

# City of Chula Vista

## Meeting Minutes - Draft

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Tuesday, February 27, 2018

5:00 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 5:12 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

*Councilmember McCann arrived at 6:05 p.m.*

*Also Present: City Manager Halbert, City Attorney Googins, City Clerk Bigelow, and Deputy City Clerk Larrarte*

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

*Deputy Mayor Diaz led the Pledge of Allegiance.*

*Mayor Casillas Salas requested a moment of silence in honor of the victims of the Parkland School shooting.*

#### SPECIAL ORDERS OF THE DAY

- A. [18-0074](#) PRESENTATION BY INTERIM LIBRARY DIRECTOR JOY WHATLEY AND US DEPARTMENT OF STATE, CUSTOMER SERVICE MANAGER SAUL LEYVA, OF THE 2017 NATIONAL PASSPORT ACCEPTANCE FACILITY OF THE YEAR AWARD TO THE OTAY RANCH BRANCH LIBRARY

*Interim Library Director Whatley gave the presentation and United States Department of State Customer Service Manager Saul Leyva presented the award.*

- B. [18-0050](#) PRESENTATION BY SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) SENIOR REGIONAL PLANNER STEPHAN VANCE ON THE SAN DIEGO BAYSHORE BIKEWAY

*San Diego Association of Governments Regional Planner Stephan Vance gave the presentation.*

#### CONSENT CALENDAR (Items 1 - 8)

*Mayor Salas announced that Item 2 was removed from the consent calendar by a member of the public.*

*There was consensus of the Council to add Item 10 to the consent calendar.*

1. [18-0081](#) APPROVAL OF MINUTES of November 21, 2017.  
**Recommended Action: Council approve the minutes.**
3. [17-0532](#) RESOLUTION NO. 2018-027 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A PARK MASTER PLAN FOR THE 3.6-ACRE P-6 PUBLIC NEIGHBORHOOD PARK, LOCATED IN MILLENIA, AND APPROVING THE PARK NAME "MILLENIA PARK"  
**Recommended Action: Council adopt the resolution.**
4. [18-0061](#) INVESTMENT REPORT FOR THE QUARTER ENDED DECEMBER 31, 2017  
**Recommended Action: Council accept the report.**
5. [18-0003](#) RESOLUTION NO. 2018-028 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS, AWARDING THE CONTRACT FOR THE "PALOMAR STREET AND ORANGE AVENUE SIDEWALK IMPROVEMENTS (STL420)" PROJECT TO TRI-GROUP CONSTRUCTION AND DEVELOPMENT INC., IN THE AMOUNT OF \$809,284; APPROPRIATING \$312,750 FROM THE AVAILABLE BALANCE OF THE TRAFFIC SIGNAL FUND TO STL420; AND TRANSFERRING \$187,250 IN TRANSNET APPROPRIATIONS FROM DRN0206 TO STL420 (4/5 VOTE REQUIRED)  
**Recommended Action: Council adopt the resolution.**
6. [17-0484](#) RESOLUTION NO. 2018-029 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE "TRAFFIC SIGNAL MODIFICATIONS AT FOUR INTERSECTIONS: FOURTH AVENUE & J STREET, HILLTOP DRIVE & L STREET, THIRD AVENUE & H STREET, AND THIRD AVENUE & I STREET (CIP# TRF0388)" PROJECT TO HMS CONSTRUCTION, INC. IN THE AMOUNT OF \$893,565.50; AND APPROPRIATING \$260,000 FROM THE AVAILABLE BALANCE OF THE TRAFFIC SIGNAL FUND TO TRF0388 (4/5 VOTE REQUIRED)  
**Recommended Action: Council adopt the resolution.**
7. [18-0036](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 9.20 TO PERMIT RECOVERY OF THE CITY'S AVERAGE COSTS RELATED TO GRAFFITI ABATEMENT AND REMEDIATION BY THE SAN DIEGO PROBATION OFFICE IN JUVENILE COURT PROCEEDINGS AND ADOPTING THE 2018 CHULA VISTA GRAFFITI ABATEMENT COST AND EXPENSES MATRIX (FIRST READING)  
**Recommended Action: Council place the ordinance on first reading.**

