to update the Council in closed session.

19. 14-0086 COUNCILMEMBER RAMIREZ

Consideration of City support of the International Friendship Games to be held at Mater Dei High School, June 7, 2014.

ACTION: A motion was made by Councilmember Ramirez, seconded by Mayor Cox, to support an endorsement of the International Friendship Games to be held at Mater Dei High School on June 7, 2014. The motion carried by the following vote:

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

No: 0

Abstain: 0

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

Mayor Cox recessed the meeting at 3:14 p.m. The Council reconvened in Closed Session at 3:20 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.

20. 14-0068 CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Section 54956.9 (b)

One Case.

There is an ongoing disagreement that between the "Participating Agencies" (including the City of Chula Vista), on the one hand, and the City of San Diego and Padre Dam Municipal Water District, on the other hand, over responsibility for reimbursing Padre Dam for its overpayment of wastewater fees dating back to 1998 under the terms of the Master Wastewater Disposal Agreement between the parties.

There was no reportable action.

ADJOURNMENT

At 4:10 p.m., Mayor Cox adjourned the meeting to the Special City Council Meeting on February 25, 2014, at 6:00 p.m., for the purpose of the State of the City Address, in the Council Chambers.

Kerry K. Bigelow, Assistant City Clerk