



REGULAR MEETING OF THE CITY COUNCIL

Meeting Minutes

December 14, 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, Deputy City Clerk Kansas

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.

1. CALL TO ORDER

A regular meeting of the City Council of the City of Chula Vista was called to order at 5:05 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 Galvez led the Pledge of Allegiance.

4. SPECIAL ORDERS OF THE DAY

4.1 COVID-19 Update by the City of Chula Vista Emergency Services Manager Marlon King

Emergency Services Manager King gave a presentation on the item.

4.2 Oaths of Office

City Clerk Bigelow administered the oaths of office and Councilmembers Cardenas and McCann presented certificates to Commissioners Edwan and Quinones.

5. CONSENT CALENDAR (Items 5.1 through 5.9)

Mayor Casillas Salas announced Councilmembers Galvez and McCann would abstain from voting on Item 5.3 due to potential property-related conflicts of interest.

Moved by Mayor Casillas Salas

Seconded by Councilmember Padilla

To approve the recommended actions appearing below consent calendar items 5.1 - 5.2 and 5.4 through 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

Result, Carried (5 to 0)

5.1 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.

5.2 Consideration of Request for Excused Absences

No requests were received at that meeting.

5.4 Quarterly Financial Report For The Quarter Ending September 30, 2021

Accept the Quarterly Financial Report for the quarter ending September 30, 2021; and adopt a resolution making various amendments to the Fiscal Year 2021/22 budget to adjust for variances and appropriating funds for that purpose.

RESOLUTION NO. 2021-232 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2021/22 BUDGET TO ADJUST FOR VARIANCES AND APPROPRIATING FUNDS THEREFOR **(4/5 VOTE REQUIRED)**

5.5 Approving Agreements: Approve Agreements Between the City of Chula Vista and CR Associates, Inc., Harris and Associates, Inc., Kimley-Horn and Associates, Inc., Rick Engineering Company, & Wood Rodgers, Inc. to Provide On-Call Civil Engineering Services

Adopt a resolution approving agreements between the City and CR Associates, Inc., Harris and Associates, Inc., Kimley-Horn and Associates, Inc., Rick Engineering Company, & Wood Rodgers, Inc. to provide Civil Engineering Consultant Services for various Capital Improvement Program (CIP) projects and other City Projects.

RESOLUTION NO. 2021-233 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AGREEMENTS WITH CR ASSOCIATES, INC., HARRIS AND ASSOCIATES, INC., KIMLEY-HORN AND ASSOCIATES, INC. RICK ENGINEERING COMPANY, AND WOOD RODGERS, INC. TO PROVIDE CIVIL ENGINEERING CONSULTING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS AND OTHER CITY PROJECTS DURING THE DESIGN AND CONSTRUCTION PHASES

5.7 Capital Improvement Plan Funding: Approve Appropriation of Additional Funds to Complete and Close the “Retiming of Traffic Signals and Installation of Fiber Optic/Ethernet Communication System (TRF0404)” Project

Adopt a resolution approving an appropriation of Transportation DIFs Fund to Capital Improvement Project (CIP) TRF0404.

RESOLUTION NO. 2021-237 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING \$130,000 FROM THE AVAILABLE BALANCE OF THE TRANSPORTATION DIF FUND TO CIP TRF0404 **(4/5 VOTE REQUIRED)**

5.8 Employee Cafeteria Benefits Plan: Approve Amendments to the 2021 Plan Reflecting a Revised Administration Period and Approving the 2022 Plan

Adopt resolution A) approving the Cafeteria Benefits Plan for 2022; and B) approving the amended Cafeteria Benefits Plan for 2021 reflecting a revised administration period and limits for the flexible spending accounts.

A) RESOLUTION NO. 2021-238 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING THE CITY OF CHULA VISTA CAFETERIA BENEFITS PLAN FOR 2022

B) RESOLUTION NO. 2021-239 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPT THE AMENDED CITY OF CHULA VISTA CAFETERIA BENEFITS PLAN FOR 2021 TO REFLECT REVISED ADMINISTRATION PERIOD AND LIMITS FOR THE HEALTH CARE AND DEPENDENT CARE FLEXIBLE SPENDING ACCOUNTS

5.9 Employee Compensation and Bargaining Agreements: Approve a Memorandum of Understanding (MOU) with Non-Safety IAFF; an MOU with Western Council of Engineers; a Revised Compensation Schedule and Budget Amendments

The following members of the public submitted written documentation in support of staff's recommendation:

- Jose Luis Gomez
- Connie Fife
- Francisco X Riviera

Adopt resolution A) approving a Memorandum of Understanding ("MOU") between the City of Chula Vista and Non-Safety Local 2180 International Association of Firefighters ("Non-Safety IAFF") related to compensation and other terms and conditions of employment; B) approving a Memorandum of Understanding ("MOU") between the City of Chula Vista and Western Council of Engineers ("WCE") related to compensation and other terms and conditions of employment; C) approving the revised Fiscal Year 2021/22 Compensation Schedule effective December 17, 2021, as required by California Code of Regulations., Title 2, Section 570.5; and D) making various amendments to the Fiscal Year 2021/22 budget for appropriating funds for that purpose.