8. [18-0073](#) ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 5.56 TO PERMIT AND REGULATE TOBACCO RETAILERS (FIRST READING)

**Recommended Action:** Council place the ordinance on first reading.

10. [18-0037](#) RESOLUTION NO. 2018-032 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG), THE CITY, AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) REGARDING ROLES AND RESPONSIBILITIES FOR THE SAN DIEGO REGIONAL PROVING GROUND

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

### Approval of the Consent Calendar

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

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

**No:** 0

**Abstain:** 0

### ITEMS REMOVED FROM THE CONSENT CALENDAR

2. [18-0077](#) ORDINANCE NO. 3415 OF THE CITY OF CHULA VISTA ADDING CHAPTER 3.34 TO TITLE 3 OF THE CHULA VISTA MUNICIPAL CODE TO ESTABLISH A ONE- HALF CENT GENERAL TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION INCLUDING PROVISIONS FOR CITIZENS' OVERSIGHT AND ACCOUNTABILITY (SECOND READING AND ADOPTION) (4/5 VOTE REQUIRED)

*Steven Pavka, Chula Vista resident, requested information regarding the spending plan for the proposed tax measure.*

**ACTION:** A motion was made by Councilmember Padilla, seconded by Deputy Mayor Diaz, to adopt Ordinance No. 3415, heading read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

**PUBLIC COMMENTS**

*Efren Mouette, Chula Vista resident, expressed concern regarding illegal activities in the area of the H Street Trolley Station and stated written communications had been provided to the Council.*

*Steven Pavka, Chula Vista resident, expressed concern regarding gun control.*

**PUBLIC HEARINGS**

9. [17-0396](#) A. RESOLUTION NO. 2018-030 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT "BIKE LANES ON BROADWAY - PHASE II" (CIP# STM0392) TO INCLUDE THE SCOPE OF PHASE III (L STREET TO MAIN STREET), RENAMING CIP# STM0392 AS, "CLASS 2 BIKE LANES ON BROADWAY," AND APPROPRIATING \$103,728 FROM THE SB-1 ATPL GRANT PROGRAM OF THE STATE GRANTS FUND TO STM0392 (4/5 VOTE REQUIRED)
- B. RESOLUTION NO. 2018-031 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE TRAFFIC IMPACT STUDY AND ENVIRONMENTAL ANALYSIS, APPROVING THE RECOMMENDATION TO INSTALL BIKE LANES ON BROADWAY FROM C STREET TO MAIN STREET, AND AMENDING SCHEDULE VI OF THE REGISTER MAINTAINED BY THE OFFICE OF THE CITY ENGINEER TO REFLECT THE REVISED TIME-LIMITED PARKING ZONES UPON COMPLETION OF THE PROJECT

*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.*

*Principal Civil Engineer Rivera gave the presentation.*

*Armando Ibarra, Chula Vista Resident, submitted written documentation in support of staff's recommendation.*

*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 Aguilar, seconded by Councilmember Padilla, to adopt Resolution No. 2018-030 and Resolution No. 2018-031, heading read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

*Item 10 was considered as part of the consent calendar.*

**ACTION ITEMS**

11. [18-0071](#) ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHULA VISTA MUNICIPAL CODE SECTION 5.19 TO REGULATE COMMERCIAL CANNABIS (FIRST READING)

*Deputy City Manager Bacon, Development Services Director Broughton, and Deputy City Attorney McClurg gave a presentation on the item.*

*Deputy City Attorney McClurg announced that a revision to the proposed ordinance had been distributed to Council.*

