



REGULAR MEETING OF THE CITY COUNCIL

Meeting Minutes

July 13, 2021, 5:00 p.m.

Council Chambers, 276 Fourth Avenue, Chula Vista, CA

Present: Councilmember Cardenas, Councilmember Galvez, Deputy Mayor McCann, Councilmember Padilla, Mayor Casillas Salas

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

*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.
Item 5.8 was considered individually following approval of the Consent Calendar.*

1. CALL TO ORDER

A regular meeting of the City Council of the City of Chula Vista was called to order at 5:06 p.m. via teleconference and in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

2. ROLL CALL

City Clerk Bigelow called the roll.

3. PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

Councilmember Cardenas led the Pledge of Allegiance.

4. SPECIAL ORDERS OF THE DAY

4.1 Presentation by Environmental Services Manager Manuel Medrano on Procurement of Recovered Organic Waste Products and SB 1383: Short-Lived Climate Pollutants

Environmental Services Manager Medrano gave a presentation on the item and responded to questions of the Council.

5. CONSENT CALENDAR (Items 5.1 through 5.9)

Mayor Casillas Salas stated she would abstain from voting on Item 5.8 due to a potential property-related conflict of interest; Deputy Mayor McCann stated he would abstain from voting on Items 5.3 and 5.4; Councilmember Galvez stated she would abstain from voting on Item 5.4. Item 5.8 was removed from the Consent Calendar at the request of Councilmember Galvez.

Moved by Mayor Casillas Salas

Seconded by Councilmember Cardenas

To approve the recommended action appearing below Consent Calendar Items 5.1, 5.2, 5.5 through 5.7, and 5.9. The headings below were read, text waived. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Galvez, Councilmember McCann, Councilmember Padilla, and Mayor Casillas Salas

Carried (5 to 0)

Moved by Mayor Casillas Salas

Seconded by Councilmember Cardenas

To approve the recommended action appearing below consent calendar Item 5.3. The heading below was read, text waived. The motion carried by the following vote:

Yes (4): Councilmember Cardenas, Councilmember Galvez, Councilmember Padilla, and Mayor Casillas Salas

Abstain (1): Councilmember McCann

Carried (4 to 0)

Moved by Mayor Casillas Salas

Seconded by Councilmember Cardenas

To approve the recommended action appearing below consent calendar Item 5.4. The heading below was read, text waived. The motion carried by the following vote:

Yes (3): Councilmember Cardenas, Councilmember Padilla, and Mayor Casillas Salas

Abstain (2): Councilmember Galvez, and Councilmember McCann

Carried (3 to 0)

5.1 Approval of Meeting Minutes

Approve the minutes dated: April 13, and 20, May 4, 11, and 18, 2021.

5.2 Waive Reading of Text of Resolutions and Ordinances

Approve a motion to read only the title and waive the reading of the text of all resolutions and ordinances at this meeting.

5.3 Proposed Amendments to Otay Ranch Village 3 to Include the “FlatRock” Parcel and Change Land Use of Three Parcels of Land to Residential Uses, Resulting in an Increase From 1,597 to 1,638 Permitted Residential Units

Anthony Ball submitted comments in opposition to staff's recommendation on the item.

Adopt ordinance A) approving the Sectional Planning Area (SPA) Planned Community District (Form Based Code) Regulations for Otay Ranch Village Three North and a Portion of Village Four and B) approving the second amendment to the Development Agreements between the City of Chula Vista and C Village III Master, LLC and V Otay Land II, LLC and Otay Land Company, LLC and HomeFed Village 8, LLC.

A) ORDINANCE NO. 3504 OF THE CITY OF CHULA VISTA APPROVING THE SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY DISTRICT (FORM BASED CODE) REGULATIONS FOR OTAY RANCH VILLAGE THREE AND A PORTION OF VILLAGE FOUR
(SECOND READING AND ADOPTION)

B) ORDINANCE NO. 3505 OF THE CITY OF CHULA VISTA APPROVING THE SECOND AMENDMENTS TO THE DEVELOPMENT AGREEMENTS BETWEEN THE CITY OF CHULA VISTA AND HOMEFED VILLAGE III MASTER, LLC AND HOMEFED OTAY LAND II,

LLC AND OTAY LAND COMPANY, LLC AND HOMEFED VILLAGE 8, LLC **(SECOND READING AND ADOPTION)**

5.4 Campaign Contributions: Ordinance Regarding Campaign Contributions and Possible Reassignment of Districts After Fundraising Has Begun Due to Redistricting

Adopt an ordinance amending sections of Chula Vista Municipal Code chapter 2.52 regarding campaign contributions to account for possible reassignment of City Council districts after fundraising has begun as a result of redistricting.

