

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

April 26, 2022, 5:00 p.m.
Council Chambers, 276 Fourth Avenue, Chula Vista, CA

Present: Deputy Mayor Cardenas, Councilmember Galvez, Councilmember 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 4.3, which was heard before Item 4.2 and Item 8.2, which was heard before Item 7.1.

1. CALL TO ORDER

A regular meeting of the City Council of the City of Chula Vista was called to order at 5:09 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.

2. ROLL CALL

City Clerk Bigelow called the roll.

Councilmember Padilla left the meeting at 8:09 p.m.

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 Oaths of Office

- Timothy Aufmuth - Commission on Aging
- Ed Flores - Safety Commission

City Clerk Bigelow administered the oaths of office, and Councilmembers McCann and Padilla presented certificates to Commissioners Aufmuth and Flores.

4.2 Update by Regional Sustainability San Diego County Program Manager Murtaza H. Baxamusa on Local Policy Opportunity Analysis "A Partnership to Move the Region to Zero Carbon"

Regional Sustainability San Diego County Program Manager, Dr. Baxamusa gave a presentation on the item.

4.3 Presentation of a Proclamation Proclaiming April 27 through April 28, 2022 as the Day of Remembrance in the City of Chula Vista

Mayor Casillas Salas read the proclamation, and Councilmember Cardenas presented it to Sandy Scheller and Rabbi Mendy. Sandy Scheller shared a video in memory of Harry Rosen and spoke of his accomplishments.

5. CONSENT CALENDAR (Items 5.1 through 5.9)

Moved by Mayor Casillas Salas

Seconded by Councilmember McCann

To approve the recommended actions appearing below consent calendar Items 5.1 through 5.9. The headings were read, text waived. The motion carried by the following vote:

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

Result, Carried (5 to 0)

5.1 Approval of Meeting Minutes

Approve the minutes dated: August 24, September 14, and 28, 2021

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 Consideration of Requests for Excused Absences

Consider requests for excused absences as appropriate. No requests were received at that meeting.

5.4 Temporary Road Closure: Approve a Temporary Closure of Park Way for a Weekly Third Avenue Village Farmers Market from Third Avenue to Fourth Avenue on Sundays from 7 a.m. to 4 p.m.

Tina Matthias submitted written communications in support of staff's recommendation.

Adopt a resolution approving a temporary closure of the westbound lane of Park Way, north of the median, for a weekly Third Avenue Village Farmers Market from Third Avenue to Fourth Avenue on Sundays from 7 a.m. to 4 p.m. through April 30, 2023, subject to conditions of approval, and waiving all City fees.

RESOLUTION NO. 2022-083 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE TEMPORARY STREET CLOSURE OF THE WESTBOUND LANE OF PARK WAY, NORTH OF THE MEDIAN, FROM THIRD AVENUE TO FOURTH AVENUE, FOR THE WEEKLY THIRD AVENUE VILLAGE FARMERS MARKET ON SUNDAYS FROM 7 A.M. TO 4 P.M. THROUGH APRIL 30, 2023

5.5 Contract Award: Award a Contract to Iteris, Inc. to Perform Traffic Signal Retiming Services

Adopt a resolution awarding a professional services contract to Iteris, Inc. to perform traffic signal retiming services for the portion of Chula Vista generally east of Interstate 805.

RESOLUTION NO. 2022-084 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND ITERIS, INC. TO PROVIDE TRAFFIC SIGNAL RETIMING SERVICES

5.6 Agreement and Reallocation: Amend the American Rescue Plan Act Spending Plan, Authorize an Amendment and Subrecipient Agreement with SBCS for the Domestic Violence Program, and Reallocate Funds for that Purpose

Approve a resolution (1) amending the American Rescue Plan Act (“ARPA”) Spending Plan; (2) approving a subrecipient agreement with the SBCS Domestic Violence Program; and (3) reallocating funds for that purpose.

RESOLUTION NO. 2022-085 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (1) APPROVING A FOURTH AMENDMENT TO THE AMERICAN RESCUE PLAN ACT SPENDING PLAN AND AUTHORIZING THE CITY MANAGER, AS SET FORTH IN THIS RESOLUTION, TO EXECUTE ANY REQUIRED DOCUMENTS OR AGREEMENTS WHICH MAY BE NECESSARY TO IMPLEMENT SAID AMENDMENT, (2) AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AN AGREEMENT WITH SBCS CORPORATION FOR THE DOMESTIC VIOLENCE SERVICES PROGRAM, AND (3) REALLOCATING FUNDS THEREFOR

5.7 Contract: Approve Contract with Ace Parking, Inc. for Third Avenue Parking District Management and Enforcement for Fiscal Year 2022

Adopt a resolution waiving the competitive bidding process as outlined in Municipal Code Section 2.56.070.B.3, and approving an agreement with Ace Parking, Inc.

