

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

March 7, 2023, 5:00 p.m.
Council Chambers, 276 Fourth Avenue, Chula Vista, CA

Present: Councilmember Cardenas, Councilmember Chavez,
Councilmember Gonzalez, Deputy Mayor Preciado, Mayor
McCann

Also Present: City Manager Kachadoorian, Jill Maland representing Lounsbery
Ferguson Altona & Peak LLP, Interim Acting City Attorney, 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 9.1, which was heard
after Public Comments.*

1. CALL TO ORDER

*A regular meeting of the City Council of the City of Chula Vista was called to order at
5:05 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.

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

Councilmember Gonzalez led the Pledge of Allegiance.

4. SPECIAL ORDERS OF THE DAY

4.1 Oaths of Office:

- Cultural Arts Commission - Ken Muraoka
- Health Wellness and Aging Commission - Marisol Edwan
- Housing and Homelessness Advisory Commission - Paula Whitsell
- Veterans Advisory Commission - Tanya Williams

City Clerk Bigelow administered the oaths of office and Councilmember Gonzalez presented certificates to the Commissioners.

5. CONSENT CALENDAR (Items 5.1 through 5.10)

Items 5.4, 5.6, and 5.8 were removed from the Consent Calendar at the request of a member of the public

Moved by Deputy Mayor Preciado
Seconded by Councilmember Cardenas

To approve the recommended actions appearing below consent calendar Items 5.1 through 5.3, 5.5, 5.7, and 5.9 through 5.12. The headings were read, text waived. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Chavez, Councilmember Gonzalez, Deputy Mayor Preciado, and Mayor McCann

Result, Carried (5 to 0)

5.1 Approval of Meeting Minutes

Approve the minutes dated: February 16 and 21, 2023

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 Request for Excused Absences

Approve an excused absence request from Councilmember Cardenas for the March 2, 2023 City Council workshop.

5.5 Policy and Investment Report: Acknowledge Receipt of City Council Policy No. 220-01, Delegate Investment Activity Authority to the Director of Finance/Treasurer, and Accept the Investment Report for the Quarter Ending on December 31, 2022

Adopt a resolution acknowledging receipt of City Council Policy No. 220-01 Investment Policy and Guidelines, delegating investment activity authority to the Director of Finance/Treasurer, and accepting the investment report for the quarter ending December 31, 2022.

Item 5.5 heading:

RESOLUTION NO. 2023-024 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACKNOWLEDGING RECEIPT OF COUNCIL POLICY 220-01, THE CITY OF CHULA VISTA INVESTMENT POLICY AND GUIDELINES, DELEGATING INVESTMENT ACTIVITY AUTHORITY TO THE DIRECTOR OF FINANCE/TREASURER, AND ACCEPTING THE INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 31, 2022

5.7 Employee Compensation and Positions: Approve Amended Classification Plan and Compensation Schedule; Position Counts in Departments; Revised Ordinance; Revised Compensation Schedule; and Updated Conflict of Interest Code

Adopt resolutions: A) Amending the Compensation Schedule and Classification Plan to reflect (1) the addition and deletion of position titles and (2) salary adjustments for certain positions and amending the authorized position count in departments; B) Approving the revised Fiscal Year 2022-23 Compensation Schedule effective March 10, 2023, as required by the California Code of Regulations, Title 2, Section 570.5; and C) Modifying the appendix to the local Conflict of Interest Code to revise the list of designated employees who are required to file Statements of Economic Interest (Form 700); and place an ordinance on first reading amending Chula Vista Municipal Code Section 2.05.010 to add the unclassified position titles of Building Official and Economic Development Manager. **(First Reading) (4/5 Vote Required)**

Item 5.7 heading:

A) RESOLUTION NO. 2023-026 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE COMPENSATION SCHEDULE AND CLASSIFICATION PLAN TO REFLECT (1) THE ADDITION AND DELETION OF POSITION TITLES AND (2) SALARY ADJUSTMENTS FOR CERTAIN POSITIONS AND AMENDING THE AUTHORIZED POSITION COUNT IN DEPARTMENTS

