

City of Chula Vista

Meeting Minutes - Draft

Tuesday, May 26, 2020

5:00 PM

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

SPECIAL MEETINGS OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY MEETING JOINTLY WITH THE CITY COUNCIL OF THE CITY OF CHULA VISTA

Pursuant to the Governor of the State of California's Executive Order N-29-20, and in the interest of public health and safety during the COVID-19 pandemic, members of the City Council and staff participated in this meeting via teleconference. Members of the public participated remotely and were not present in Council Chambers. All votes were taken by roll call and public comments were submitted electronically or otherwise in writing.

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda items may be taken out of order during the meeting.

The agenda items were considered in the order presented.

CALL TO ORDER

A regular meeting of the City Council and special meetings of the Successor Agency to the Redevelopment Agency and the Housing Authority of the City of Chula Vista were called to order at 5:12 p.m. via teleconference and in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

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

Also Present: City Manager Halbert, City Attorney Googins, City Clerk Bigelow, and Assistant City Clerk Turner

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Deputy Mayor Galvez led the Pledge of Allegiance.

Mayor Casillas Salas announced, pursuant to AB 23, that she and each Councilmember would receive \$50 for their attendance at that Housing Authority meeting, held simultaneously with the City Council meeting.

CONSENT CALENDAR (Items 1 - 9)

1. [20-0215](#) APPROVAL OF MINUTES of October 22, 2019.

Recommended Action: Council approve the minutes.

2. [20-0220](#) RESOLUTION NO. 2020-109 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RATIFYING AND CONFIRMING EMERGENCY ORDER 004-2020 (EFFECTIVE MAY 22, 2020) OF THE CHULA VISTA DIRECTOR OF EMERGENCY SERVICES TOLLING AND EXTENDING LAND USE AND BUILDING PERMIT-RELATED ACTIONS FOR 180 DAYS

Recommended Action: Council adopt the resolution.

3. [20-0157](#) SUBMITTAL OF THE 2016 COMMUNITY AND MUNICIPAL GREENHOUSE GAS EMISSIONS INVENTORY REPORTS

Recommended Action: Council receive the reports.

4. [20-0167](#) RESOLUTION NO. 2020-110 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A GRANT OF EASEMENT TO SAN DIEGO GAS AND ELECTRIC TO PROVIDE UTILITY SERVICES TO THE NEW FIRE STATION 5

Recommended Action: Council adopt the resolution.

5. [20-0184](#) RESOLUTION NO. 2020-111 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A GRANT OF EASEMENT TO OTAY WATER DISTRICT FOR A NEW WATER METER AT THE CHULA VISTA ELITE ATHLETE TRAINING CENTER

Recommended Action: Council adopt the resolution.

6. [20-0181](#) RESOLUTION NO. 2020-112 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE TEMPORARY SUSPENSION OF CITY LICENSE FEES FOR SEVEN MILE CASINO WHILE IT IS PROHIBITED FROM OPERATING DUE TO THE COVID-19 PANDEMIC PURSUANT TO SECTION 2.7.2.1.B OF THE CHULA VISTA GAMING PLAN

Recommended Action: Council adopt the resolution.

7. [20-0160](#) RESOLUTION NO. 2020-113 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE INFRASTRUCTURE, FACILITIES, AND EQUIPMENT EXPENDITURE PLAN; AMENDING THE FISCAL YEAR 2019/20 CIP PROGRAM BUDGET BY ESTABLISHING NEW CIP PROJECTS, "CORRUGATED METAL PIPE EMERGENCY REPAIR (MEASURE P)" (DRN0216), "FIRE STATION PLYMOVENT EXHAUST (MEASURE P)" (GGV0251), "FIRE STATION #1 REPAIR/REPLACE (MEASURE P)" (GGV0252), AND "FIRE STATION ALERTING SYSTEM (MEASURE P)" (GGV0253); AND MAKING VARIOUS AMENDMENTS TO THE FY2019/20 CIP PROGRAM BUDGETS AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

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8. [20-0186](#) INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2020
- Recommended Action:** Council receive the report.
9. [20-0192](#) RESOLUTION NO. 2020-114 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FOURTH AMENDMENT TO THE AGREEMENT WITH THE ACCOUNTING FIRM OF LANCE, SOLL AND LUNGHARD, LLP TO PROVIDE AUDITING SERVICES FOR FISCAL YEAR 2020
- Recommended Action:** Council adopt the resolution.

Approval of the Consent Calendar

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

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

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

There were none.

PUBLIC COMMENTS

10. [20-0214](#) PUBLIC COMMENTS RECEIVED for May 26, 2020

Anne Fege, representing San Diego Regional Urban Forests Council, submitted comments urging the City Council to continue tree maintenance programs.

Robert Johnson, Chula Vista resident, submitted comments regarding his experience with COVID-19 and expressed support for mask use for those who were sick and reopening businesses.

PUBLIC HEARINGS

11. [20-0174](#) RESOLUTION NO. 2020-115 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RETAINING THE ADMINISTRATIVE FEE FOR RENT CONTROL SERVICES AT \$12 FOR FISCAL YEAR 2020/21 IN CHAPTER 18 (MOBILEHOMES) OF THE CITY'S MASTER FEE SCHEDULE

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.

