

City of Chula Vista

Meeting Minutes - Final

Tuesday, December 10, 2019

5:00 PM

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

REGULAR MEETING OF THE CITY COUNCIL

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 of the City of Chula Vista was called to order at 5:07 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

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

Deputy Mayor Padilla arrived at 5:17 p.m.

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

Councilmember Galvez led the Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY

- A. [19-0553](#) PRESENTATION OF A PROCLAMATION TO ALICIA HERNANDEZ IN RECOGNITION OF HER RETIREMENT AND 28 YEARS OF DEDICATED SERVICE WITH THE CITY OF CHULA VISTA

Mayor Casillas Salas read the proclamation and Councilmember McCann presented it to Ms. Hernandez.

CONSENT CALENDAR (Items 1 - 11)

Items 3, 4, 5, and 9, were removed from the Consent Calendar at the request of members of the public.

1. [19-0566](#) ORDINANCE NO. 3475 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.28 OF THE CHULA VISTA MUNICIPAL CODE ADOPTING THE CALIFORNIA PLUMBING CODE, 2019 EDITION (SECOND READING AND ADOPTION WITH TECHNICAL CORRECTION)

Recommended Action: Council adopt the ordinance.

2. [19-0563](#) RESOLUTION NO. 2019-235 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING AN APPLICATION FOR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT - SENATE BILL 2 PLANNING GRANTS PROGRAM TO DEVELOP AN ALTERNATIVE COMPLIANCE PROGRAM IN THE OTAY RIVER VALLEY WHICH WILL PROVIDE STORMWATER POLLUTANT CONTROL AND/OR HYDROMODIFICATION MANAGEMENT COMPLIANCE OPTIONS CONSISTENT WITH THE 2013 MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT, AND CONTINGENT UPON GRANT AWARD, ACCEPTING THE GRANT FUNDS, ENTERING INTO AN AGREEMENT WITH ICF INTERNATIONAL FOR CONSULTING SERVICES, AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

Recommended Action: Council adopt the resolution.

Items 3, 4, and 5 were removed from the Consent Calendar at the request of a member of the public.

6. [19-0556](#) RESOLUTION NO. 2019-238 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE 2020 LOCAL APPOINTMENTS LIST FOR BOARD, COMMISSION, AND COMMITTEE TERMS EXPIRING IN CALENDAR YEAR 2020

Recommended Action: Council adopt the resolution.

7. [19-0557](#) RESOLUTION NO. 2019-239 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND DAVY ARCHITECTURE, INC. FOR DESIGN AND CONSTRUCTION ADMINISTRATION FOR THE DECK IN FRIENDSHIP PARK

Recommended Action: Council adopt the resolution.

8. [19-0558](#) A. RESOLUTION NO. 2019-240 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND MID MANAGERS PROFESSIONAL ASSOCIATION COVERING THE PERIOD OF DECEMBER 18, 2018 TO JUNE 30, 2020 REGARDING ADDITION OF A POST-EMPLOYMENT HEALTH PLAN (PEHP)

B. RESOLUTION NO. 2019-241 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING A POST-EMPLOYMENT HEALTH PLAN FOR ELIGIBLE PUBLIC EMPLOYEES

Recommended Action: Council adopt the resolutions.

Item 9 was removed from the Consent Calendar at the request of a member of the public.

10. [19-0560](#) A. RESOLUTION NO. 2019-244 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE CITY OF CHULA VISTA CAFETERIA BENEFITS PLAN FOR 2020

B. RESOLUTION NO. 2019-245 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE RENEWAL OF A PROFESSIONAL SERVICES AGREEMENT WITH MARSH & MCLENNAN AGENCY, LLC. (PREVIOUSLY BARNEY & BARNEY, LLC.) TO PROVIDE BROKER SERVICES FOR CITY EMPLOYEES BENEFITS PROGRAM

Recommended Action: Council adopt the resolutions.

11. [19-0565](#) JOINT RESOLUTION NO. 2019-246 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, ALONG WITH OTHER STATE AND LOCAL STAKEHOLDERS, RECOMMENDING PROJECT ALTERNATIVES AND FEDERAL ACTIONS TO ELIMINATE DETRIMENTAL TRANSBOUNDARY FLOWS OF WASTES IN THE TIJUANA RIVER VALLEY

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 vote:

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

No: 0

Abstain: 0

ITEMS REMOVED FROM THE CONSENT CALENDAR

3. [19-0499](#) RESOLUTION NO. 2019-236 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A CONSULTANT SERVICES AGREEMENT TO PROVIDE PROFESSIONAL SERVICES SUPPORTING CITY OF CHULA VISTA IMPLEMENTATION OF SENATE BILL (SB) 743 BETWEEN THE CITY AND FEHR & PEERS AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

Theresa Acerro, Chula Vista resident, spoke in opposition to the item.

ACTION: A motion was made by Councilmember McCann, seconded by Councilmember Diaz, to adopt Resolution No. 2019-236, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

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4. [19-0516](#) ANNUAL REPORT REGARDING DEVELOPMENT IMPACT FEES, THE PARKLAND ACQUISITION AND DEVELOPMENT FEE, AND TRUNK SEWER CAPITAL RESERVE FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2019

Delfina Gonzalez, Chula Vista resident, spoke regarding the difference in impact fees for the east side and the west side of the City.

Theresa Acerro, Chula Vista resident, spoke in opposition to the item and asked questions regarding fees.