EMERGENCY ORDINANCE NO. 3506 OF THE CITY OF CHULA VISTA AMENDING VARIOUS SECTIONS OF CHULA VISTA MUNICIPAL CODE CHAPTER 2.52, "CAMPAIGN CONTRIBUTIONS," TO ACCOUNT FOR POSSIBLE REASSIGNMENT OF CITY COUNCIL DISTRICTS AFTER FUNDRAISING HAS BEGUN AS A RESULT OF REDISTRICTING **(SECOND READING AND ADOPTION)**

5.5 Single Audit Report for Fiscal Year 2019/20

Council receive and file Single Audit Report for Fiscal Year 2019/20.

5.6 Heritage Bridge Replacement Project (STM0386): Appropriate Funds and Approve a Fourth Amendment to the Agreement with Moffatt & Nichol for the Project

Adopt resolution A) accepting \$619,710 of the Federal Highway Bridge Program funds based on unanticipated revenue and \$553,000 from the available balance of the Transportation Development Impact Fee Fund to STM0386; and B) approving the fourth amendment to the existing agreement with Moffat & Nichol to increase the maximum contract value from \$3,815,374.04 to \$4,023,101.04.

RESOLUTION NO. 2021-134 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$619,710 IN HIGHWAY BRIDGE PROGRAM FUNDS BASED ON UNANTICIPATED REVENUE AND APPROPRIATING SAID FUNDS AND \$553,000 FROM THE AVAILABLE BALANCE OF THE TDIF FUND TO STM0386 ; AND APPROVING THE FOURTH AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND MOFFATT AND NICHOL TO PROVIDE PRELIMINARY ENGINEERING, ENVIRONMENTAL DOCUMENTATION, AND FINAL DESIGN FOR THE HERITAGE ROAD BRIDGE REPLACEMENT PROJECT (STM0386)

5.7 Solid Waste and Recycling: Amend the Chula Vista Municipal Code Regarding the Definition of Organic Waste, Enforcement Procedure to Prevent Disposal of Organic Waste, and Modification to the Processing of Delinquent Collection Payments

Place an ordinance on first reading amending various sections of Chula Vista Municipal Code Chapters 8.24 and 8.25 to update the definition of organic waste, authorize the City Manager to develop an enforcement procedure to prevent the landfill disposal of organic waste, and modify the processing of delinquent waste collection payments

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS SECTIONS OF CHULA VISTA MUNICIPAL CODE CHAPTERS 8.24, "SOLID WASTE AND LITTER," AND 8.25, "RECYCLING," TO UPDATE THE DEFINITION OF ORGANIC WASTE, AUTHORIZE THE CITY MANAGER TO DEVELOP AN ENFORCEMENT PROCEDURE TO PREVENT THE LANDFILL DISPOSAL OF ORGANIC WASTE, AND MODIFY THE PROCESSING OF DELINQUENT WASTE COLLECTION PAYMENTS **(FIRST READING)**

5.8 Third Avenue Curb Cafes and Sidewalk Cafes: Approve a Reimbursement Grant Program for Curb Cafes and Sidewalk Cafes on Third Avenue and Streamline the City's Permit Processes for Certain Encroachments Within the Public Right-of-Way

Mayor Casillas Salas left the dais during the discussion and voting on the item.

Deputy City Manager Crockett spoke regarding the item and he and City Attorney Googins responded to questions of the Council.

Robert Casey submitted written documentation in opposition to staff's recommendation on the item.

Timothy Parker, representing Chula Vista Brewery, spoke in support of staff's recommendation on the item.

Moved by Councilmember Galvez

Seconded by Councilmember Cardenas

To adopt Resolution No. 2021-135 and place the ordinance on first reading. The headings below were read, text waived. The motion carried by the following vote:

Yes (4): Councilmember Cardenas, Councilmember Galvez, Councilmember McCann, and Councilmember Padilla

Abstain (1): Mayor Casillas Salas

Carried (4 to 0)

RESOLUTION NO. 2021-135 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A GRANT PROGRAM TO REIMBURSE THIRD AVENUE BUSINESSES FOR COSTS ASSOCIATED WITH THE DESIGN, PERMITTING AND CONSTRUCTION OF CURB CAFÉS AND SIDEWALK CAFÉS; AND APPROPRIATING FUNDS THEREFOR **(4/5 VOTE REQUIRED)**

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CERTAIN SECTIONS OF CHAPTER 12.28 OF THE CHULA VISTA MUNICIPAL CODE TO STREAMLINE THE CITY'S PERMIT PROCESSES FOR CERTAIN ENCROACHMENTS WITHIN THE PUBLIC RIGHT-OF-WAY **(FIRST READING)**

5.9 City Telephone System: Approve the Purchase of Various Telephone Hardware and Software Items from NIC Partners and a Related Professional Services Agreement

Adopt a resolution approving a professional services agreement and the purchase of various telephone hardware/software items from NIC Partners, Inc.

