

City of Chula Vista

Meeting Minutes - Final

Tuesday, April 11, 2017

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 5:03 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

Present: Councilmember Aguilar, Councilmember Diaz, Deputy Mayor McCann, Councilmember Padilla and Mayor Casillas Salas

Also Present: City Manager Halbert, City Attorney Googins, City Clerk Norris, and Deputy City Clerk Kansas

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Councilmember Padilla led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [17-0070](#) PRESENTATION OF A PROCLAMATION TO CAL FIRE REGIONAL URBAN FORESTER LYNNETTE SHORT AND SDG&E DIRECTOR OF CONSTRUCTION SERVICES JANISSE QUIÑONES MARTINEZ, PROCLAIMING APRIL 28, 2017 AS ARBOR DAY IN THE CITY OF CHULA VISTA

Mayor Casillas Salas read the proclamation and Councilmember Diaz presented it to Ms. Short and Ms. Quinones Martinez. Open Space Manager Oludunfe spoke regarding the City's trees.

- B. [17-0137](#) PRESENTATION BY TITANBOT ROBOTICS TEAM REGARDING THEIR SUCCESS DURING THE REGIONAL COMPETITION IN SACRAMENTO AND ADVANCING TO THE WORLD CHAMPIONSHIP IN HOUSTON, TEXAS

Mayor Casillas Salas and Deputy Mayor McCann commended the Titanbot Robotics team on its success.

- C. [17-0141](#) PRESENTATION OF A PROCLAMATION TO REPUBLIC TRASH SERVICES DISTRICT MANAGER STEVE MIESEN FOR 16 YEARS OF DEDICATED SERVICE

Mayor Casillas Salas read the proclamation and Councilmember Aguilar presented it to Mr. Miesen.

- D. [17-0126](#) PRESENTATION FROM VOICES FOR CHILDREN PRESIDENT/CEO SHARON LAWRENCE REGARDING A BANNER PROGRAM TO RECRUIT CHULA VISTA AND SOUTH COUNTY VOLUNTEERS

Marketing and Communications Manager Steinberger introduced Sharon Lawrence who presented information on the Voices for Children program.

CONSENT CALENDAR (Items 1 - 5)

1. [17-0144](#) APPROVAL OF MINUTES of March 21 and April 4, 2017
Recommended Action: Council approve the minutes.

2. [17-0037](#) A. RESOLUTION NO. 2017-050 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING A BOUNDARY MAP SHOWING THE BOUNDARIES OF THE TERRITORY PROPOSED FOR THE INCLUSION IN PROPOSED COMMUNITY FACILITIES DISTRICT NO.19M (FREEWAY COMMERCIAL 2)

B. RESOLUTION NO. 2017-051 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 19M (FREEWAY COMMERCIAL 2), AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE CERTAIN SERVICES, SET THE PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF THE PROPOSED DISTRICT, AND ORDER THE PREPARATION OF A CFD REPORT

Recommended Action: Council adopt the resolutions.

3. [17-0063](#) A. RESOLUTION NO. 2017-052 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE SUMMARY VACATION OF THE IRREVOCABLE OFFERS OF DEDICATION OF LOTS "B" AND "D" OF FINAL MAP NO. 15942; AND LOT "L" OF FINAL MAP NO. 16081, ALL FOR OPEN SPACE PURPOSES, WITHIN THE OTAY RANCH MILLENIA (EASTERN URBAN CENTER) PROJECT

B. RESOLUTION NO. 2017-053 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE SUMMARY VACATION OF THE IRREVOCABLE OFFER OF DEDICATION FOR OPEN SPACE PURPOSES AND THE SUMMARY VACATION OF THE PEDESTRIAN ACCESS EASEMENT IN LOT "O" OF FINAL MAP NO. 16081, WITHIN THE OTAY RANCH MILLENIA (EASTERN URBAN CENTER) PROJECT

Recommended Action: Council adopt the resolutions.

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4. [17-0113](#) RESOLUTION NO. 2017-054 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING A SUMMARY VACATION OF A PORTION OF AN EXISTING SLOPE EASEMENT LOCATED WITHIN THE SDG&E SALT CREEK SUBSTATION LAND

Recommended Action: Council adopt the resolution.