*Staff responded to questions of the Council.*

*The following members of the public spoke in support of the proposed ordinance and offered suggested modifications:*

- Chris Creighton, representing Murchison Chemicals*
- Chris Coggan, San Diego resident, representing the San Diego Cannabis Delivery Alliance*
- Ken Sobel*
- Jarrod Adams, San Diego resident*
- Sean McDermott*
- Sam Humeid, Oceanside resident, representing the San Diego Cannabis Delivery Alliance*
- Mark Morris, San Marcos resident, representing cannabis therapy practitioners*
- Cynara Velazquez, San Diego resident, representing Citizens for Public Safety, and she distributed written communications to the Council*
- Sapphire Blackwood, San Diego resident, representing the Association of Cannabis Professionals*
- Gina Austin, San Diego resident*
- Jessica McElfresh, Solana Beach resident*
- Laura Wilkinson, South Bay resident*

*The following members of the public spoke in support of the proposed ordinance:*

- Michael Gilgun, Chula Vista resident*
- Heidi Whitman, San Diego resident, representing Flow Kana*

*Michelle Reynoso expressed gratitude for the ability to work with the Council and staff on the draft ordinance and encouraged members of the public to provide feedback and be involved in the process.*

*Rudy Ramirez, Chula Vista resident, suggested the Council consider approaching the issue of commercial cannabis activity from an economic development standpoint.*

*Stephen Ablahad, San Diego resident, spoke in opposition to the proposed ordinance and offered suggested modifications.*

*The following members of the public spoke in opposition to the proposed ordinance:*

- Kelly McCormick*
- Peggy Walker, and she distributed written communications to the Council*
- Janet Asaro, San Diego resident*
- John Humiston, Chula Vista resident*
- Damian Johnson*
- Judi Strang*
- Carol Green, Chula Vista resident, and she distributed written communications to the Council*

*Council discussion ensued.*

**ACTION:** A motion was made by Councilmember Padilla, seconded by Mayor Casillas Salas, to amend the draft ordinance to limit the number of licenses for cultivation facilities to 10 citywide. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

*Council discussion continued.*

**ACTION:** A motion was made by Councilmember Padilla, seconded by Mayor Casillas Salas, to adopt the above ordinance, as previously amended and further amended to 1) replace reference to a lottery system with a merit-based system to be developed through regulations, and 2) to limit the 10 citywide cultivation facilities to 20,000 square feet, heading read, text waived. The motion carried by the following vote:

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

**No:** 1 - McCann

**Abstain:** 0

12. [18-0015](#) A. QUARTERLY FINANCIAL REPORT FOR THE QUARTER ENDING DECEMBER 31, 2017

B. RESOLUTION NO. 2018-033 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2017/18 BUDGET TO ADJUST FOR VARIANCES AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

*Finance Director Bilby and Budget Manager Prendell gave the presentation.*

*Staff answered questions of the Council.*

**ACTION:** A motion was made by Councilmember McCann, seconded by Deputy Mayor Diaz, to accept the report and adopt Resolution No. 2018-033, heading read, text waived. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

**13. [18-0048](#)**

A. RESOLUTION NO. 2018-034 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE COMPENSATION SCHEDULE AND CLASSIFICATION PLAN TO REFLECT THE ADDITION OF VARIOUS POSITION TITLES AND AMENDING THE AUTHORIZED POSITION COUNT IN VARIOUS DEPARTMENTS WITH NO NET INCREASE IN AUTHORIZED STAFFING

B. RESOLUTION NO. 2018-035 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2017/18 COMPENSATION SCHEDULE EFFECTIVE MARCH 2, 2018, AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5, TO REFLECT: (1) THE ADDITION AND ELIMINATION OF CERTAIN POSITION TITLES AND (2) SALARY ADJUSTMENTS FOR ACCOUNTANT, ASSOCIATE ACCOUNTANT, DEPUTY CITY MANAGER, DIRECTOR OF ECONOMIC DEVELOPMENT, SEASONAL ASSISTANT, AND SENIOR ACCOUNTANT

C. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 TO ADD THE UNCLASSIFIED POSITIONS OF CITY LIBRARIAN, PARKS AND RECREATION ADMINISTRATOR, DIRECTOR OF COMMUNITY SERVICES, AND REVENUE MANAGER (FIRST READING) (4/5 VOTE REQUIRED)

*Deputy City Manager Bacon gave a presentation on the item. Human Resources Director Chase provided information regarding the impact on executive compensation.*

**ACTION:** A motion was made by Mayor Casillas Salas, seconded by Councilmember McCann, to adopt Resolution Nos. 2018-034 and 2018-035, and to place the above ordinance on first reading, 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**

*There were none.*

**MAYOR'S REPORTS****14. [18-0083](#) APPOINTMENT OF A MEMBER TO THE SANDAG SHORELINE PRESERVATION WORKING GROUP**

**ACTION:** A motion was made by Mayor Casillas Salas, seconded by Councilmember McCann, to appoint Councilmember Padilla to the SANDAG Shoreline Preservation Working Group. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

*Mayor Casillas Salas presented pictures from the City of Champions Event and thanked staff. She also announced the Irapuato delegation visit.*

**COUNCILMEMBERS' COMMENTS****15. [18-0078](#) COUNCILMEMBER AGUILAR:  
CONSIDERATION OF CITY ENDORSEMENT OF THE 2018 "VILLAGE SUMMER NIGHTS" SERIES OF EVENTS PLANNED FOR THE THIRD AVENUE VILLAGE IN CHULA VISTA**

Village Summer Nights is a series of six bi-weekly displays of vehicles, music, and specialty business products planned for every other Tuesday evening beginning June 12 and ending August 28, 2018.

*The following members of the public spoke in support of the City's endorsement of the 2018 Village Summer Nights and future events on Third Avenue:*

*-Raquel Rico Cortez, representing the Third Avenue Village Business Owners "Village Summer Nights"*

*-Rosa Lopez, representing the Third Avenue Village Business Owners "Village Summer Nights"*

*-Anamaria Snooky Rico, Chula Vista resident, representing Rico's on 3rd*

**ACTION:** A motion was made by Councilmember Aguilar, seconded by Mayor Casillas Salas, to endorse the 2018 "Village Summer Nights" series of events planned for the Third Avenue Village in Chula Vista. The motion carried by the following vote:

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

**No:** 0

**Abstain:** 0

*Councilmember Aguilar reported on a recent City planning forum.*

*Councilmember Padilla spoke regarding the recent City of Champions event.*

*Deputy Mayor Diaz announced the 24-hour giveback fundraising event at Seven Mile Casino, which benefitted South Bay Community Services.*

*Councilmember Aguilar announced an upcoming community meeting on the topic of school safety.*

*Councilmember McCann recognized the Marines, Sailors, and Coast Guard members, with whom he had recently worked.*



**CITY ATTORNEY'S REPORTS**

*City Attorney Googins provided information regarding the prohibited use of public funds in advocating for or against ballot measures.*

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

*Mayor Casillas Salas recessed the meeting at 9:59 p.m. The Council reconvened in Closed Session at 10:05 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. [18-0054](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(1)

Name of case: Juan Abenojar and Salome Rincon v. City of Chula Vista, San Diego Superior Court, Case No. 37-2016-00024897-CU-PO-CTL

**ACTION:** No reportable action.

17. [18-0070](#) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):

One (1) Case: City of Chula Vista v. International Boundary & Water Commission, et al.

**ACTION:** Reportable action pending.

**ADJOURNMENT**

*At 10:45 p.m., the meeting was adjourned to the Regular City Council Meeting on March 6, 2017 at 5:00 p.m., in the Council Chambers.*

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Kerry K. Bigelow, MMC, City Clerk