RESOLUTION NO. 2022-086 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND ACE PARKING FOR PARKING MANAGEMENT AND ENFORCEMENT SERVICES

5.8 Aerial Truck Purchase: Approval of the Purchase of One Pierce Arrow XT 107’ Tractor Drawn Aerial through Measure P

Adopt a resolution approving the purchase of one Pierce Arrow XT 107’ Tractor Drawn Aerial (TDA) in compliance with the Measure P Expenditure Plan.

RESOLUTION NO. 2022-087 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE COMPETITIVE BIDDING REQUIREMENT AND APPROVING THE PURCHASE OF ONE PIERCE ARROW XT 107' TRACTOR DRAWN AERIAL TO BE PURCHASED THROUGH THE MEASURE P EXPENDITURE PLAN

5.9 Measure A Public Safety Expenditure Plan: Amend the Measure A Public Safety Expenditure Plan to Purchase Five Vehicles for the Police Department

Adopt a resolution approving the amended Measure A Public Safety Expenditure Plan, to purchase five vehicles for the Police Department and amending the Fiscal Year 2022 expenditure budget for the Measure A Sales Tax Fund to fund the vehicles out of the Measure A fund.

RESOLUTION NO. 2022-088 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AMENDED MEASURE A PUBLIC SAFETY EXPENDITURE PLAN TO PURCHASE FIVE VEHICLES FOR THE POLICE DEPARTMENT AND APPROPRIATING FUNDS THEREFOR **(4/5 VOTE REQUIRED)**

6. PUBLIC COMMENTS

There were none.

7. PUBLIC HEARINGS

7.1 Community Facilities District Annexation: Election Regarding Annexation of Otay Ranch Village 3 Neighborhood R-20 into Community Facilities District 97-2

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.

Mayor Casillas Salas opened the public hearing.

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

City Clerk Bigelow announced that no written protests had been received by the City Clerk.

Moved by Mayor Casillas Salas

Seconded by Councilmember McCann

To adopt Resolution No. 2022-089, heading read, text waived. The motion carried by the following vote:

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

Result, Carried (5 to 0)

A) RESOLUTION NO. 2022-089 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT), MAKING CERTAIN DETERMINATIONS AND AUTHORIZING SUBMITTAL OF LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS OF CERTAIN TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT) AND IMPROVEMENT AREA “C” THERETO

City Clerk Bigelow reported that 51 votes in favor and no votes opposed had been received.

Moved by Mayor Casillas Salas

Seconded by Deputy Mayor Cardenas

To adopt Resolution No. 2022-090, heading read, text waived. The motion carried by the following vote:

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

Result, Carried (5 to 0)

B) RESOLUTION NO. 2022-090 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT), DECLARING THE RESULTS OF A SPECIAL ELECTION IN THAT TERRITORY DESIGNATED AS COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT), IMPROVEMENT AREA “C” ANNEXATION NO. 12 AND ADDING SUCH TERRITORY TO SUCH IMPROVEMENT AREA

7.2 Community Facilities District Annexation: Election Regarding Annexation of Otay Ranch Village 3 Neighborhood R-20 into Community Facility District 18M

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.

Mayor Casillas Salas opened the public hearing.

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

City Clerk Bigelow announced that no written protests had been received by the City Clerk.

Moved by Mayor Casillas Salas

Seconded by Councilmember McCann

To adopt Resolution No. 2022-091, heading read, text waived. The motion carried by the following vote:

A) RESOLUTION NO. 2022-091 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 18M (OTAY RANCH VILLAGE 3), MAKING CERTAIN

DETERMINATIONS AND AUTHORIZING SUBMITTAL OF LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS OF CERTAIN TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 18M (OTAY RANCH VILLAGE 3)

City Clerk Bigelow reported that 51 votes in favor and no votes opposed had been received.

Moved by Mayor Casillas Salas
Seconded by Councilmember McCann

To adopt Resolution No. 2022-092, heading read, text waived. The motion carried by the following vote:

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

Result, Carried (5 to 0)

RESOLUTION NO. 2022-092 OF THE CITY OF CHULA VISTA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 18M (OTAY RANCH VILLAGE 3), DECLARING THE RESULTS OF A SPECIAL ELECTION IN THAT TERRITORY DESIGNATED AS COMMUNITY FACILITIES DISTRICT NO. 18M (OTAY RANCH VILLAGE 3), ANNEXATION NO. 1 AND ADDING SUCH TERRITORY TO THE DISTRICT.

