

**City of Chula Vista**  
**Regular Meetings of the City Council and Housing Authority**  
**Meeting Minutes**

March 28, 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 meeting minutes are prepared and ordered to correspond to the 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 and a special meeting of the Housing Authority of the City of Chula Vista was called to order at 5:03 p.m. in the Council Chambers, located in City Hall, 276 Fourth Avenue, Chula Vista, California.*

*Mayor McCann announced, pursuant to AB 23, that he and all Councilmembers would receive \$50 for their attendance at that Housing Authority meeting, held simultaneously with the City Council meeting.*

**2. ROLL CALL**

*City Clerk Bigelow called the roll.*

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

*Councilmember Chavez led the Pledge of Allegiance.*

**4. SPECIAL ORDERS OF THE DAY**

**4.1 Oaths of Office**

***Board of Library Trustees***

*James Clark*

***Health, Wellness, and Aging Commission***

*Mary Johnson*

***Housing and Homelessness Advisory Commission***

*Peter Carlseen*

Juliette Montoya-Cesena  
Karla Pacheco

**Sustainability Commission**

Raymundo Alatorre  
Crystal Fairley  
John Knox  
Hayley Salazar

**Traffic Safety Commission**

Monica Becerra Firsht  
Tim DeMarco

**Veterans Advisory Commission**

Nimpa Akana  
Duaine Hooker

*City Clerk Bigelow administered the oaths of office and Councilmembers Cardenas, Chavez, and Gonzalez presented the Commissioners with certificates of appointment.*

**4.2 Presentation by San Diego Community Power Chief Executive Officer Karin Burns on Community-Based Clean Energy Services in the City of Chula Vista**

*Chief Executive Officer Burns, representing San Diego Community Power, gave a presentation on the item and responded to questions of the City Council.*

*Alan C. submitted written communications in opposition to the item.*

**4.3 Presentation of a Proclamation to Sandy Scheller in Recognition of Yom HaShoah, Days of Remembrance of the Victims of the Holocaust, in the City of Chula Vista**

*Mayor McCann read the proclamation and presented it to Sandy Scheller.*

**5. CONSENT CALENDAR (Items 5.1 through 5.9)**

*Item 5.7 was removed from the Consent Calendar at the request of a member of the public.*

**Moved by** Councilmember Cardenas

**Seconded by** Mayor McCann

To approve the recommended actions appearing below consent calendar Items 5.1 through 5.6, 5.8, and 5.9. 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: March 7, 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 Requests for Excused Absences**

Consider requests for excused absences as appropriate.

**5.4 Employee Positions: Adopt an Ordinance Amending the Chula Vista Municipal Code to Add the Unclassified Position Titles of Building Official and Economic Development Manager (Second Reading and Adoption)**

Adopt an ordinance amending Chula Vista Municipal Code Section 2.05.010 to add the unclassified position titles of Building Official and Economic Development Manager. **(Second Reading and Adoption) (4/5 Vote Required)**

Item 5.4 heading:

ORDINANCE NO. 3545 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 **(SECOND READING AND ADOPTION) (4/5 VOTE REQUIRED)**

**5.5 Municipal Code Update: Adopt an Ordinance Amending Chula Vista Municipal Code Section 2.04.050 Relating to Workshops (Second Reading and Adoption)**

Adopt an ordinance amending Chula Vista Municipal Code Section 2.04.050 relating to workshops. **(Second Reading and Adoption)**

Item 5.5 heading:

ORDINANCE NO. 3546 OF THE CITY OF CHULA VISTA AMENDING SECTION 2.04.050 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO WORKSHOPS **(SECOND READING AND ADOPTION)**

**5.6 Development Agreement Amendment: Adopt an Ordinance Amending the Development Agreement for Otay Ranch Village Two (Second Reading and Adoption)**

Adopt an ordinance amending the Otay Ranch Village Two Development Agreement. **(Second Reading and Adoption)**

Item 5.6 heading:

ORDINANCE NO. 3547 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 **(SECOND READING AND ADOPTION)**

**5.8 Agreement: Third Amendment to Legal Services Agreement with Colantuono, Highsmith & Whatley, PC to Provide Legal Services Related to Local Gaming Authority Issues**

Adopt a resolution approving the third amendment to the Legal Services Agreement with Colantuono Highsmith & Whatley, PC to provide legal services related to local gaming authority issues for a not to exceed amount of \$65,000.