B) RESOLUTION NO. 2023-027 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE REVISED FISCAL YEAR 2022/23 COMPENSATION SCHEDULE EFFECTIVE MARCH 10, 2023, AS REQUIRED BY CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

C) RESOLUTION NO. 2023-028 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MODIFYING THE APPENDIX TO THE LOCAL CONFLICT OF INTEREST CODE TO AMEND THE LIST OF DESIGNATED FILERS, AND ASSOCIATED DISCLOSURE CATEGORIES

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 ADDING THE UNCLASSIFIED POSITION TITLE OF BUILDING OFFICIAL AND ECONOMIC DEVELOPMENT MANAGER **(FIRST READING) (4/5 VOTE REQUIRED)**

5.9 Grant Approval: Accept Grants from the California State Library Targeted State Grant Program for the Cinematic Arts Academic Center and Library's Land and Construction Costs, and Authorize the City Manager or Designee to Negotiate and Execute Agreements

Adopt a resolution authorizing the acceptance of \$30,000,000 in State funds to be allocated towards the Cinematic Arts Academic Center & Library's Land and Construction Costs and authorizing the City Manager or designee to negotiate and execute the grant agreements once final for the California Targeted State Grant Program.

Item 5.9 heading:

RESOLUTION NO. 2023-030 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING GRANTS FROM THE CALIFORNIA STATE LIBRARY TARGETED STATE GRANT PROGRAM FOR THE CINEMATIC ARTS ACADEMIC CENTER AND LIBRARY'S LAND AND CONSTRUCTION COSTS, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE AGREEMENTS

5.10 Municipal Code Update: Ordinance Amending Chula Vista Municipal Code Section 2.04.050 Relating to Workshops

Place an ordinance on first reading amending Chula Vista Municipal Code Section 2.04.050 relating to workshops. **(First Reading)**

Item 5.10 heading:

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING SECTION 2.04.050 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO WORKSHOPS **(FIRST READING)**

ITEMS REMOVED FROM CONSENT CALENDAR

5.4 Permit Processes and Regulations: Adopt an Ordinance Amending Various Sections of the Chula Vista Municipal Code to Streamline and Clarify Permit Processes and Regulations, Fix Outdated References, and Align with State Law (Second Reading and Adoption)

Alan C. spoke in support of delaying a decision for further consideration.

Mary David spoke in opposition to staff's recommendation.

John Acosta, Chula Vista resident, expressed concern regarding the necessity of town hall meeting prior to approving changes to a neighborhood.

Development Services Director Black stated that there were no changes to zoning as a part of the item.

Moved by Deputy Mayor Preciado

Seconded by Councilmember Gonzalez

To adopt Ordinance No. 3544, heading read, text waived. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Chavez, Councilmember Gonzalez, Deputy Mayor Preciado, and Mayor McCann

Result, Carried (5 to 0)

Item 5.4 heading:

ORDINANCE NO. 3544 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 2.24 (REDEVELOPMENT AGENCY), TITLE 6 (ANIMALS), TITLE 9 (PUBLIC PEACE, MORALS, AND WELFARE), TITLE 10 (VEHICLES AND TRAFFIC), TITLE 12 (STREETS AND SIDEWALKS), TITLE 13

(SEWERS), TITLE 14 (WATERCOURSES), TITLE 15 (BUILDINGS AND CONSTRUCTION), TITLE 17 (ENVIRONMENTAL QUALITY), TITLE 18 (SUBDIVISIONS), TITLE 19 (PLANNING AND ZONING), AND TITLE 21 (HISTORIC PRESERVATION) **(SECOND READING AND ADOPTION)**

5.6 Grant and Donation Acceptance & Revenue Appropriation: Accept Grants and Donations to be Used for Costs Associated with Parks & Recreation Facilities and Programs and Appropriate Funds

John Acosta, Chula Vista resident, spoke in opposition to using City facilities for political purposes.

