

City of Chula Vista
Regular Meeting of the City Council
Meeting Minutes

January 11, 2022, 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.

The agenda items were considered in the order presented except for Item 10.1, which was heard after the Pledge of Allegiance.

1. CALL TO ORDER

A regular meeting of the City Council of the City of Chula Vista was called to order 5:03 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

Deputy Mayor Cardenas 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.

5. CONSENT CALENDAR (Items 5.1 through 5.9)

Mayor Casillas Salas announced that Items 5.4, 5.9 and 5.10 would be removed from the Consent Calendar.

Councilmember McCann stated he would abstain from voting on Item 5.4 due to a potential property-related conflict of interest.

Moved by Councilmember McCann
Seconded by Councilmember Cardenas

To approve the recommended actions appearing below consent calendar Items 5.1 through 5.3 and 5.5 through 5.8. The headings 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

Approve an excused absence for Councilmember McCann from the December 7, 2021 City Council meeting.

5.3 Employee Positions: Approve the Addition and Deletion of Various Position Titles

Francisco submitted a written communications regarding positions in the Engineering & Capital Projects Department.

Adopt an ordinance amending Chula Vista Municipal Code Section 2.05.010 to add the unclassified position titles of Communications/Special Events Coordinator and delete the position title of Special Events Coordinator.

ORDINANCE NO. 3515 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
(SECOND READING AND ADOPTION) (4/5 VOTE REQUIRED)

5.5 Annual Report: Fiscal Year 2020/21 Development Impact Fees, the Parkland Acquisition and Development Fee, and Trunk Sewer Capital Reserve Funds

Receive the annual report regarding Development Impact Fees, the Parkland Acquisition and Development Fee, and Trunk Sewer Capital Reserve Funds for Fiscal Year 2020/21.

5.6 City Election: Call the June 7, 2022 Election for a Mayor, District 1 City Councilmember, District 2 City Councilmember and City Attorney; and Adopt Regulations for Candidate Statements

Adopt resolutions A) Calling a general municipal election to be held on Tuesday, June 7, 2022, for the election of a Mayor, two Members of the City Council, representing Districts 1 and 2, and a City Attorney; consolidating the election with the statewide election, and requesting the County of San Diego Board of Supervisors to permit the Registrar of Voters to perform certain services for the conduct of the election; and B) Adopting regulations for candidates for elective

office pertaining to materials submitted to the electorate at the general municipal election on June 7, 2022.

A) RESOLUTION NO. 2022-002 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 7, 2022, FOR THE ELECTION OF A MAYOR, TWO MEMBERS OF THE CITY COUNCIL, REPRESENTING DISTRICTS 1 AND 2, AND A CITY ATTORNEY; CONSOLIDATING THE ELECTION WITH THE STATEWIDE ELECTION; AND REQUESTING THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS TO PERMIT THE REGISTRAR OF VOTERS TO PERFORM CERTAIN SERVICES FOR THE CONDUCT OF THE ELECTION

B) RESOLUTION NO. 2022-003 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO MATERIALS SUBMITTED TO THE ELECTORATE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, JUNE 7, 2022

5.7 Grant Award: Accept Grant From California Department of Justice for Tobacco Grant Program

Adopt a resolution accepting \$74,957 in grant funds and appropriating said funds to the Police Grants Section of the State Grants Fund for the Tobacco Grant Program.

RESOLUTION NO. 2022-004 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$74,957 FROM THE STATE OF CALIFORNIA DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL, TOBACCO GRANT PROGRAM, APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND CALIFORNIA DEPARTMENT OF JUSTICE, AND APPROPRIATING SAID FUNDS TO THE POLICE GRANTS SECTION OF THE STATE GRANTS FUND

5.8 Grant Award: Accept Funding From U.S. Department of Homeland Security for Operation Stonegarden

Zarek Lee submitted written communications in opposition to staff's recommendation.

