

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

June 14, 2022, 5:00 p.m.
Council Chambers, 276 Fourth Avenue, Chula Vista, CA

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

Excused: Councilmember Galvez

Also Present: City Manager Kachadoorian, City Attorney Googins, Assistant City Clerk Turner, 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 5:02 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

2. ROLL CALL

Assistant City Clerk Turner called the roll.

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

Deputy Mayor Cardenas led the Pledge of Allegiance.

Mayor Casillas Salas announced a closed session item noticed on the separate special meeting agenda and stated the Council would convene at a later time to discuss the item.

4. SPECIAL ORDERS OF THE DAY

4.1 Presentation by Cesar Hernandez, Clean Mobility Options Program Manager, Regarding the New Chula Vista Community Shuttle Program

Sustainability Manager Gakunga introduced the item, spoke briefly about the Community Shuttle Program, and answered questions of the Council.

Cesar Hernandez, representing Clean Mobility Options gave a presentation on the item.

4.2 Presentation of a Proclamation Proclaiming June 2022 as Myasthenia Gravis Awareness Month in the City of Chula Vista

Mayor Casillas Salas read the proclamation, and Councilmember McCann presented it to Deborah Vick, Ms. Wheelchair California 2022, representing RareABILITY.

4.3 Presentation of a Proclamation to Edward H. Chew, III in Recognition of His Retirement and 31 Years of Service with the City of Chula Vista

Mayor Casillas Salas read the proclamation, and Councilmember Padilla presented it to Edward Chew.

Information Technology Director Chew gave a presentation on the item.

5. CONSENT CALENDAR (Items 5.1 through 5.13)

Mayor Casillas Salas announced that Items 5.3, 5.4, and 5.5 were removed from the consent calendar at the request of the public and that Item 5.9 would be continued to a later date.

ACTION: **Moved by** Mayor Casillas Salas
 Seconded by Councilmember McCann

To approve the recommended actions appearing below consent calendar Items 5.1 through 5.2, 5.6 through 5.8, and 5.10 through 5.13. The headings were read, text waived. The motion carried by the following vote:

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

Result, Carried (4 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 Requests for Excused Absences

Approval of a request for an excused absence from Councilmember Galvez for that meeting.

5.6 Unclaimed Monies: Transfer Unclaimed Monies from Cash Bond Deposit Fund to General Fund

Adopt a resolution transferring unclaimed monies in the amount of \$21,022.81 from the Cash Bond Deposit Fund to the General Fund.

RESOLUTION NO. 2022-140 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA TRANSFERRING UNCLAIMED MONIES IN THE AMOUNT OF \$21,022.81 FROM THE CASH BOND DEPOSIT FUND TO THE GENERAL FUND

5.7 Grant Award: Accept a Grant from California Governor's Office of Emergency Services for the Paul Coverdell Forensic Science Improvement Program

Adopt a resolution accepting \$55,590 in grant funds from the California Governor's Office of Emergency Services and appropriating the funds to the Police Grants Section of the Federal Grants Fund for the Paul Coverdell Forensic Science Improvement Program.

RESOLUTION NO. 2022-141 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$55,590 FROM THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR THE COVERDELL FORENSIC SCIENCE IMPROVEMENT PROGRAM AND APPROPRIATING SAID FUNDS TO THE POLICE GRANTS SECTION OF THE FEDERAL GRANTS FUND

5.8 Agreement Extension: Accept an Agreement Extension with Axon Enterprise, Inc. for the Body-Worn Camera Program

Adopt a resolution accepting an agreement extension with Axon Enterprise, Inc. for the Body-Worn Camera Program, and authorizing the City Manager to execute the agreement.

RESOLUTION NO. 2022-143 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING AN AGREEMENT EXTENSION WITH AXON ENTERPRISE, INC. FOR THE BODY WORN CAMERA PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME

5.10 Agreement Amendment: Approve the First Amendment to the Agreement with Global Power to Increase the Maximum Contract Amount and Extend the Contract to June 30, 2023 for Emergency Generator Maintenance Services

Adopt a resolution approving the first amendment to the agreement between the City and Global Power to increase the maximum contract amount to \$375,000 and extend the agreement by one year.

RESOLUTION NO. 2022-145 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FIRST AMENDMENT TO THE CONTRACTOR/SERVICE PROVIDER SERVICES AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND GLOBAL POWER TO PROVIDE EMERGENCY GENERATOR MAINTENANCE SERVICE

5.11 Declaration of Surplus Land: Declare a City-Owned Parcel of Vacant, Undeveloped Property as Surplus Land Pursuant to the Surplus Land Act

Adopt a resolution declaring an approximately 7,200 square foot parcel of vacant, undeveloped property at the northern edge of the City-owned 54-acre west landfill site as vacant land under the Surplus Land Act.