Moved by Councilmember Cardenas
Seconded by Councilmember Gonzalez

To adopt Resolution No. 2023-025, heading read, text waived. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Chavez, Councilmember Gonzalez, Deputy Mayor Preciado, and Mayor McCann

Result, Carried (5 to 0)

Item 5.6 heading:

RESOLUTION NO. 2023-025 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING GRANTS AND DONATIONS FOR PARKS & RECREATION FACILITIES AND PROGRAMS AND APPROPRIATING FUNDS THEREFOR **(4/5 VOTE REQUIRED)**

5.8 Measure A Expenditure Plan and Appropriation: Amend the Measure A Public Safety Expenditure Plan to Fund Vehicles, Drone as First Responder Contractual Costs, and Counseling Services for the Police Department and Appropriate Funds Accordingly

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

- *Alan C.*
- *Mary D.*
- *David Stucky, Chula Vista resident*

Moved by Mayor McCann
Seconded by Deputy Mayor Preciado

To adopt Resolution No. 2023-029, heading read, text waived. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Chavez, Councilmember Gonzalez, Deputy Mayor Preciado, and Mayor McCann

Result, Carried (5 to 0)

Item 5.8 heading:

RESOLUTION NO 2023-029 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AMENDED MEASURE A PUBLIC SAFETY

EXPENDITURE PLAN TO FUND VEHICLES, DRONE AS FIRST RESPONDER CONTRACTUAL COSTS, AND COUNSELING SERVICES FOR THE POLICE DEPARTMENT AND AMENDING THE FISCAL YEAR 2022/23 EXPENDITURE BUDGET FOR THE MEASURE A SALES TAX FUND **(4/5 VOTE REQUIRED)**

6. PUBLIC COMMENTS

Alan C. spoke in opposition to the City utilizing equity groups and the fentanyl epidemic.

Brandon Claypool, Chula Vista resident, spoke in support of additional homeless shelters in the City.

Joseph Raso, Chula Vista resident, spoke in opposition to the City's tenant protection ordinance.

Art Arvizu, Chula Vista resident, expressed concern regarding cashless businesses and spoke in support of public safety personnel.

John Acosta, Chula Vista resident, spoke in support of town hall meetings.

The following members of the public spoke regarding Councilmember Cardenas' disclosure filings:

- Cheryl
- Bibian Harrison
- Anna
- Delia Dominguez Cervantes, Chula Vista resident

Aurora, Chula Vista resident, expressed concern regarding bullying and misinformation given to residents.

At the request of Councilmember Preciado, there was a consensus of the City Council to make a referral to the City Manager to provide information on the process to provide feedback or a complaint regarding interactions with City staff.

Mary D. spoke in support of privacy protection and regarding peoples' right to criticize public officials.

Charles Lovekin spoke regarding dietary needs.

Lois K. Klepin submitted written communications regarding solar installation.

7. PUBLIC HEARINGS

7.1 Zoning Administrator Appeal: US Super Gas, Inc. Conditional Use Permit for the Sale of Alcohol at 1495 Melrose Avenue

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.

Acting City Attorney Maland provided information on the proceedings and recommended the Council disclose all ex parte communications regarding the item. Councilmembers reported the following ex parte communications:

Mayor McCann, Councilmember Chavez and Councilmember Gonzalez reported no ex parte communications.

Councilmembers Cardenas stated that she received an email from Marco Polo Cortes, who represents the applicant, but did not respond.

Deputy Mayor Preciado stated that he made contact with Marco Polo Cortes, who represents the applicant, regarding the permit.

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

Police Chief Kennedy expressed concerns regarding the issuance of a Type-21 license to the proposed location.

Mayor McCann opened the public hearing.

Marco Polo Cortes and David Bejarano, representing the applicant, gave a presentation and spoke in support of the U.S. Super Gas being granted the conditional use permit.