A) RESOLUTION NO. 2021-240 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE CITY OF CHULA VISTA AND NON-SAFETY LOCAL 2180 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS ("NON-SAFETY IAFF") RELATED TO

COMPENSATION AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT; AND AUTHORIZING THE CITY MANAGER, AS SET FORTH HEREIN, TO EXECUTE THE AFOREMENTIONED MOU AND ANY ADDITIONAL DOCUMENTS WHICH MAY BE NECESSARY OR REQUIRED TO IMPLEMENT SAID MOU

B) RESOLUTION NO. 2021-241 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE CITY OF CHULA VISTA AND WESTERN COUNCIL OF ENGINEERS ("WCE") RELATED TO COMPENSATION AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT; AND AUTHORIZING THE CITY MANAGER, AS SET FORTH HEREIN, TO EXECUTE THE AFOREMENTIONED MOU AND ANY ADDITIONAL DOCUMENTS WHICH MAY BE NECESSARY OR REQUIRED TO IMPLEMENT SAID MOU

C) RESOLUTION NO. 2021-242 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2021/22 COMPENSATION SCHEDULE EFFECTIVE DECEMBER 17, 2021, AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

D) RESOLUTION NO. 2021-243 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2021/22 BUDGET FOR APPROPRIATING FUNDS THEREFOR
(4/5 VOTE REQUIRED)

5.3 Short-Term Rentals: Consideration of Adopting a Short-Term Rental Ordinance

The following members of the public submitted written communication in support of the modified ordinance:

- *Douglas Morris, CPA*
- *Isaac Soria*
- *Ari*
- *NN*
- *Farid*
- *Katie*
- *Terry Manges*
- *Guillermo Gonzalez*
- *Elizabeth Cook*
- *Andrew D.*

- *Jake Alebie*
- *Juan Zapata*
- *Pablo Zambio*
- *Jeff*
- *Sofia*
- *Steven*
- *Kyle Merritt*
- *Guy East*
- *Tangerine Skantz*
- *Sara Dao*
- *William B. Cook*
- *Andrew Moyers*
- *David V.*
- *Carolina Marroquin*
- *Melissa Campbell*
- *Adrian Tapia*
- *Rafael Morales*
- *Alejandro Diaz*
- *Andres Rodriquez*
- *John D.*
- *Carlos Gonzalez*
- *David Edwards*
- *Mike Quinn*
- *Todd Jacobs*
- *Joachim Gratton*
- *Ashlyn Mesa*
- *Carey Hazelton*
- *Crystal Guerrero*
- *Lillyan Gonzalez*
- *Jeffrey Markee*
- *Isabelle Meritt*
- *Gaetano Harris*
- *David*
- *Brandon Cole*
- *Clyde Skantz*
- *Charles P. Sanders*
- *Tabitha Skantz*
- *Amy Davitian*

- *Brian Benson*
- *Robert Morales*
- *Agnes*
- *Enrique N.*
- *Isai Lopez*
- *Joel V*
- *Diego O.*
- *Mauricio O.*
- *Heather S.*
- *Antonio M.*
- *Carlos C.*
- *Angela*
- *Claudia R.*
- *Jaime R.*
- *Monica Lopez*
- *Ana Lopez*
- *Claudia Lopez*
- *Monica Ferrer*
- *Daniel Perez*
- *Zkandia Beltran*
- *Lori Sandoval*
- *Kevin Astely*
- *Andrea*
- *Jasmin Corral*
- *Matthew*
- *Tiffanie Chavarria*
- *Daniel*
- *Ivette*
- *Jeremiah*
- *Katie*
- *Aaron Davitian*
- *Lorenzo Lopez*
- *Nicole F Rodriguez*

The following members of the public submitted written documentation regarding the ordinance:

