



## REGULAR MEETING OF THE CITY COUNCIL

### Meeting Minutes

July 27, 2021, 5:00 p.m.

Council Chambers, 276 Fourth Avenue, Chula Vista, CA

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

Absent: Councilmember Padilla

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*

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#### 1. CALL TO ORDER

*A regular meeting of the City Council of the City of Chula Vista was called to order at 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

*Councilmember McCann led the Pledge of Allegiance.*

#### 4. SPECIAL ORDERS OF THE DAY

**4.1 Presentation by Chula Vista Redistricting Commission Chair Gloria Hurtado Regarding the Launch of the First Round of Community Workshops to Receive Public Input**

*Commission Chair Hurtado gave a presentation on the item.*

**5. CONSENT CALENDAR (Items 5.1 through 5.11)**

*Mayor Casillas Salas stated she would abstain from voting on Item 5.4 due to a potential property-related conflict of interest and that Councilmember Galvez had a conflict with an exception that did not require she abstain on Item 5.8.*

**Moved by** Mayor Casillas Salas

**Seconded by** Councilmember McCann

To approve the recommended action appearing below Consent Calendar Items 5.1 through 5.3 and 5.5 through 5.11. The headings below were read, text waived. The motion carried by the following vote:

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

**Result, Carried (4 to 0)**

**Moved by** Mayor Casillas Salas

**Seconded by** Councilmember McCann

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 Galvez, and Councilmember McCann

Abstain (1): Mayor Casillas Salas

**Result, Carried (3 to 0)**

**5.1 Written Communications**

Memorandum from Deputy Mayor McCann Requesting an Excused Absence from the June 15, 2021 City Council Meeting.

Excuse the absence.

**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 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**

Adopt an ordinance 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 NO. 3507 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 **(SECOND READING AND ADOPTION)**

**5.4 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**

*Kevin Rhodes submitted comments regarding the item.*

*Robert Casey submitted comments in opposition to staff's recommendations.*

Adopt an ordinance amending Chula Vista Municipal Code chapter 12.28 "Encroachments," to streamline the City's permitting process for certain encroachments within the public right-of-way and make certain updates

ORDINANCE NO. 3508 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 **(SECOND READING AND ADOPTION)**

**5.5 Bayfront Project Special Tax Financing District: Considering an Ordinance Authorizing the Levy of a Special Tax**

Acting as the legislative body of the Bayfront Project Special Tax Financing District: Adopt an ordinance amending Ordinance No. 3481 and authorizing the levy of a special tax in such district pursuant to an amended and restated rate and method of apportionment.

ORDINANCE NO. 3509 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 **(SECOND READING AND ADOPTION)**

**5.6 Program Participation: Authorize Submittal of an Oil Payment Program Application to CalRecycle as the Regional Lead Participant for the South Bay/East County Used Oil Program**

Adopt a resolution approving the submittal of a regional Oil Payment Program application to CalRecycle as the regional lead participant for the South Bay/East County Used Oil Program.

RESOLUTION NO. 2021-140 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING SUBMITTAL OF AN OIL PAYMENT PROGRAM APPLICATION AS THE REGIONAL LEAD PARTICIPANT

**5.7 On-Call Agreements for Geotechnical, Materials Testing, and Special Inspection Consultant Services: Approve Agreements with Four Geotechnical Consultants to Provide On-Call Services**

Adopt a resolution approving agreements with the consultant firms of Atlas Technical Consultants, Ninyo & Moore Geotechnical and Environmental Sciences Consultants, RMA Group Inc., and Wood Environment & Infrastructure Solutions, Inc., to provide on-call geotechnical, materials testing, and special inspection consultant services.

RESOLUTION NO. 2021-141 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING CONSULTANT SERVICES AGREEMENTS TO PROVIDE ON-CALL GEOTECHNICAL, MATERIALS TESTING, AND SPECIAL INSPECTION SERVICES BETWEEN THE CITY AND (A) ATLAS TECHNICAL CONSULTANTS, (B) NINYO & MOORE GEOTECHNICAL AND ENVIRONMENTAL SCIENCES CONSULTANTS, (C) RMA GROUP INC., AND (D) WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC.