The following members of the public spoke in support of the permit being granted:

- *Alan C.*
- *Mary D.*

The following members of the public spoke in opposition to the permit being granted:

- *Joseph Garrett, Chula Vista resident*
- *Rachna Grewal, Chula Vista resident*
- *Bic Sidhu, Chula Vista resident*
- *Rachel Haygood, Chula Vista resident*
- *Joanna Navarro, Chula Vista resident*
- *John Acosta, Chula Vista resident*
- *Talia Tudara, Chula Vista resident*
- *Michael Stephan, representing Bobar Liquor*
- *Rafida Younis*

Marco Polo Cortes submitted written communications in support of approving a Type 21 license.

Mayor McCann recessed the meeting at 7:00 p.m. The Council reconvened at 7:06 p.m., all members present except Councilmember Gonzalez who arrived at 7:08 p.m.

Planning Manager Phillips provided additional information related to additional licenses in the area.

Marco Polo Cortes representing the applicant provided a rebuttal argument.

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

Council discussion ensued.

Moved by Councilmember Chavez
Seconded by Councilmember Cardenas

To adopt Resolution No. 2023-031(Item 7.1C), heading read, text waived. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Chavez, Councilmember Gonzalez, Deputy Mayor Preciado, and Mayor McCann

Result, Carried (5 to 0)

Item 7.1 heading:

C) RESOLUTION NO. 2023-031 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA GRANTING THE APPEAL OF MARCO POLO CORTES AND APPROVING CONDITIONAL USE PERMIT (CUP22-0023) TO PERMIT THE SALE OF BEER AND WINE AT THE US SUPER GAS, INC. GAS STATION AND MINI-MART LOCATED AT 1495 MELROSE AVENUE IN THE CITY OF CHULA VISTA

7.2 Development Agreement Amendment: Adopt an Amended Development Agreement for Otay Ranch Village Two

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.

Planning Manager Phillips gave a presentation on the item. He and Nick Lee, representing Baldwin and Sons, responded to questions of the City Council.

Mayor McCann opened the public hearing.

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

Council discussion ensued.

Moved by Deputy Mayor Preciado
Seconded by Mayor McCann

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

Yes (5): Councilmember Cardenas, Councilmember Chavez, Councilmember Gonzalez, Deputy Mayor Preciado, and Mayor McCann

Result, Carried (5 to 0)

Item 7.2 heading:

ORDINANCE OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CHULA VISTA, BALDWIN AND SONS, LLC AND ITS SUBSIDIARIES FOR PORTIONS OF OTAY RANCH VILLAGE TWO **(FIRST READING)**

Mayor McCann recessed the meeting at 7:58 p.m. The Council reconvened at 8:05 p.m., with all members present.

8. ACTION ITEMS

8.1 Annual Report: Acceptance of Audited Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended June 30, 2022 and Update on General Fund Reserve Funds

Finance Director Schoen, Assistant Finance Director Del Rio, and Ryan Domino, representing LSL CPA's, gave a presentation on the item.

Finance Director Schoen responded to questions of the City Council.

Moved by Councilmember Cardenas
Seconded by Councilmember Chavez

To adopt Resolution No. 2023-032, heading read, text waived. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Chavez, Councilmember Gonzalez, Deputy Mayor Preciado, and Mayor McCann

Result, Carried (5 to 0)

Item 8.1 heading:

RESOLUTION NO. 2023-032 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE AUDITED ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) FOR FISCAL YEAR ENDING JUNE 30, 2022

8.2 Improvement District Annual Report: Approving the 2023 Annual Report for the Downtown Chula Vista Property-Based Improvement District

Principal Economic Development Specialist Pointer spoke regarding the item.

Dominic LiMandri, District Manager for the Downtown Chula Vista Association, provided an update on the organization.