7.3 Municipal Code Amendment: Amend the Chula Vista Municipal Code Related to Allowing Two-Unit Developments and Urban Lot Splits, as Required by Senate Bill 9, Recent State Legislation adopted to Increase Housing Opportunities

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.

Councilmember McCann stated he would abstain from voting on the item due to a potential property-related conflict of interest and he left the dais during the discussion and voting on the item

Planning Manager Phillips gave a presentation on the item and responded to questions of the Council

Mayor Casillas Salas opened the public hearing.

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

Councilmember Galvez spoke regarding design standards and parking in Northwest Chula Vista.

Moved by Councilmember Galvez
Seconded by Deputy Mayor Cardenas

To place the above ordinance on first reading, heading read, text waived. The motion was carried by the following vote:

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

Abstain (1): Councilmember McCann

Result, Carried (4 to 0)

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTERS 18.18 (TENTATIVE PARCEL MAPS) AND 19.58 (USES); AND SECTIONS 5.68.050 (SHORT-TERM RENTALS – ELIGIBILITY REQUIREMENTS), 19.22.020 (R-E – RESIDENTIAL ESTATE ZONE – PERMITTED USES) AND 19.24.020 (R-1 – SINGLE-FAMILY RESIDENCE ZONE – PERMITTED USES) TO IMPLEMENT SENATE BILL 9 **(FIRST READING)**

7.4 Military Equipment Policy: Consideration of Approving the Chula Vista Police Department's Military Equipment Policy

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.

Police Chief Kennedy introduced the item; Captain Dan Peak and Sergeant James Petray gave a presentation and responded to questions of the Council.

Mayor Casillas Salas opened the public hearing.

The following members of the public spoke in opposition to the item:

- *Gretel Rodriguez, Chula Vista Resident*
- *Benjamin Bravo, representing the U.S. - Mexico Border Program*
- *Norell Martinez*

David Oyos, representing the Police Officers Association, spoke in support of the item.

The following members of the public submitted written communications in opposition to the item:

- *Kathy Cappos Hardy*
- *Elisa Hedrick*
- *Margaret Baker*
- *Z. Williams*
- *Dr. Norell Martinez*
- *Adrian Jasso*
- *Monica Hernandez*
- *Pedro Rios, representing American Friends Service Committee's US Mexico Border Program*
- *John Lindsay-Poland*
- *Kristopher T. Hendricks*
- *Sophia Rodriguez*
- *Lynn DeHahn*
- *Lily Irani*
- *Nancy Relaford*
- *Monica Santos*

- *Elijah Martinez Jensen*
- *Claudia*
- *Frank Riley*

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

Council discussion ensued.

Moved by Councilmember Padilla

Seconded by Councilmember McCann

To place the above ordinance on first reading, heading read, text waived. The motion was carried by the following vote:

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

Result, Carried (5 to 0)

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING THE CHULA VISTA POLICE DEPARTMENT'S MILITARY EQUIPMENT POLICY **(FIRST READING)**

7.5 Sewer Rates: Consider Increase to Sewer Rates and Resolution Adopting Sewer Rate Increases and Approving Other Sewer Rate Study Recommendations

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.

Senior Civil Engineer Gentry gave a presentation on the item, she and Engineering and Capital Projects Director Valle responded to questions of the Council

Mayor Casillas Salas opened the public hearing.

Dave Young expressed concern about the process of calculating the increase.

Dr. Norell Martinez submitted written communications in opposition to staff's recommendation.

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

City Clerk Bigelow announced that 192 protests had been received by the City Clerk, which did not constitute a majority protest.

Council discussion ensued.

Moved by Councilmember Galvez

Seconded by Mayor Casillas Salas

To adopt Resolution No. 2022-093, heading read, text waived. The motion carried by the following vote:

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

Result, Carried (5 to 0)

RESOLUTION NO. 2022-093 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA: (1) ACCEPTING THE SEWER RATE STUDY; (2) APPROVING THE STUDY'S RECOMMENDATIONS FOR FISCAL YEARS 2021/22 THROUGH 2025/26, (3) ADOPTING INCREASED SEWER RATES AND APPROVING AMENDMENTS TO THE MASTER FEE SCHEDULE; (4) AUTHORIZING THE PASS-THROUGH OF ALL FUTURE FEES AND CHARGES IMPOSED FOR WHOLESAL CHARGES FOR SEWAGE TREATMENT OR WASTEWATER TREATMENT; (5) APPROVING AMENDMENTS TO CITY COUNCIL POLICY 220-04; (6) AUTHORIZING AN INCREASE TO THE SERVICE CHARGE REVENUE ALLOCATIONS TO THE SEWERAGE FACILITIES REPLACEMENT FUND; AND (7) APPROPRIATING SIX MILLION DOLLARS FROM THE TRUNK SEWER CAPITAL FUND TO THE SEWER SERVICE REVENUE FUND **(4/5 VOTE REQUIRED)**

7.6 Vacation of Streets: Approve Vacations of 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 time specified in the notice.