Delia Dominguez Cervantes submitted written communication registering a neutral position on the item.

Adopt a resolution accepting \$88,000 from the U.S. Department of Homeland Security for Operation Stonegarden.

RESOLUTION NO. 2022-005 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$88,000 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND APPROPRIATING SAID FUNDS TO THE POLICE GRANTS SECTION OF THE FEDERAL GRANT FUND FOR OPERATION STONEGARDEN

ITEMS REMOVED FROM THE CONSENT CALENDAR

5.4 **Contract Award: Accepting Bids and Awarding a Contract to Just Construction, Inc. for the ADA Pedestrian Curb Ramps Program for Fiscal Years 2018/19 and 2020/21**

Alan C. spoke in opposition to the item.

Moved by Councilmember Cardenas
Seconded by Councilmember Galvez

To adopt Resolution No. 2022-001, heading 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. 2022-001 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS; AWARDING A CONTRACT FOR THE "ADA PEDESTRIAN CURB RAMPS PROGRAM FY2018/19 (CIP# STL0432)" AND "ADA PEDESTRIAN CURB RAMPS PROGRAM FY2020/21 (CIP# STL0447)" PROJECTS TO JUST CONSTRUCTION, INC. IN THE AMOUNT OF \$346,362; AND TRANSFERRING \$125,500 IN TRANSNET APPROPRIATIONS FROM STL0454, "ADA PEDESTRIAN CURB RAMPS PROGRAM FY2021/22, TO STL0432 "ADA PEDESTRIAN CURB RAMPS PROGRAM FY2018/19" PROJECT
(4/5 VOTE REQUIRED)

5.9 **Grant Acceptance: Accept Federal and State Funds Supplemental Emergency Rental Assistance Program Awards and Enter into a Contractor/Service Provider Agreement with SBCS Corporation for the Administration of the Program**

Alan C. spoke in opposition to the item.

Moved by Councilmember Cardenas
Seconded by Councilmember Galvez

To adopt Resolution Nos. 2022-006 through 2022-008, headings were 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)

A) RESOLUTION NO. 2022-006 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE ACCEPTANCE OF A SUPPLEMENTAL ALLOCATION FROM THE AMERICAN RESCUE PLAN ACT OF 2021 FROM THE UNITED STATES DEPARTMENT OF TREASURY FOR AN EMERGENCY RENTAL ASSISTANCE PROGRAM (ERA2) AND APPROPRIATING SAID FUNDS
(4/5 VOTE REQUIRED)

B) RESOLUTION NO. 2022-007 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING PARTICIPATION IN THE STATE RENTAL ASSISTANCE PROGRAM-2, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A STANDARD AGREEMENT WITH HCD FOR THE IMPLEMENTATION OF A STATE RENTAL ASSISTANCE PROGRAM PURSUANT TO AMERICAN RESCUE PLAN ACT OF 2021 AND ASSEMBLY BILL 832, AND APPROPRIATING FUNDS THEREFOR **(4/5 VOTE REQUIRED)**

C) RESOLUTION NO. 2022-008 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO CHULA VISTA MUNICIPAL CODE SECTION 2.56.070(B)(3) AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO AN AMENDED CONTRACTOR/SERVICE PROVIDER SERVICES AGREEMENT WITH SBCS CORPORATION TO CONTINUE TO PROVIDE AN EMERGENCY RENTAL AND UTILITY ASSISTANCE PROGRAM FUNDED BY STATE AND FEDERAL AMERICAN RESCUE PLAN ACT OF 2021 ALLOCATIONS

5.10 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF CHULA VISTA FOR THE PERIOD OF JANUARY 12, 2022 THROUGH JANUARY 22, 2022 PURSUANT TO THE BROWN ACT

Alan C spoke in opposition to the item.