ACTION: A motion was made by Councilmember Diaz, seconded by Deputy Mayor Padilla, to receive the report, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

5. [19-0519](#) RESOLUTION NO. 2019-237 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A PROJECT DEVELOPMENT COOPERATION AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND LAKEVIEW I, LLC, LAKEVIEW II, LLC, AND MOLLER OTAY LAKES INVESTMENT, LLC

Theresa Acerro, Chula Vista resident, spoke in opposition to the item.

ACTION: A motion was made by Councilmember Galvez, seconded by Councilmember Diaz, to adopt Resolution No. 2019-237, heading read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

9. [19-0559](#) A. RESOLUTION NO. 2019-242 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE COMPENSATION SCHEDULE AND CLASSIFICATION PLAN TO REFLECT THE ADDITION AND DELETION OF VARIOUS POSITION TITLES AND AMENDING THE AUTHORIZED POSITION COUNTS IN VARIOUS DEPARTMENTS WITH NO NET INCREASE IN AUTHORIZED STAFFING

B. RESOLUTION NO. 2019-243 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2019-2020 COMPENSATION SCHEDULE EFFECTIVE DECEMBER 20, 2019, AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

C. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 TO ADD THE UNCLASSIFIED POSITION OF SMART TECHNOLOGY OFFICER (FIRST

READING) (4/5 VOTE REQUIRED)

Theresa Acerro, Chula Vista resident, spoke in opposition to the item.

Human Resources Director Chase answered questions from the Council and responded to the public speaker.

ACTION: A motion was made by Councilmember Diaz, seconded by Councilmember Galvez, to adopt Resolution Nos. 2019-242 and 2019-243, and place the ordinance on first reading, headings read, text waived. The motion carried by the following vote:

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

No: 0

Abstain: 0

PUBLIC COMMENTS

Theresa Acerro, Chula Vista resident, spoke regarding the next fiscal budget.

Lillie Hebert, Chula Vista resident, spoke regarding City-flown flags, and in opposition to the Drag Queen Story Time Program.

Kay Bodge and Toni Rowden, representing Friends of Norman Park Senior Center, spoke regarding parking issues, the need to replace signage in front of the facility, and requested a full-time recreation supervisor.

The following individuals spoke in opposition to the Drag Queen Story Time Program:

- Laura Douglas, Chula Vista resident
- Art Hodges, and he spoke on behalf of the following:
 - Matt Hardy, San Diego resident
 - Eli Komai, San Diego resident
 - William Steffy, Chula Vista resident
 - Tom Tuning
 - Noel Tuning
 - Trevor D. Averett, Chula Vista resident
 - Shella Lujan, Chula Vista resident
 - Pat Bradley, Chula Vista resident
- Lorena Ambriz, Chula Vista resident

The following individuals submitted written documentation in opposition to the Drag Queen Story Time Program, and did not wish to speak:

- Lois Morera, Chula Vista resident
- Amado Huizar, Chula Vista resident
- Robin Thielsen

CITY MANAGER'S REPORTS

There were none.

MAYOR'S REPORTS**12. [19-0573](#) RATIFICATION OF APPOINTMENT OF JAMES SCOFIELD TO THE CHARTER REVIEW COMMISSION**

ACTION: A motion was made by Councilmember McCann, seconded by Deputy Mayor Padilla, that the above appointment be ratified. The motion carried by the following vote:

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

No: 0

Abstain: 0

Mayor Casillas Salas announced Governor Gavin Newsom joined Baja California Norte Governor Jaime Bonilla Valdez and Baja California Sur Governor Carlos Mendoza Davis in reestablishing the Commission of the Californias.

Mayor Casillas Salas stated she had attended the First Friday Breakfast, and congratulated Councilmembers Diaz and Galvez on the success of the Starlight parade. She congratulated Novo Brazil on its upcoming grand opening in Otay Ranch, and expressed holiday greetings.

COUNCILMEMBERS' COMMENTS

Councilmember McCann spoke of the Veterans Home Foundation holiday event and expressed gratitude to the staff. He attended the League of California Cities event and expressed holiday greetings. Councilmember McCann offered condolences on the tragedy that occurred at the Pensacola, Florida Naval Air Station.

Deputy Mayor Padilla spoke regarding a community coffee he would host, and he expressed holiday greetings.

Councilmember Diaz thanked staff for their work on the Starlight parade and he expressed holiday greetings.

At the request of Councilmember Diaz, there was consensus of the Council to direct staff to provide a recommendation on forming a public safety committee or subcommittee.

Councilmember Diaz spoke in support of developing a policy to consider controversial events prior to the events occurring.

Council discussion ensued.

At the request of Councilmember McCann, there was consensus of the Council to direct staff to draft a policy for Council consideration regarding disclosure and transparency for community events.

Councilmember Galvez expressed gratitude to staff, volunteers, and sponsors for the Starlight parade. She spoke regarding a Holocaust exhibit at the Civic Center Library and expressed holiday greetings.

CITY ATTORNEY'S REPORTS

City Attorney Googins stated the Chula Vista Charitable Foundation would be holding an upcoming event at Novo Brazil.

He announced that the Council would convene in closed session to discuss the item listed below.

Mayor Casillas Salas recessed the meeting at 7:13 p.m. The Council reconvened in Closed Session at 7:18 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.

13. [19-0572](#) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING
LITIGATION PURSUANT TO GOVERNMENT CODE SECTION
54956.9(d)(1)

Case Name: Kenny Heinz v. City of Chula Vista, Worker's Compensation
Appeals Board, Case No. ADJ11110674

ACTION: No reportable action.

ADJOURNMENT

The meeting was adjourned at 7:19 p.m.

Minutes prepared by: Sheree Kansas, Deputy City Clerk

Kerry K. Bigelow, MMC, City Clerk