

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA: (1) APPROVING A TEMPORARY 90-DAY CLOSURE OF HARBORSIDE PARK TO PROTECT PUBLIC HEALTH AND SAFETY WITH THE OPTION TO EXTEND CLOSURE AT THE CITY MANAGER'S DISCRETION; (2) WAIVING FORMAL AND INFORMAL BIDDING REQUIREMENTS TO PROCURE TEMPORARY FENCING, SECURITY SERVICES, PUBLIC OUTREACH SERVICES AND PERMANENT FENCING, AS APPROPRIATE; (3) AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO CONTRACTS OR EXECUTE DOCUMENTS NECESSARY TO SECURE THE PARK AND CONDUCT PUBLIC OUTREACH; (4) APPROPRIATING FUNDS FROM THE GENERAL FUND THEREFOR

WHEREAS, Harborside Park, at 670 Oxford Street, was dedicated as a City park in 2006; and

WHEREAS, the park is bordered by the County of San Diego's Health and Human Services Agency's Family Resource Center to the west, Walmart to the east, and Harborside Elementary School to the north, and is near the Palomar Street Trolley Station; and

WHEREAS, because of proximity to County social services, public transportation, shopping and eateries, and mild weather near the San Diego Bay, the park has long been popular with the community, including unsheltered individuals; and

WHEREAS, parents of Harborside Elementary School recently have noticed an increase in the number of unsheltered individuals at the park, have reported incidents of illegal drinking and drug use by unsheltered individuals to City staff and elected officials, and have asked for the City's help to address illegal behavior and to protect school children who may walk through the park or see illegal behavior from school grounds; and

WHEREAS, Harborside Park has consistently had the highest number of calls for service ("CFS") for police compared to all other parks in the City; and

WHEREAS, between January 2019 and July 2022, the park had significantly higher numbers of citizen-initiated CFS compared to three other parks in the city with high volumes of CFS; and

WHEREAS, between January 2019 and July 2022, Harborside Park had significantly higher numbers of crime reports, arrests, and citations compared to the three other parks with high CFS volumes; and

WHEREAS, between January 2019 and July 2022, officers spent approximately two times more hours at Harborside Park addressing citizen-initiated CFS than they did at the three other parks; and on average, officers spent about 49 minutes per each citizen-initiated CFS at these parks; and

WHEREAS, the City's Code Enforcement Unit also has seen an increase in complaints from private business and property owners near the park of trash, debris and encampments with more than 25 complaints from 2020 to 2022 compared to almost no complaints for these issues from 2017 to 2020; and

WHEREAS, in consideration of the risks to public health and safety because of illegal activity at Harborside Park, it is in the best interest of the community to temporarily close the park by erecting temporary fencing, and hiring private security to help enforce the temporary closure, and to promptly report illegal activity for a police response when appropriate; and

WHEREAS, during temporary closure, the park would be closed to all uses, would be posted and noticed as closed, and trespass into the park would be subject to citation for using the park during temporary closure; and

WHEREAS, temporary closure of the park will allow City staff, and consultants as appropriate, to engage the community in considering long-term options for the park site, including, but not limited to, the potential installation of permanent fencing, construction of a recreation center, redevelopment, or a combination thereof; and

WHEREAS, staff will provide notice of the park's temporary closure with one-on-one contact, posted signage, and other City methods of communication, along with community resources, at least one week prior to closure; and

WHEREAS, the City Council has enacted Chula Vista Municipal Code ("CVMC") Chapter 2.66, Park and Facility Rules, with the purpose of governing the use of parks and recreational facilities in the City to ensure full and equal rights to use and enjoy these public facilities without regard to the status or condition of the users of the facilities and to recognize that the community has a right to have public facilities maintained in an orderly and sanitary condition (CVMC Section 2.66.010); and

WHEREAS, the Director of Recreation, the Director of Public Works and the City Council may promulgate reasonable rules and regulations and post signage as necessary to carry out park rules and regulations (CVMC Section 2.66.010); and

WHEREAS, the Director of Recreation or Director of Public Works is authorized to alter park hours of operation and close all or part of a park when the Director determines it is necessary to preserve public property from damage and/or for the public health, safety and welfare, and such change of hours is effective when the signs are posted (CVMC Section 2.66.270); and

WHEREAS, the City Council may waive formal and informal bidding requirements by resolution if it determines such requirements are impractical or that City interests would be

materially better served by applying a different purchasing procedure (CVMC Sections 2.56.070.B.3 and 2.56.090.B.2), and staff is requesting such waiver in order to expedite procurement and installation of temporary and permanent fencing as well as to procure security services and public outreach services, as appropriate; and

WHEREAS, The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (“CEQA”) and has determined that the project qualifies for a Categorical Exemption pursuant to State CEQA Guidelines Section 15303 Class 3 (New Construction or Conversion of Small Structures) because the proposed actions would not result in a significant effect on the environment. Thus, no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it:

1. Approves a temporary 90-day closure of Harborside Park to protect public health and safety with the option to extend the closure at the City Manager’s discretion;
2. Waives the competitive or informal bidding requirements, as applicable, in CVMC Chapter 2.56 to procure temporary fencing, security services, public outreach services, and permanent fencing, as appropriate;
3. Authorizes the City Manager or designee to enter into contracts or execute documents necessary to secure the park and conduct public outreach, including installation of temporary fencing, installation of permanent fencing, and security services, as appropriate on forms approved by the City Attorney; and
4. Appropriates \$350,000 from the General Fund therefor.

Presented by

Approved as to form by

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Tiffany Allen  
Deputy City Manager

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Glen R. Googins  
City Attorney