Moved by Councilmember Cardenas

Seconded by Councilmember Galvez

To adopt Resolution No. 2022-009, heading 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. 2022-009 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF CHULA VISTA FOR THE PERIOD OF JANUARY 12, 2022 THROUGH JANUARY 21, 2022 PURSUANT TO THE BROWN ACT

6. PUBLIC COMMENTS

6.1 Public Comments Received for 1/11/2022

Joseph Raso and Michele Noid spoke in opposition to a rate increase for trash services.

Alan C spoke regarding masks and COVID-19 regulations.

Susana Sanchez request an update to the City's website.

7. PUBLIC HEARINGS

7.1 Consideration of Protests Against an Adjustment on Collection Rates to Comply with Organic Waste Regulations

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 and continued the item to the meeting of January 25, 2022.

The following members of the public submitted written communications in opposition to an adjustment on collection rates:

- *Amanda*
- *Mark*
- *Jeff Mullin*
- *Lillian*
- *James Parker*
- *Kathleen L. Morgan*
- *Roman Covarrubias*
- *Roesli John*
- *Monica*

Dr. Jeff Del Merla submitted written communications offering resources to implement a green plan as a means to alleviate the current Republic Services strike.

7.2 Planning Commission Appeal: Conditional Use Permit and Design Review for a 120-Bed Acute Psychiatric Hospital in the Eastlake II Planned Community, known as Eastlake Behavioral Health Hospital

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 and continued the item to the meeting of January 25, 2022, time certain at 6:00 p.m.

8. ACTION ITEMS

8.1 Update from Republic Services on the Impacts of Recent Waste Collection Interruptions

City Manager Kachadoorian introduced the item. Deputy City Manager Crockett and Environmental Services Manager Medrano gave a presentation on the item.

Richard Copeland, Matt Cross and Neil Mohr representing Republic Services gave a presentation on the item.

Council discussion ensued.

Mayor Casillas Salas requested that staff report back on the feasibility of issuing a request for proposals at the end of the contract to select a provider, and within said proposal, examine what it would cost to bring services in-house.

City Attorney Googins provided clarification on the process of submitting referrals and providing feedback for the item.

Councilmember Galvez spoke in support of declaring a public health state of emergency and invoking the self-help option within the Republic Services contract.

The following members of the public spoke in support of Republic Services workers:

- *Castillo Doheny representing Teamsters Local 542*
- *Cesar Silva representing Teamsters Local 542*
- *Salvador Abrica representing Teamsters Local 542*
- *John Acosta*
- *Michele Noid*
- *Adan Pelayo-Mark*
- *Cesar Fernandez, Chula Vista resident*
- *Sophia Rodriguez, Chula Vista resident*
- *Rita McIntyre, Chula Vista resident*
- *Maria Whitehorse*
- *Hilda Salas*
- *Oscar Salas*

Mayor Casillas Salas recessed the meeting at 7:06 p.m. The Council reconvened at 7:13 p.m., with all members present.

The following members of the public spoke in opposition to the Republic Services waste collection interruptions:

- *Sandra Kaltenborn*
- *Leonardo Vanegas*
- *Alan, Chula Vista resident*
- *John Serrano*
- *Ricardo Santoyo-Mejia representing Chula Vista Elementary School District*
- *John Teevan*
- *Cynthia Brown*
- *John Moot, Chula Vista resident*

Jennifer Carbuccia representing Sweetwater Union High School District spoke regarding the Republic Services contract with the District and its impacts on schools.