RESOLUTION NO. 2021-136 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE PURCHASE OF VARIOUS TELEPHONE HARDWARE AND SOFTWARE EQUIPMENT FROM NIC PARTNERS UTILIZING NASPO VALUEPOINT CONTRACT AR-3227 CALIFORNIA PARTICIPATING ADDENDUM #7-29-70-47-01 AND LOS ANGELES COMMUNITY COLLEGE DISTRICT MASTER AGREEMENT #40381; AND APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH NIC PARTNERS UTILIZING CALIFORNIA MULTIPLE AWARD SCHEDULE (CMAS) CONTRACT # 3-19-70-2473AE FOR PROFESSIONAL SERVICES

6. PUBLIC COMMENTS

Kelly Lannon, representing the Third Avenue Village Association (TAVA), shared TAVA's goals and events.

Christopher Escamilla spoke regarding working with Councilmember Galvez regarding speed radars to address speed racing.

Theresa Acerro, Chula Vista resident, submitted written documentation regarding ambulance transport.

7. PUBLIC HEARINGS

7.1 Housing Element Update of the General Plan for the 2021-2029 Planning Period

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and no earlier than the specified in the notice.

Director of Development Services Allen and Assistant Director of Development Services Black gave a presentation on the item and responded to questions of the Council.

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.

Moved by Mayor Casillas Salas

Seconded by Councilmember Cardenas

To adopt Resolution No. 2021-137. The heading below was read, text waived. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Galvez, Councilmember McCann, Councilmember Padilla, and Mayor Casillas Salas

Carried (5 to 0)

RESOLUTION NO. 2021-137 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE HOUSING ELEMENT UPDATE THE GENERAL PLAN FOR THE 2021-2029 PLANNING PERIOD AND ADOPTION OF NEGATIVE DECLARATION, IS20-0004

Mayor Casillas Salas recessed the meeting at 6:45 p.m. The meeting reconvened at 6:51 p.m., with all members present.

8. ACTION ITEMS

8.1 Bayfront Project Special Tax Financing District: Declaring the Results of the Special Mail Ballot Election of the District;

**Considering the Lawfulness of Proposed Changes to the District;
and Considering an Ordinance Authorizing the Levy of a Special Tax**

City Clerk Bigelow announced the total votes in favor of Prop A were 262 with zero votes opposed and that Resolution A had been distributed to Council.

Moved by Mayor Casillas Salas

Seconded by Councilmember Padilla

To adopt Resolution No. 2021-138. The heading below was read, text waived. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Galvez, Councilmember McCann, Councilmember Padilla, and Mayor Casillas Salas

Carried (5 to 0)

A) RESOLUTION NO. 2021-138 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT, RECITING THE FACT OF THE SPECIAL MAIL BALLOT ELECTION HELD ON JULY 13, 2021 IN SUCH DISTRICT, DECLARING THE RESULTS THEREOF, AND OTHER MATTERS AS ARE PROVIDED BY LAW

Moved by Mayor Casillas Salas

Seconded by Councilmember Padilla

To adopt Resolution No. 2021-139. The heading below was read, text waived. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Galvez, Councilmember McCann, Councilmember Padilla, and Mayor Casillas Salas

Carried (5 to 0)

B) RESOLUTION NO. 2021-139 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT DETERMINING THAT THE CHANGES TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES AUTHORIZED

TO BE LEVIED THEREIN AND THE EXPANSION OF TERRITORY WHEREIN IMPROVEMENTS MAY BE LOCATED AND SERVICES MAY BE PROVIDED ARE LAWFULLY AUTHORIZED

Moved by Mayor Casillas Salas

Seconded by Councilmember Padilla

To place the ordinance on first reading. The heading below was read, text waived. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Galvez, Councilmember McCann, Councilmember Padilla, and Mayor Casillas Salas

Carried (5 to 0)

C) ORDINANCE OF THE CITY OF CHULA VISTA ACTING AS THE LEGISLATIVE BODY OF THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT, AMENDING ORDINANCE NO. 3481 AND AUTHORIZING THE LEVY OF A SPECIAL TAX IN SUCH DISTRICT PURSUANT TO AN AMENDED RATE AND METHOD OF APPORTIONMENT THEREOF **(FIRST READING)**

9. CITY MANAGER'S REPORTS

There were none.