**5.8 Roadway Resurfacing Program: Approval of a Service Agreement with the County of San Diego for the County's Roadway Resurfacing Program 2021-2022**

*Frank Rivera submitted comments in support of staff's recommendation on behalf of Chula Vista residents Gloria Tavaréz and Mrs. Espino.*

Adopt a resolution approving a service agreement with the County of San Diego for Roadway Resurfacing.

RESOLUTION NO. 2021-142 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A SERVICE AGREEMENT BY AND BETWEEN THE CITY OF CHULA VISTA AND COUNTY OF SAN DIEGO FOR THE COUNTY'S ROADWAY RESURFACING PROGRAM 2021-2022

**5.9 Sewer Maintenance Hole Inspection and Evaluation Contract: Award of Contract to Redzone Robotics**

Adopt a resolution awarding a contract to Redzone Robotics to provide sewer maintenance hole inspection and evaluation services.

RESOLUTION NO. 2021-143 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A CONTRACT AWARD TO REDZONE ROBOTICS TO PROVIDE MAINTENANCE HOLE INSPECTION AND EVALUATION SERVICES (SWR0287 AND SWR0315)

**5.10 Speed Limit Adjustment: Moss Street**

Place an ordinance on first reading decreasing the speed limit on Moss St. between Broadway and Second Ave. from 35 mph to 30 mph and between Second Ave. and the easterly cul-de-sac from 35 mph to 25 mph, and amending schedule X of the register in the City Engineer's office.

ORDINANCE OF THE CITY OF CHULA VISTA DECREASING THE SPEED LIMIT ON MOSS STREET BETWEEN BROADWAY AND SECOND AVENUE FROM 35 MPH TO 30 MPH AND BETWEEN SECOND AVENUE AND THE EASTERLY CUL-DE-SAC FROM 35 MPH TO 25 MPH, AND AMENDING SCHEDULE X OF THE REGISTER MAINTAINED IN THE OFFICE OF THE CITY ENGINEER TO REFLECT THE ESTABLISHED SPEED LIMITS **(FIRST READING)**

**5.11 Contract Award: Accepting Bid and Awarding Agreement to Penske Ford for Police Interceptor Utility Vehicles**

Adopt a resolution awarding an agreement to Penske Ford for 11 police interceptor utility vehicles.

RESOLUTION NO. 2021-144 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BID AND AWARDING AGREEMENT WITH PENSKE FORD FOR POLICE INTERCEPTOR UTILITY VEHICLES

**6. PUBLIC COMMENTS**

*There were none.*

**7. BOARD AND COMMISSION REPORTS**

**7.1 Measure P Citizens' Oversight Committee Presentation: Annual Report Covering Reporting Period of July 01, 2019 Through June 30, 2020 and an Update of Measure P Projects**

*Measure P Citizens' Oversight Committee Chair Garcias gave a presentation on the item.*

**8. ACTION ITEMS**

**8.1 Presentation of Emergency Order 008-2021 Updating and Consolidating, where Appropriate, the Status of All Emergency Orders Issued by the Chula Vista Director of Emergency Services from April 2020 Through May 2021 as a Result of the Covid-19 Pandemic**

*Deputy City Attorney McClurg gave a presentation on the item and Emergency Services Manager King provided an update on the status of COVID-19.*

*Council discussion ensued.*

**Moved by** Mayor Casillas Salas

**Seconded by** Councilmember Cardenas

To ratify and approve Emergency Order 008-2021 to update and consolidate the status of all Emergency Orders issued by the Chula Vista Director of Emergency Services from April 2020 through May 2021 as a result of the COVID-19 pandemic. The motion carried by the following vote:

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

**Result, Carried (4 to 0)**

**8.2 Contract Amendment: Waiving Competitive Bidding Requirements and Amending an Agreement with SBCS Corporation to Increase Funding and Update Scope to Comply with AB 832 for the Administration of the Emergency Rental and Utility Assistance Program**

*Deputy Mayor McCann stated he would abstain from voting on Item 8.2 due to a potential property-related conflict of interest and he left the dais during discussion and voting on the item.*