5. [17-0114](#) RESOLUTION NO. 2017-055 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$212,000 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND APPROPRIATING \$51,740 TO THE POLICE GRANT FUND FOR OPERATION STONEGARDEN (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

Approval of the Consent Calendar

ACTION: A motion was made by Deputy Mayor 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:

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

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

The following members of the public expressed concern regarding derogatory comments made by Hector Gastelum and requested the Council's support in calling for his resignation from the Otoy Water District Board:

- Jorge Del Castillo, Chula Vista resident
- Mona Dibas, Bonita resident
- Jorge Patrick Macfarland, Chula Vista resident
- James Elia
- Mark Lane, National City resident
- Kilian Colin
- Jason Prater, Chula Vista resident
- Fayaz Nawabi, Rancho Penasquitos resident

Steven C. Pavka, Chula Vista resident, expressed concern regarding a pothole in his neighborhood. Mayor Casillas Salas referred the matter to staff.

PUBLIC HEARINGS

6. [17-0128](#) CONSIDERATION OF AN AMENDMENT TO THE CHULA VISTA GAMING PLAN TO ALLOW CITY COUNCIL WAIVER OF REQUIREMENTS FOR TEMPORARY REVERSION OF CLASS II LICENSES TO CLASS I LICENSES UPON TRANSFER AND RELATED ACTIONS

A. RESOLUTION NO. 2017-056 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO THE CHULA VISTA GAMING PLAN TO ALLOW CITY COUNCIL WAIVER OF REQUIREMENTS FOR TEMPORARY REVERSION OF CLASS II LICENSES TO CLASS I LICENSES UPON TRANSFER

RELATED ACTIONS:

B. RESOLUTION NO. 2017-057 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (1) RATIFYING CHIEF OF POLICE AND STATE OF CALIFORNIA DIVISION OF GAMBLING CONTROL APPROVALS OF THE TRANSFER OF A CONSOLIDATED CLASS II CARDROOM LICENSE FOR THE SEVEN MILE CASINO FROM V C CARDROOM, INC. TO STONES SOUTH BAY CORPORATION; (2) WAIVING THE REQUIREMENT FOR TEMPORARY REVERSION OF THE CLASS II LICENSE TO A CLASS I LICENSE FOR THIS TRANSFER WITH FINDINGS AND CONDITIONS; (3) RATIFYING CHIEF OF POLICE APPROVAL OF THE NEW OWNERS AND OTHERS POSSESSING A FINANCIAL INTEREST IN THE GAMING OPERATIONS AND/OR CARDROOM LICENSE FOR THE SEVEN MILE CASINO; AND (4) APPROVING RELATED MATTERS

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 Attorney Googins, Deputy City Attorney McDonnell and Police Captain Turner presented information on the item.

Mayor Casillas Salas opened the public hearing.

Ryan Stone, applicant, representing Stones South Bay Corporation, spoke in support of staff's recommendation.

The following members of the public spoke in support of the item:

- Jennifer Bustamante, Chula Vista resident*
- Christine Moore, Chula Vista resident*
- Patricia Chavez, Chula Vista resident*

Mayor Casillas Salas announced that written documentation in support of the item was received from the following individuals:

- Luanne Hulsizer*
- Calixto Pena*
- Katie Welling*
- Jessica Ruiz*
- Sophie Silvestri*
- Jessica De La Rosa*
- Dennis DuBard*
- Venus Molina*
- JoAnn Fields*

The following members of the public also submitted written documentation in support of the item:

- Vanessa Mapula, Chula Vista resident
- Joe Olivieri, Lakeside resident
- Kermit Schayltz, Sacramento resident
- J. McKee, San Diego resident
- David Jones, Bonita resident
- Ashley Stone, San Diego resident
- Steven Giorgi, Lincoln resident
- Stefanie Greco, San Diego resident
- Danielle Backey, San Diego resident
- Amanda Blackwood, Sacramento resident
- Art VanLoon, Rocklin resident
- Lawrence Sherman, San Diego resident
- Gloria Stone, La Jolla resident
- Masis Kevorkian, La Jolla resident
- Michael Lipman, San Diego resident
- Heather Guerena, San Diego resident
- Ron Stone

There being no further members of the public who wished to speak, Mayor Casillas Salas closed the public hearing.