10. MAYOR'S REPORTS

At the request of Mayor Casillas Salas, there was a consensus of the Council to add an item to a future agenda to consider sponsoring the 2021 Starlight Parade and approve the formation of an ad hoc committee to work on the event.

Mayor Casillas Salas announced applications were still being accepted for the Emergency Rental Assistance Program and the County Small Business Stimulus Grant. Mayor Casillas Salas encouraged vaccinations and reported her attendance at the following recent events: a congratulatory luncheon for Shelly Rudd honoring her for her work with the Historic Society and the swearing-in ceremony for four new officers.

11. COUNCILMEMBERS' COMMENTS

Councilmember Padilla expressed gratitude to be back in Chambers.

Councilmember Cardenas stated she was glad to be back in Chambers. At the request of Councilmember Cardenas, there was consensus of the Council to make a referral to the Human Relations Commission to explore ways the City could expand gender-inclusive language, such as inclusive pronouns in City documents.

Deputy Mayor McCann thanked the Police Department for the new police officers. He reported his attendance at several Fourth of July barbecue's with local veterans.

Councilmember Galvez thanked her summer volunteer, Christopher Escamilla for his presentation on street racing. She also thanked housing staff and Alliance of Californians for Community Empowerment (ACCE) for their assistance with residents on Smith Avenue. Councilmember Galvez reported her attendance at the following recent events: US Army's 246th birthday; first meeting of United States-Mexico-Canada Agreement (USMCA) Environmental Committee; Juneteenth flag raising; promotional ceremony for new police staff; ribbon-cutting ceremony for the San Diego Kabob Shack; the Chicano Federation annual luncheon; visit to the Chula Vista High School Garden; ribbon-cutting ceremony for the Blue Line Trolley; introduction of Morgan Rogers, the new area operations manager of the South Bay Treatment Plant; her open office hours on the Chula Vista Library Deck; tour of the Sun Communities RV Park; Fraternal Order of Police's Lodge 12 meeting; and Chula Vista Garden Club new officers instillation. She thanked Michael Biedenbender and his wife for their service and welcomed returning president Crystal Fairley. Councilmember Galvez thanked Assistant Director of Development Services Black for her assistance in expediting the permits for Algo Bueno restaurant and also thanked Public Works staff, Sam Alzubaidi, Frank Herrera, and Steve Padilla as well as the Alpha Project for their work on improvements to Hilltop Park.

12. CITY ATTORNEY'S REPORTS

12.1 Council Subcommittee on Campaign Contribution Ordinance: Request for City Council Formation of an Ad-Hoc Subcommittee to Provide Recommendations on the City's Campaign Contribution Ordinance

City Attorney Googins provided information on the item.

Moved by Mayor Casillas Salas
Seconded by Councilmember Galvez

To form an ad-hoc subcommittee consisting of Mayor Casillas Salas and Councilmember Padilla to work with the City Attorney's Office to develop and provide recommendations to the City Council regarding updates to the City's Campaign Contribution Ordinance (Chula Vista Municipal Code chapter 2.52).

Yes (5): Councilmember Cardenas, Councilmember Galvez, Councilmember McCann, Councilmember Padilla, and Mayor Casillas Salas

Carried (5 to 0)

13. 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.

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 7:12 p.m. The Council convened in Closed Session at 7:18 p.m., with all members present.

13.1 Public Employee Performance Evaluation Pursuant to Government Code Section 54957

Title: City Clerk

ACTION: No Reportable Action

13.2 Public Employee Performance Evaluation Pursuant to Government Code Section 54957

Title: City Manager

ACTION: No Reportable Action

13.3 Conference with Legal Counsel Regarding Existing Litigation Pursuant to Government Code Section 54956.9(d)(1)

A) Name of case: Lucy Ludwig-Melendrez, et al. v. City of Chula Vista, San Diego Superior Court, Case No. 37-2019-00034737-CU-CI-CTL.

ACTION: No Reportable Action

B) Name of case: In Re National Prescription Opiate Litigation, United States District Court of Ohio, Eastern Division, Case No. 1:17-md-2804-DAP

ACTION: Pending Finalization of Settlement

14. ADJOURNMENT

The meeting was adjourned at 7:54 p.m.

Minutes prepared by: Tyshar Turner, Assistant City Clerk

Kerry K. Bigelow, MMC, City Clerk