Housing Manager Hines gave a presentation on the item.

Mayor Casillas Salas opened the public hearing.

Housing Manager Hines and Senior Management Analyst Davis answered questions of the Council.

Councilmember McCann stated his support for decreasing the fee.

Councilmember Padilla stated his support for staff's recommendation.

Theresa Acerro, Chula Vista resident, submitted comments in support of the City Council lowering the Mobilehome Administrative Fee in consideration of the high-risk individuals who live in the parks.

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 Mayor Casillas Salas, seconded by Councilmember McCann, to adopt Resolution No. 2020-115 with an amendment to adjust the Administrative Fee for Rent Control Services to \$12, heading read, text waived. The motion carried by the following roll call vote:

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

No: 0

Abstain: 0

12. [20-0188](#) CONSIDERATION OF APPROVING THE REVISED PROJECT DESIGN FOR THE THIRD & K PROJECT BY CASA 795 LLC AND ASSOCIATED STREET ENCROACHMENT MAINTENANCE AGREEMENT

A. RESOLUTION NO. 2020-116 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING STAFF'S DETERMINATION THAT THE PROPOSED PROJECT SUBSTANTIALLY CONFORMS TO THE VISTA DEL MAR PROJECT APPROVED BY CITY COUNCIL ON AUGUST 16, 2016

B. RESOLUTION NO. 2020-117 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE GRANT OF AN ENCROACHMENT PERMIT TO ALLOW THE CONSTRUCTION AND MAINTENANCE OF A SUBSURFACE BUILDING ENCROACHMENT 3.5 FEET BELOW STREET LEVEL ENCROACHING 10 FEET WITHIN THE CITY RIGHT OF WAY OF K STREET, AND AN ENCROACHMENT MAINTENANCE AGREEMENT THEREFOR

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.

Development Services Director Broughton gave a presentation on the item.

Mayor Casillas Salas opened the public hearing.

Development Services Director Broughton answered questions of the Council.

The following individuals submitted comments in support of staff's recommendation:

-Ben Libbey, representing YIMBY Law

-Sonja Trauss, representing YIMBY Law

Logan Braydis, Chula Vista resident, submitted comments in opposition to the proposed residential project being exclusively for low-income seniors and in support of affordable housing in Chula Vista.

Development Services Director Broughton spoke regarding the project applicant's choice for age-restricted tenants for financing purposes.

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 McCann, seconded by Deputy Mayor Galvez, to adopt Resolution Nos. 2020-116 and 2020-117, headings read, text waived. The motion carried by the following roll call vote:

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

No: 0

Abstain: 0

ACTION ITEMS

13. [20-0219](#) EMERGENCY ORDINANCE NO. 3489-A AMENDING EMERGENCY ORDINANCE 3486-A [EVICTON MORATORIUM ORDINANCE] OF THE CITY OF CHULA VISTA TO EXTEND THE TERMINATION DATE OF THE ORDINANCE FROM MAY 31, 2020 TO JUNE 30, 2020 (INTRODUCTION AND ADOPTION; 4/5 VOTE REQUIRED) (FIRST READING)

Councilmember McCann stated he would abstain from voting on Item 13 due to a potential disqualifying financial-related conflict of interest. He was not present during the discussion and voting on the item.

City Manager Halbert spoke regarding the item.

Mitch Thompson, Chula Vista resident, submitted comments expressing concern regarding the implementation and enforcement of the proposed regulations.

City Manager Halbert, City Attorney Googins, and Deputy City Attorney Silva responded to comments and questions.

ACTION: A motion was made by Mayor Casillas Salas, seconded by Councilmember Padilla, to place the ordinance on first reading, heading read, text waived. The motion carried by the following roll call vote:

Yes: 4 - Diaz, Galvez, Padilla and Casillas Salas

No: 0

Abstain: 1 - McCann

14. [20-0164](#) RESOLUTION NO. 2020-118 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE CHULA VISTA DIGITAL EQUITY AND INCLUSION PLAN

Chief Sustainability Officer Gakunga and Melanie Nutter, Principal Consultant from Nutter Consulting, gave a presentation on the item.

Council discussion ensued.

City Manager Halbert and Chief Sustainability Officer Gakunga responded to questions of the Council.

ACTION: A motion was made by Councilmember Diaz, seconded by Deputy Mayor Galvez, to adopt Resolution No. 2020-118, as amended to include point-of-service devices in the plan, heading read, text waived. The motion carried by the following roll call vote:

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

No: 0

Abstain: 0

15. [20-0177](#) CONSIDERATION OF RECEIVING THE QUARTERLY FINANCIAL REPORT AND MAKING VARIOUS BUDGET AMENDMENTS

A. QUARTERLY FINANCIAL REPORT FOR THE QUARTER ENDING MARCH 31, 2020

B. RESOLUTION NO. 2020-119 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2019/20 BUDGET TO ADJUST FOR VARIANCES AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

C. RESOLUTION NO. 2020-120 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2019/20 CIP PROGRAM BUDGET BY ESTABLISHING A NEW CIP PROJECT, PRK0337 "SALT CREEK SOCCER ARENA"; AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

Budget and Analysis Manager Prendell gave a presentation on the item.