ACTION: A motion was made by Councilmember Aguilar, seconded by Mayor Casillas Salas, that Resolution Nos. 2017-056 and 2017-057 be adopted, headings read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

CITY MANAGER'S REPORTS

City Manager Halbert announced that the Citizens' Oversight Committee held its first meeting in March and would be meeting again the following week.

7. [17-0140](#) REPORT FROM THE CITY ATTORNEY REGARDING THE STATUS OF SANTA CLARA COUNTY V. DONALD J. TRUMP, ET. AL, (CASE NO. 3:17-CV-00574-WHO; CHALLENGING AS UNCONSTITUTIONAL SECTION 9 OF EXECUTIVE ORDER 13768) AND POSSIBLE ACTION BY THE CITY COUNCIL TO APPROVE PARTICIPATION BY THE CITY OF CHULA VISTA ON THE SIDE OF SANTA CLARA COUNTY IN SAID CASE

Deputy Mayor McCann stated he would abstain from voting and participating in discussion on the item due to a potential conflict of interest related to his service as a military officer. He left the dais at 6:40 p.m.

City Attorney Googins presented information on the item.

The following members of the public spoke in support of the City Council joining the amicus brief:

- Kathy Cappos Hardy, Chula Vista resident, representing People Power
- Patricia Huffman, Chula Vista resident, representing People Power
- Carolyn Scofield, Chula Vista resident, representing Courage Campaign
- Paola Martinez-Montes, Chula Vista resident, representing ACCE, and she also spoke on behalf of Susana Juarez, Chula Vista resident, who was in support of the item
- Marco Briones, San Diego resident, representing Center on Policy Initiatives
- Dale Kelly Bankhead, San Marcos resident, representing San Diego Labor Council
- Norma Chavez Peterson, Chula Vista resident, representing ACLU of San Diego and Imperial Counties
- Jose Franco Garcia, Chula Vista resident, representing Environmental Health Coalition

Council discussion on the item ensued.

ACTION: A motion was made by Councilmember Padilla, seconded by Councilmember Aguilar, to direct the City Attorney's office, at the earliest opportunity, to sign an amicus brief, whether in the case of Santa Clara County v. Donald J. Trump, any potential appellate review, or on the merits of the Santa Clara case as it progresses, and to keep the Council briefed on the progress of relevant and similar litigation that may present opportunities for the City to engage as well. The motion carried by the following vote:

Yes: 3 - Aguilar, Padilla and Casillas Salas

No: 1 - Diaz

Abstain: 1 - McCann

Deputy Mayor McCann returned to the dais at 7:14 p.m.

MAYOR'S REPORTS

At the request of Mayor Casillas Salas, there was consensus of a majority of the Council to add an item to the next agenda to discuss and possibly take action regarding Hector Gastelum, including potentially calling for his resignation from the Otay Water District Board and also formally requesting the Otay Water District Board remove him as its representative on the City's Successor Agency to the Redevelopment Agency Oversight Board.

At Mayor Casillas Salas' request, there was consensus of the Council to add an item to the next agenda to discuss reorganizing the City's Human Relations Commission or a similar commission.

COUNCILMEMBERS' COMMENTS

Councilmember Padilla spoke regarding the recent public policy forum hosted by his office. He also spoke in support of calling for Hector Gastelum's resignation from the Otay Water District Board.

Councilmember Aguilar expressed gratitude for the manner in which the Council had handled recent controversial issues. She spoke regarding a recent fundraiser for the Chula Vista Women's Club.

Deputy Mayor McCann spoke regarding the following recent events: the Chula Vista Women's Club fundraiser, the Novo Brazil Brewing Co. second anniversary event, and the CAST graduation. He stated that he did not support the comments made on social media by Hector Gastelum.

Councilmember Diaz spoke regarding the recent Chula Vista Women's Club fundraiser.

City Attorney Googins announced that the Council would convene in closed session to discuss the item listed below.

Mayor Casillas Salas recessed the meeting at 7:29 p.m. The Council reconvened in Closed Session at 7:37 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.

8. [17-0143](#) PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957(b)

Title: City Clerk

ACTION: No reportable action.

ADJOURNMENT

At 8:37 p.m., Mayor Casillas Salas adjourned the meeting to the Regular City Council Meeting on April 25, 2017, at 5:00 p.m., in the Council Chambers.

Sheree Kansas, Deputy City Clerk