Mayor Casillas Salas opened the public hearing. There was a consensus of the Council to continue the item to the May 10, 2022 meeting.

Councilmember Padilla left the meeting at 8:09 p.m.

8. ACTION ITEMS

8.1 Contract Amendment: Approve an Amendment to the Contract with the Board of Administration and CalPERS for Local Safety Police Officer's Association Classic Members to Make an Additional Contribution Pursuant to Government Code Section §20516

Human Resources Director Chase gave a presentation on the item.

Moved by Mayor Casillas Salas

Seconded by Councilmember McCann

To adopt Resolution No. 2022-094 and place the below ordinance on first reading, headings read, text waived. The motion carried by the following vote:

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

Result, Carried (4 to 0)

A) RESOLUTION NO. 2022-094 OF INTENTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION, CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF CHULA VISTA TO PROVIDE A MANDATORY EMPLOYEE CONTRIBUTION FOR ALL CLASSIC LOCAL SAFETY MEMBERS OF THE CHULA VISTA POLICE OFFICERS' ASSOCIATION OF ONE PERCENT OF SALARY EFFECTIVE JULY 1, 2022

B) ORDINANCE OF THE CITY OF CHULA VISTA AUTHORIZING THE AMENDMENT TO THE CONTRACT BETWEEN THE CITY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE A MANDATORY EMPLOYEE CONTRIBUTION FOR ALL CLASSIC LOCAL SAFETY MEMBERS OF THE CHULA VISTA POLICE OFFICERS' ASSOCIATION OF ONE PERCENT OF SALARY EFFECTIVE JULY 1, 2022 **(FIRST READING)**

8.2 San Diego Community Power: Presentation by San Diego Community Power Chief Operating Officer Cody Hooven Regarding the Residential Power Launch in Chula Vista

San Diego Community Power Chief Operating Officer Cody Hooven gave a presentation on the item and responded to questions of the Council.

Council discussion ensued.

The following members of the submitted written communications in support of the item:

- *Carolyn Scofield, Chula Vista resident*
- *Tina Matthias, Chula Vista resident*

Cynthia Brown, Chula Vista resident, expressed concern regarding the program.

9. CITY MANAGER'S REPORTS

There were none.

10. MAYOR'S REPORTS

Mayor Casillas Salas thanked City and Port of San Diego staff for their efforts on the Bayfront project.

10.1 Ratification of Appointment to the Following Boards & Commissions:

- Beatrice Zamora-Aguilar - Cultural Arts Commission
- Daniel Zavala - Cultural Arts Commission
- Arnold Luke - Safety Commission
- William Sallee - Measure A Citizens Oversight Committee

Moved by Deputy Mayor Cardenas

Seconded by Councilmember McCann

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

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

Result, Carried (4 to 0)

11. COUNCILMEMBERS' COMMENTS

Councilmember McCann thanked staff for their efforts on the Bayfront project.

At the request of Councilmember Cardenas, there was a consensus of the Council to direct the City Manager to explore the possibility of placing free sanitary products in public facilities.

Councilmember Galvez announced that the Grand Opening for the Farmers Market would May 8, 2022.

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 8:20 p.m. The Council convened in Closed Session at 8:25 p.m., with all members present.

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

A) Name of case: Diana Watts, et al. v. City of Chula Vista, et al., San Diego Superior Court, Case No. 37-2019-00054127-CU-PO-CTL.

ACTION: No Reportable Action

B) Name of case: City of Chula Vista and Chula Vista Redevelopment Agency Successor Agency v. Keely Bosler, in her official capacity as California State Director of Finance; Tracy M. Sandoval, in her official capacity as San Diego Auditor-Controller; Sacramento Superior Court Case No. 34-2019-80003123 and Court of Appeal, Third Appellate District, Court No. C094237.

ACTION: No Reportable Action

14. ADJOURNMENT

Mayor Casillas Salas paid tribute to Harry Rosen and adjourned the meeting in his memory.

The meeting was adjourned at 8:50 p.m.

Minutes prepared by: Tyshar Turner, Assistant City Clerk

Kerry K. Bigelow, MMC, City Clerk

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