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Padilla, to adopt Resolution Nos. 2020-119 and 2020-120, headings read, text waived. The motion carried by the following roll call vote:

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

No: 0

Abstain: 0

16. [20-0196](#) PRESENTATION OF THE CITY MANAGER'S PROPOSED BUDGET FOR FISCAL YEAR 2020/21

RESOLUTION NO. 2020-121 OF THE CITY COUNCIL/2020-001 SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY/2020-002 HOUSING AUTHORITY OF THE CITY OF CHULA VISTA ACCEPTING THE CITY MANAGER'S PROPOSED OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR FISCAL YEAR 2020/21 FOR EACH AGENCY AS THEIR PROPOSED BUDGETS, RESPECTIVELY, AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING FOR FINAL CONSIDERATION AND ADOPTION OF SAME

City Manager Halbert, Budget and Analysis Manager Prendell, and Administrative Services Manager Beamon gave a presentation.

Administrative Services Manager Beamon and Finance Director Bilby answered questions of the Council.

Matthew Lowery, Chula Vista resident, submitted comments in support of the Neighborhood Road Safety Program and slow streets projects.

Claire Saliers, Chula Vista resident, submitted comments in support of slow streets projects.

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Padilla, to adopt City Council Resolution No. 2020-121/Successor Agency Resolution No. 2020-001/Housing Authority Resolution No. 2020-002, heading read, text waived. The motion carried by the following roll call vote:

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

No: 0

Abstain: 0

17. [20-0212](#) PRESENTATION REGARDING THE NUMBER OF ALLOWABLE CANNABIS LICENSES IN THE CITY, IN RESPONSE TO THE CITY COUNCIL REFERRAL OF APRIL 21, 2020

Deputy City Manager Bacon gave a presentation on the item.

Mayor Casillas Salas spoke regarding increasing the number of retail storefronts to help eliminate illegal retail storefronts.

Deputy Mayor Galvez spoke in support of waiting to increase the number of retail storefronts until an assessment could be done on stores with legal licenses.

Councilmember Padilla spoke in support of waiting to increase the number of retail storefronts until metrics could be analyzed.

Councilmember Diaz and Councilmember McCann spoke in support of waiting to increase the number of retail storefronts.

The following members of the public submitted comments in support of increasing cannabis retail licenses:

-Laura Wilkinson

-Troy Johnson, Chula Vista resident

The following members of the public submitted comments in opposition to increasing cannabis retail licenses:

-Peggy Walker, Chula Vista resident

-Theresa Acerro, Chula Vista resident

There was consensus of the Council to wait to increase the number of retail storefronts until the permitted cannabis storefronts were established.

CITY MANAGER'S REPORTS

18. [20-0216](#) REPORT AND DISCUSSION REGARDING TELECONFERENCE BOARD AND COMMISSION MEETINGS DURING THE COVID-19 PANDEMIC

City Clerk Bigelow and Information Technology Director Chew gave an update on the board and commission teleconference meetings previously held, provided a brief overview of teleconference meeting logistics, and recommended holding board and commission teleconference meetings on an as-needed basis at that time.

MAYOR'S REPORTS

Mayor Casillas Salas provided an update on the re-opening of the City, urged the community to practice proper hygiene and spoke on COVID infection numbers in South County. She reported on the upcoming opening of Fire Station 10.

COUNCILMEMBERS' COMMENTS

Councilmember Padilla spoke on the opening of Fire Station 10 and thanked staff for organizing the logistics for board and commission teleconference meetings.

At the request of Councilmember Padilla, there was consensus of the Council to request staff return with information on COVID testing allocations and contact tracing in San Diego County.

Mayor Casillas Salas stated her disappointment with the allocation of the federal CARES Act funds being based on per capita rather than areas most impacted by COVID.

Councilmember Diaz expressed concern regarding the need to offer more COVID testing and information in west Chula Vista.

Councilmember McCann reported on his attendance at the virtual Memorial Day Ceremony at Glen Abbey Memorial Park and thanked the Fleet Reserve Association, The Veterans of Foreign Wars, The American Legion, Bonita Kiwanis, Boy Scout Troop 895, and the staff at Glen Abbey.

Deputy Mayor Galvez acknowledged those who had made sacrifices during the pandemic, including teachers, students, City staff, and first responders. She encouraged the community to continue practicing good hygiene and social distancing.

CITY ATTORNEY'S REPORTS

There were none.

CLOSED SESSION

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 8:28 p.m.

The Council reconvened in Closed Session at 8:33 p.m., with all members present.

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.

19. [20-0197](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(1)
Name of case: Lucy Ludwig-Melendrez, et al. v. City of Chula Vista, San Diego Superior Court, Case No. 37-2019-00034737-CU-EI-CTL.

ACTION: No reportable action.

ADJOURNMENT

The meeting was adjourned at 8:58 p.m.

Minutes prepared by: Leah Larrarte, Deputy City Clerk

Kerry K. Bigelow, MMC, City Clerk