Moved by Deputy Mayor Preciado
Seconded by Mayor McCann

To adopt Resolution No. 2023-033, heading read, text waived. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Chavez, Councilmember Gonzalez, Deputy Mayor Preciado, and Mayor McCann

Result, Carried (5 to 0)

Item 8.2 heading:

RESOLUTION NO. 2023-033 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE 2023 ANNUAL REPORT FOR THE DOWNTOWN CHULA VISTA PROPERTY-BASED IMPROVEMENT DISTRICT

9. CITY MANAGER'S REPORTS

9.1 Update on Harborside Park Outreach Efforts

Housing and Homeless Services Director Kurz gave a presentation on the item.

Council discussion ensued.

Alan C. spoke in support of the item.

9.2 Consideration of City Sponsorship of \$5,000 for the Day of the Child Event Hosted by the Chula Vista Community Collaborative to be Held on April 22, 2023, at Memorial Park in Chula Vista

Moved by Mayor McCann

Seconded by Deputy Mayor Preciado

To authorize City sponsorship of \$5000 for the Day of the Child event. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Chavez, Councilmember Gonzalez, Deputy Mayor Preciado, and Mayor McCann

Result, Carried (5 to 0)

10. MAYOR'S REPORTS

Mayor McCann paid tribute to Colonel Paris Davis for recently receiving a Medal of Honor for his actions during the Vietnam War.

10.1 Ratification of Appointments to the Following Commissions:

- **Board of Library Trustees**
 - James Clark
- **Housing and Homelessness Advisory Commission**
 - Peter Carlseen
 - Juliette Montoya
 - Karla Pacheco
- **Sustainability Commission**
 - Raymundo Alatorre
 - Crystal Fairley
 - John Knox
 - Hayley Salazar
- **Traffic Safety Commission**
 - Monica Becerra Firsht
 - Rodney Caudillo
 - Tim DeMarco
- **Veterans Advisory Commission**
 - Nimpa Akana

Mayor McCann recognized staff for their efforts in filling Board and Commission vacancies.

At the request of Deputy Mayor Preciado there was a consensus of the City Council to direct the City Clerk to track district representation on the City's boards and commissions.

11. COUNCILMEMBERS' COMMENTS

At the request of Deputy Mayor Preciado, there was a consensus of the City Council to add an item to the next agenda to consider the establishment of an ad hoc committee related to issues with labor agreements and labor relations. He also recognized City staff.

At the request of Councilmember Chavez, there was a consensus of the City Council to add an item to the next agenda to consider the establishment of an ad hoc committee related to economic development and binational affairs.

Councilmember Cardenas recognized City staff.

11.1 Deputy Mayor Preciado

Consideration of Formation of an Ad-Hoc Subcommittee to Consider Matters Related to the Welcoming City Program.

The following members of the public spoke in opposition to the Welcoming City program:

- *Alan C.*
- *Mary D.*

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

- *John Acosta, Chula Vista resident*
- *Vivian Dunbar*

Ann Smith submitted written communications regarding the Welcoming City website and City decisions.

Moved by Deputy Mayor Preciado
Seconded by Councilmember Cardenas

To approve formation of an ad-hoc subcommittee, convening for 2-3 months, consisting of Deputy Mayor Preciado and Councilmember Cardenas to consider matters related to the Welcoming City program. The motion carried by the following vote:

Yes (5): Councilmember Cardenas, Councilmember Chavez, Councilmember Gonzalez, Deputy Mayor Preciado, and Mayor McCann

Result, Carried (5 to 0)

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.

Acting City Attorney Maland announced that the City Council would convene in closed session to discuss the items listed below.

Mayor McCann recessed the meeting at 9:41 p.m. The City Council convened in Closed Session at 9:42 p.m.

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

Name of case: City of Chula Vista v. Amerisourcebergen Drug Corporation, et al., United States District Court, Case No. 19cv1115 BEN MSB.

ACTION: No Reportable Action

14. ADJOURNMENT

The meeting was adjourned at 9:50 p.m.

Minutes prepared by: Tyshar Turner, Assistant City Clerk

Kerry K. Bigelow, MMC, City Clerk