*Sr. Management Analyst Dorado gave a presentation on the item and responded to questions of the Council.*

*Council discussion ensued.*

**Moved by** Mayor Casillas Salas

**Seconded by** Councilmember Cardenas

To adopt Resolution No. 2021-145, heading was read, text waived: The motion carried by the following vote:

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

Abstain (1): Councilmember McCann

**Result, Carried (3 to 0)**

RESOLUTION NO. 2021-145 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 APPROVING A FIRST AMENDMENT TO THE CONTRACTOR/SERVICE PROVIDER AGREEMENT WITH SBCS CORPORATION TO PROVIDE AN EMERGENCY RENTAL AND UTILITY ASSISTANCE PROGRAM FUNDED BY STATE AND FEDERAL CONSOLIDATED APPROPRIATIONS ACT OF 2021 ALLOCATIONS

**9. CITY MANAGER'S REPORTS**

*There were none.*

**10. MAYOR'S REPORTS**

*Mayor Casillas Salas spoke regarding additional funds available for rental assistance and the Small Business Grants. Mayor Casillas Salas encouraged the community to continue wearing masks. She reported on her attendance at the following recent events: California Latino Caucus Scholarship Award reception; Equity California Proud Together lunch; ribbon-cutting ceremony for the Airline Support building at the San Diego airport; meetings with Senate President Pro Tem Toni Atkins, and Assemblymember Akilah Weber, regarding the City's legislative priorities and pending legislation; and a tour of Otay Landfill and surrounding areas.*

**10.1 Consideration of Appointment of a Voting Delegate and Alternates for the 2021 League of California Cities Annual Conference to be Held in Sacramento, September 22 - 24**

**Moved by** Councilmember McCann

**Seconded by** Councilmember Cardenas

To designate Mayor Casillas Salas as the voting delegate and Councilmember Padilla as the alternate for the 2021 League of California Cities Annual Conference to be held in Sacramento, September 22-24. The motion carried by the following vote:

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

**Result, Carried (4 to 0)**

**10.2 Consideration of City Sponsorship of the 2021 Starlight Parade and the Formation of an Ad-Hoc Subcommittee for the Event**

**Moved by** Councilmember Galvez

**Seconded by** Councilmember Cardenas

To approve sponsorship of the 2021 Starlight Parade and designate Mayor Casillas Salas and Councilmember Galvez to serve on an Ad-Hoc Subcommittee for the event. The motion carried by the following vote:

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

**Result, Carried (4 to 0)**

**10.3 Ratification of Appointment of Mopelola Olaoye to the Human Relations Commission**



**Moved by** Councilmember Cardenas  
**Seconded by** Councilmember Galvez

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

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

**Result, Carried (4 to 0)**

## **11. COUNCILMEMBERS' COMMENTS**

*Councilmember Cardenas encouraged mask wearing, COVID-19 testing and vaccinations. She reported that she recently participated on a panel hosted by MANA San Diego discussing inequities for Latinas.*

*Deputy Mayor McCann recognized businesses for their endurance during the pandemic and beyond and encouraged the community to shop locally. Deputy Mayor McCann reported his attendance at the Third Avenue tree lighting. He expressed gratitude for children being able to return to school.*

*Councilmember Galvez spoke regarding a tour of the IBWC Sewage Treatment Plant, Chamber of Commerce installation event, and graffiti abatement project she and Councilmember Cardenas would undertake. She also thanked Housing staff for their assistance with residents on Smith Avenue.*

## **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 6:29 p.m. The Council convened in Closed Session at 6:32 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: Lucy Ludwig-Melendrez, et al. v. City of Chula Vista, San Diego Superior Court, Case No. 37-2019-00034737-CU-CI-CTL.

Action: Pending Finalization of the Terms of Settlement

**14. ADJOURNMENT**

*Mayor Casillas Salas adjourned the meeting in memory of Frank Wada.*

*The meeting was adjourned at 6:34 p.m.*

*Minutes prepared by: Tyshar Turner, Assistant City Clerk*

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Kerry K. Bigelow, MMC, City Clerk