RESOLUTION NO. 2022-145 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING APPROXIMATELY 7,200 SQUARE FEET OF UNDEVELOPED, VACANT PROPERTY AT THE NORTHERN EDGE OF THE CITY-OWNED WEST LANDFILL SITE AS VACANT LAND UNDER THE SURPLUS LAND ACT (GOVERNMENT CODE 54220 ET. SEQ.)

5.12 Public Works Contract Award: Accept Bids and Award the Contract for the “Public Facility Improvement (CIP# GGV0254) and Faivre & Broadway Sidewalk Improvement (CIP# GGV0255)” Projects to Western Rim Constructors Group, Inc.

Council adopt a resolution accepting bids and awarding the contract for the “Public Facility Improvement (CIP# GGV0254) and Faivre & Broadway Sidewalk Improvement (CIP# GGV0255)” projects to Western Rim Constructors, Inc. in the amount of \$2,776,014.20.

RESOLUTION NO. 2022-146 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS; WAIVING IMMATERIAL IRREGULARITIES; AND AWARDING THE CONTRACT FOR THE “PUBLIC FACILITY IMPROVEMENT (CIP# GGV0254) AND FAIVRE & BROADWAY SIDEWALK IMPROVEMENT (CIP# GGV0255)” PROJECTS TO WESTERN RIM CONSTRUCTORS, INC.

5.13 City Employment Benefits: Adopt Amendments to the Memoranda of Understanding with Collective Bargaining Groups Regarding Employee Benefits

Adopt a resolution approving amendments to memoranda of understanding (MOUs) regarding the addition of Juneteenth as a hard holiday, a Post Employment Health Plan, and the option to cash out vacation, compensatory time, and sick leave, if applicable for the following bargaining units: Association of Chula Vista Employees (“ACE”); Chula Vista Mid-Managers/Professional Association, SEIU Local 221 (“MM/PROF”); Non-Safety Local 2180, International Association of Fire Fighters, (“Non-Safety IAFF”); Chula Vista Peace Officers Association (“POA”); and the Western Council of Engineers (“WCE”).

RESOLUTION NO. 2022-147 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO MEMORANDA OF UNDERSTANDING REGARDING THE ADDITION OF JUNETEENTH AS A HARD HOLIDAY, A POST EMPLOYMENT HEALTH PLAN AND THE OPTION TO CASH OUT VACATION COMPENSATORY TIME AND SICK LEAVE IF APPLICABLE FOR THE FOLLOWING BARGAINING UNITS: ASSOCIATION OF CHULA VISTA EMPLOYEES; CHULA VISTA MID MANAGERS/ PROFESSIONAL ASSOCIATION, SEIU LOCAL 221; NON-SAFETY, LOCAL 2180 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS; CHULA VISTA PEACE OFFICERS ASSOCIATION; AND THE WESTERN COUNCIL OF ENGINEERS

ITEMS REMOVED FROM THE CONSENT CALENDAR

5.3 Senate Bill 1383: Amendments to Chula Vista Municipal Code Chapters 8.24 (Solid Waste) and 8.25 (Recycling, Organic Waste, and Edible Food Recovery) to Ensure Compliance with Senate Bill 1383 Mandates

Alan C. spoke in opposition to the item.

ACTION: **Moved by Mayor Casillas Salas**
 Seconded by Councilmember McCann

To adopt Ordinance No.3523, heading read, text waived. The motion was carried by the following vote

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

Result, Carried (4 to 0)

ORDINANCE NO. 3523 OF THE CITY OF CHULA VISTA AMENDING CHAPTERS 8.24 AND 8.25 OF THE CHULA VISTA MUNICIPAL CODE TO COMPLY WITH THE STATE OF CALIFORNIA'S SHORT-LIVED CLIMATE POLLUTION REGULATIONS **(SECOND READING AND ADOPTION)**

5.4 Gann Initiative: Establish Appropriations Limit for Fiscal Year 2022/23

Alan C. spoke in support of the item.