- *Jason Taylor*
- *Alex*
- *Lex A. Velarde*
- *Peggy*
- *Adrian Duarte*
- *Karla Garcia*
- *Breana Frazier*
- *Lauri*
- *Carlos Magana*
- *Alphonso*
- *Shellie Duarte*
- *Kyla H. Polee*
- *O Correa*
- *Kacey Vu*
- *Gilda*
- *John Fischer*
- *Luis Lopez*
- *Dominic McGhee*
- *Craig McClurg*
- *Jack Polee*
- *Enrique*
- *Ivan*
- *Oscar B*
- *Dario Barba*
- *Arturo Aguirre*
- *Erwin Armando Orendain*
- *Jorge Garcia*
- *Jose Roberto Sanchez Apipilhuasco*
- *Norma Trujillo*
- *Carlos G.*
- *Patty*
- *Norma*
- *Omar Garcia Machado*
- *Debbie*

Moved by Mayor Casillas Salas
Seconded by Councilmember Padilla

Adopt an ordinance adding Chapter 5.68 (Short-Term Rentals) to the Chula Vista Municipal Code, establishing regulations, standards, and a permitting process for Short-Term Rentals.

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

Abstain (2): Councilmember Galvez, and Councilmember McCann

Result, Carried (3 to 0)

ORDINANCE NO. 3514 OF THE CITY OF CHULA VISTA ADDING CHAPTER 5.68, "SHORT-TERM RENTALS" TO TITLE 5 OF THE CHULA VISTA MUNICIPAL CODE TO ESTABLISH REGULATIONS, STANDARDS, AND A PERMITTING PROCESS FOR SHORT-TERM RENTALS **(SECOND READING AND ADOPTION)**

5.6 Employee Compensation/Positions: Approve the Addition and Deletion of Various Position Titles and Amended Position Counts in Various Departments, a Revised Compensation Schedule, and Budget Amendments

Adopt resolution (A) amending the Compensation Schedule and Classification Plan to reflect the addition and deletion of various position titles, amending the authorized position count in various departments, and providing for salary increases for specified classifications to comply with the State's minimum wage law; (B) approving the revised Fiscal Year 2021/22 Compensation Schedule effective December 31, 2021, as required by the California Code of Regulations, Title 2, Section 570.5; (C) making various amendments to the Fiscal Year 2021/22 budget for appropriating funds for that purpose; and place an ordinance on first reading amending Chula Vista Municipal Code Section 2.05.010 to add the unclassified position titles of Communications/Special Events Coordinator and deleting the position title of Special Events Coordinator.

A) RESOLUTION NO. 2021-234 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, AMENDING THE AUTHORIZED POSITION COUNT WITH A NET INCREASE IN AUTHORIZED

STAFFING, AND SALARY INCREASES OF VARIOUS CLASSIFICATIONS TO COMPLY WITH STATE MINIMUM WAGE LAW EFFECTIVE JANUARY 1, 2022

B) RESOLUTION NO. 2021-235 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2021/22 COMPENSATION SCHEDULE EFFECTIVE DECEMBER 31, 2021, AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

C) RESOLUTION NO. 2021-236 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2021/22 BUDGET FOR APPROPRIATING FUNDS THEREFOR **(4/5 VOTE REQUIRED)**

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 ADDING THE UNCLASSIFIED POSITION TITLE OF COMMUNICATIONS/SPECIAL EVENTS COORDINATOR AND DELETING THE POSITION TITLE OF SPECIAL EVENTS COORDINATOR **(FIRST READING) (4/5 VOTE REQUIRED)**

6. PUBLIC COMMENTS

6.1 Public Comments Received for 12/14/2021

The following members of the public submitted written documentation regarding the Chula Vista Mid Managers and Professionals proposed contract:

- Sylvia Montes
- Neil Engleton
- Anne Gonzalez
- Brian Ballestamon
- Claudia Block
- Jerry Quijencio
- Ayub Karram
- Emily Novak
- Silvia Cosio
- Emma Duncan
- Stephen Mosca
- Coleen Wisniewski
- Mark Caro

- Andre Fife
- Boushra Salem
- Connie Fife
- Myrene De La Toba
- Evelyn Alfaro
- Cheryl Goddard
- Carla Even

7. PUBLIC HEARINGS

7.1 Vacation of Land: A Portion of Marina Parkway and a Portion of G Street as Part of the Bayfront Development

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.

Mayor Casillas Salas opened the public hearing.

There was consensus of the Council to continue the item to the January 18, 2022 meeting.

8. ACTION ITEMS

8.1 Contract Amendment: Consider Approving the Third Amendment to the Real Property Purchase and Sale Agreement with Tecture Red, LLC for 224 Third Avenue

Mayor Casillas Salas stated she would abstain from voting on Item 8.1 due to a potential property-related conflict of interest. She left the dais during discussion and voting on the item.