The following members of the public submitted request to speak but were not present when called:

- *Joseph Raso*
- *Sean Chamberlin*

The following members of the public submitted written communication with a neutral position on Republic Services waste collection interruption:

- *Johnny Romero*
- *Roesli John*
- *David Kaltenborn*
- *Martin Calvo*
- *Jonathan George*
- *Margaret Fellenbaum*
- *John Molina*
- *Kathleen L Morgan*
- *William Henry*
- *Mrs. Lien*
- *Dr. Del Merlan, Chula Vista resident*
- *Tina Medina*
- *Tina Matthias*
- *Delia Dominguez Cervantes*
- *Henry Cagle*
- *Carolyn Scofield, Chula Vista resident*
- *James Parker*
- *Patrice Milkovich*
- *Frank Luzzaro*
- *Izzybeth Rodriguez-Prats*

The following members of the public submitted written communication in opposition to the Republic Services waste collection interruption:

- *Andy Crowe*
- *Monica*
- *John Galt*
- *Robert Walker*
- *Kelly Luna*
- *Carol Pedersen*
- *Roesli John*
- *Joan Locke*
- *Alexandra Epstein*
- *Roman Covarrubias*
- *Todd Voorhees*
- *Tracy Morgan Hollingworth*
- *James Parker*
- *Tom O'Donnell*
- *Daniel Zeller*
- *Lillian*
- *Michele Gidron*
- *Michele*
- *Jeff Mullin*
- *Mark*
- *Zarek Lee*

- Amanda
- John Zarem
- John Sturges
- Alice Kolodji
- Michael Cepe
- Roesli John
- Robert Ledesma
- Zeamora Pablo
- Nancy Painter
- Kristin
- Elizabeth E. nelson
- Adell Burge
- Delia Dominguez Cervantes
- Paul de la Pena

Councilmember Padilla distributed and discussed a memorandum regarding Republic Services. At the request of Councilmember Padilla, there was consensus of a majority of the Council to direct the City Manager and City Attorney pursue the following actions:

1. *Request the City Manager to provide immediate written notice to Republic Services of the City's intention to exercise its Self Help rights under Section 11.2.3.*
2. *Such notice shall include Self Help actions such as the establishment of recyclable and yard-waste collection sites at City locations with the support of City employees — the expenses incurred being billed to Republic Services.*
3. *The written notice shall include direction to Republic Services to provide equipment and staffing to pick up materials dropped at these sites and transport them to the landfill at their expense.*
4. *The written notice will also provide that the City will pursue any and all remedies available to it under the Franchise Agreement if city-wide collection and cleanup is not commenced within 7days.*
5. *Request the City Manager and City Attorney to prepare a potential declaration of Public Health Emergency to give the City additional latitude to address the crisis.*
6. *Request the City Manager to return to the City Council in 90 days with a suggested process and timeline for initiating a Request for Proposal, or "RFP," for the collection of Solid Waste, and Franchised Recyclables from Residential, Commercial, and Industrial sites within the City in anticipation of the expiration of this agreement — or sooner if warranted.*
7. *Request the City Manager and City Attorney to immediately evaluate our authority under the Franchise Agreement to direct Republic Services to immediately suspend all collection activities on accounts of customers in Chula Vista until the situation is resolved—and also our ability to rebate*

or credit customers for the weeks in which collection activities did not occur.

City Attorney Googins spoke regarding City's options to address the Republic Services waste collection interruption.

9. CITY MANAGER'S REPORTS

There were none.

10. MAYOR'S REPORTS

10.1 Consideration of Reappointment of Ann Moore to the San Diego Board of Port Commissioners for the Term Beginning January 2023.

Council discussion ensued.

Moved by Mayor Casillas Salas

Seconded by Councilmember Padilla

To reappoint Ann Moore to the San Diego Board of Port Commissioners for the upcoming term beginning January 2023.

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

Result, Carried (5 to 0)

11. COUNCILMEMBERS' COMMENTS

Councilmember McCann extended holiday greetings.

12. CITY ATTORNEY'S REPORTS

There were none.

13. ADJOURNMENT

Mayor Casillas Salas adjourned the meeting in memory of Eduardo Federico Vargas Ojeda, the father of Nora Vargas.

The meeting was adjourned at 8:37 p.m.

Minutes prepared by: Tyshar Turner, Assistant City Clerk

Kerry K. Bigelow, MMC, City Clerk