ACTION: **Moved by** Mayor Casillas Salas
 Seconded by Councilmember McCann

To adopt Resolution No. 2022-139, heading read, text waived. The motion carried by the following vote:

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

Result, Carried (4 to 0)

RESOLUTION NO. 2022-139 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING THE GANN INITIATIVE APPROPRIATIONS LIMIT FOR THE CITY OF CHULA VISTA FOR FISCAL YEAR 2022/23

5.5 The Road Repair and Accountability Act of 2017 (RMRA): Approve the Proposed List of Projects for Fiscal Year 2022/23

Alan C. spoke in opposition to the item.

ACTION: **Moved by** Councilmember McCann
 Seconded by Deputy Mayor Cardenas

To adopt Resolution No. 2022-140, heading read, text waived. The motion carried by the following vote:

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

Result, Carried (4 to 0)

RESOLUTION NO. 2022-140 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2022/23 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

5.9 Contract: Award of Janitorial Services Contract to Nova Commercial

Item 5.9 was continued to a future date.

6. PUBLIC COMMENTS

Alan C. spoke regarding gas prices and road improvements.

Joseph Raso, Chula Vista resident, also speaking on behalf of Stan Pale, Mary Raso and Michael Raso, spoke regarding a residential landlord and tenant ordinance.

7. PUBLIC HEARINGS

7.1 Organic Waste Collection Service Rates: Approve New and Adjusted Rates for Organic Waste Collection Services to Cover the Costs of Compliance with the State's Organic Waste Reduction Regulations and Amend the City's Master Fee Schedule Accordingly

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

Environmental Services Manager Medrano and Deputy City Attorney McDonnell along with Jill Lerner and Haley Aumiller, representing Cal Recycle, gave a presentation on the item and answered questions of the Council.

Mayor Casillas Salas opened the public hearing.

The following members of the public spoke in opposition to staff's recommendation:

- *Adrienne Turner*
- *Alan C.*

Elizabeth Prado, Chula Vista resident, also speaking on behalf of Edilberto Samala and AJ Thomas, spoke in support of staff's recommendation.

The following members of the public spoke regarding the item.

- *Zachary Scowden, representing Otay Farms Market*
- *Tina Matthias, representing South Bay Sustainable Communities*

Assistant City Clerk Turner announced that one email in favor of the item had been received and that 140 protests had been received by the City Clerk, which did not constitute a majority vote.

There being no further members of the public who wished to speak, Mayor Casillas Salas closed the public hearing.

Environmental Services Manager Medrano and Republic Services staff spoke regarding rate calculations and responded to questions of the Council.

Council discussion ensued.

ACTION: **Moved by** Mayor Casillas Salas
 Seconded by Deputy Mayor Cardenas

To adopt Resolution No. 2022-148, heading read, text waived. The motion carried by the following vote:

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

Result, Carried (4 to 0)

RESOLUTION NO. 2022-148 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE RESULTS OF THE PUBLIC PROTESTS AND PUBLIC HEARING AND APPROVING THE NEW AND ADJUSTED RATES FOR ORGANIC WASTE COLLECTION SERVICES TO COMPLY WITH STATE ORGANIC WASTE REGULATIONS WITH CORRESPONDING AMENDMENTS TO THE CITY'S MASTER FEE SCHEDULE

8. CITY MANAGER'S REPORTS

City Manager Kachadoorian provided a summary of settlement terms related to the recent waste collection interruption. Environmental Services Manager Medrano and Deputy City Attorney McDonnell gave an update on a Council referral to explore the feasibility of a request for proposal for waste collection services.

8.1 SR-125 Legislative Update

Deputy City Manager Broughton gave an update on the item and responded to questions of the Council.

9. MAYOR'S REPORTS

9.1 Ratification of Appointment of Appaswamy "Vino" Pajanor to the Human Relations Commission

ACTION: Moved by Councilmember McCann
Seconded by Councilmember Padilla

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

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

Result, Carried (4 to 0)

10. COUNCILMEMBERS' COMMENTS

Councilmember McCann expressed his gratitude for several new business openings to including First Bank, Shore Total, and Prime Steak House.

11. CITY ATTORNEY'S REPORTS

City Attorney Googins gave an update on the Charter review project.

12. 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.

Alan C. spoke in opposition to items being heard in closed session.

Mayor Casillas Salas recessed the meeting at 7:59 p.m. The Council convened in Closed Session at 8:06 p.m., with all members present.

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

Name of case: Vivian Agundez, et al. v. City of Chula Vista, San Diego Superior Court, Case No. 37-2020-00006468-CU-PO-CTL

ACTION: No Reportable Action

13. ADJOURNMENT

The meeting was adjourned at 8:47 p.m.

Minutes prepared by: Tyshar Turner, Assistant City Clerk

Kerry K. Bigelow, MMC, City Clerk