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

City Clerk Bigelow announced that a revised resolution for the item had been distributed to the Council, and that action on the item would be with respect to the revised document.

Moved by Councilmember Padilla

Seconded by Councilmember Galvez

To adopt Resolution No. 2021-244. The heading below was 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

Result, Carried (4 to 0)

RESOLUTION NO. 2021-244 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE THIRD AMENDMENT TO REAL PROPERTY PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BY AND BETWEEN THE CITY OF CHULA VISTA AND TECTURE RED, LLC. FOR THE SALE OF THE 0.14-ACRE COMMERCIAL PROPERTY LOCATED AT 224 THIRD AVENUE

8.2 Short Term Rentals: Amending the Master Fee Schedule and Adding One Code Enforcement Officer II Position

City Attorney Googins stated that Councilmembers Galvez and McCann had potential financial-related conflicts of interest on the item and due to the item requiring four votes to pass one member would be selected to vote under the FPPC Rule of Necessity.

Councilmember Galvez was selected by lot by Deputy City Clerk Kansas to participate in the item. Councilmember McCann left the dais during discussion and voting on the item.

Development Services Director Allen responded to questions of the Council.

A concerned citizen submitted written correspondence in support of the item.

Moved by Mayor Casillas Salas

Seconded by Councilmember Cardenas

To adopt Resolution No. 2021-245, 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

Result, Carried (4 to 0)

RESOLUTION NO. 2021-245 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 4 (BUSINESS FEES) TO ADD

FEES RELATING TO SHORT-TERM RENTALS, AMENDING THE AUTHORIZED POSITION COUNT FOR THE GENERAL FUND TO REFLECT THE ADDITION OF 1.0 CODE ENFORCEMENT OFFICER II POSITION, AND APPROPRIATING FUNDS THEREFOR **(4/5 VOTE REQUIRED)**

8.3 Agreement Approval: Approve an Agreement with Media 3 Communications for the Exchange of Fiber and Fiber Facilities

Deputy City Manager Crockett gave a presentation on the item.

Council discussion ensued.

Moved by Councilmember McCann

Seconded by Councilmember Galvez

To adopt Resolution No. 2021-246. 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

Result, Carried (5 to 0)

RESOLUTION NO. 2021-246 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APROVING AN AGREEMENT BETWEEN MEDIA 3 COMMUNICATIONS, INC. AND CITY OF CHULA VISTA FOR THE EXCHANGE OF FIBER AND FACILITIES

9. CITY MANAGER'S REPORTS

There were none.

10. MAYOR'S REPORTS

Mayor Casillas Salas spoke regarding her attendance at the Third Avenue Village Association's (TAVA) holiday events.

At the request of Mayor Casillas Salas, there was the consensus of the Council to add an item to an agenda in January to provide direction regarding the future role of the Human Relations Commission.

10.1 Ratification of Appointments to the Following Boards & Commissions:

Candice Custodio-Tan - Human Relations Commission

Vikki Robinson Opeodu - Housing Advisory Commission

Moved by Councilmember McCann

Seconded by Councilmember Cardenas

To ratify the above appointments. The motion carried by the following vote:

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

Result, Carried (5 to 0)

11. COUNCILMEMBERS' COMMENTS

Councilmember Galvez spoke regarding her attendance at the Culchi Town grand opening; She thanked staff for contributions to secure Park and Recreation grants to upgrade Eucalyptus Park and build the new Patty Davis Park. She also expressed holiday greetings.

Councilmember McCann expressed holiday greetings and encouraged the community to shop Chula Vista. He also thanked Third Avenue Village Association for its leadership and spoke regarding recent holiday events.

Councilmembers Cardenas and Padilla expressed holiday greetings.

12. CITY ATTORNEY'S REPORTS

There were none.

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 6:06 p.m. The Council convened in Closed Session at 6:12 p.m., with all members present.

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

Name of case: In Re National Prescription Opiate Litigation; United States District Court, Southern District of Ohio; Case No. 17-md-2804

ACTION: No reportable action.

13.2 Conference with Legal Counsel -- Anticipated Litigation

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): One [1] case.

ACTION: No reportable action

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

Name of case: In Re Boy Scouts of America and Delaware BSA, LLC, United States Bankruptcy Court-District of Delaware, Case No. 20-10343(LSS)

ACTION: No reportable action

14. ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

Minutes prepared by: Tyshar Turner, Assistant City Clerk

Kerry K. Bigelow, MMC, City Clerk