Item 5.8 heading:

RESOLUTION NO. 2023-035 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE THIRD AMENDMENT TO THE LEGAL SERVICES AGREEMENT FOR LEGAL SERVICES RELATED TO GAMING OPERATIONS BETWEEN THE CITY AND COLANTUONO, HIGHSMITH & WHATLEY, PC

**5.9 State Legislation: Support Assembly Bill 91 “Community Colleges: Exemption from Nonresident Tuition Fee: San Diego and Imperial Counties Community Colleges Association.”**

*Councilmember Chavez spoke in support of AB91.*

*Dr. Mark Sanchez submitted written communication in support of staff's recommendation.*

Adopt a resolution supporting Assembly Bill 91 “Community Colleges: Exemption from Nonresident Tuition Fee: San Diego and Imperial Counties Community Colleges Association.”

Item 5.9 heading:

RESOLUTION NO 2023-036 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA SUPPORTING ASSEMBLY BILL 91 (ALVAREZ) “COMMUNITY COLLEGES: EXEMPTION FROM NONRESIDENT TUITION FEE: SAN DIEGO AND IMPERIAL COUNTIES COMMUNITY COLLEGES ASSOCIATION”

**ITEM REMOVED FROM THE CONSENT CALENDAR**

**5.7 Agreement and Appropriation: Approve a First Amendment to the Legal Services Agreement with Gatzke Dillon & Ballance LLP to Provide On-Call Legal Services for the Development Services Department and Appropriate Funds**

*John Acosta, Chula Vista resident, spoke regarding the item.*

**Moved by** Deputy Mayor Preciado

**Seconded by** Mayor McCann

To adopt Resolution No. 2023-034, 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 5.7 heading:

RESOLUTION NO. 2023-034 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT FOR ON-CALL LEGAL SERVICES TO ASSIST THE DEVELOPMENT SERVICES DEPARTMENT BETWEEN THE CITY AND GATZKE DILLON & BALLANCE LLP, AMENDING THE FISCAL YEAR 2022/23 BUDGET, AND APPROPRIATING FUNDS THEREFOR **(4/5 VOTE REQUIRED)**

## 6. PUBLIC COMMENTS

*Brandon Claypool, Chula Vista resident, spoke in support of homeless services and expressed gratitude to the City.*

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

*Marianna Saponara, representing Senior Citizen Group Nacion Ave. Crusaders, expressed concern regarding speeding on Nacion Avenue.*

*Patty O'Mara expressed concern and spoke in support of elected officials acting ethically and honestly.*

*Lillie Hebert, Chula Vista resident, spoke in support of the City flying the POW flag.*

*Tanya Williams, Chula Vista resident, spoke regarding the Veteran's Advisory Commission meetings.*

*The following members of the public read an article published in La Prensa entitled "Campa-Najjar Wanted Professorship ala Nathan Fletcher"*

- Cheryl
- Sandra C.
- Lois Morera
- Robert Ing
- Olivia Garcia
- Gina E.
- Barbara Todd
- Anna
- Henry Martinez
- Laura D.
- Delia Dominguez-Cervantes

*Robert Johnson submitted written communication addressing issues related to homelessness and transparency.*

## 7. PUBLIC HEARINGS

- 7.1 Housing Authority Bond Issuance: Approve the Issuance, Sale, and Delivery of a Tax-Exempt Multifamily Housing Revenue Note and a Taxable Multifamily Housing Revenue Note for the Otay Ranch Apartments, Also Known as Encelia**

*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.*

*Bradley R. Neal, representing Stradling, Yocca, Carlson & Rauth and Michelle Ito, representing Meta Housing, gave a presentation on the item.*

*Michelle Ito responded to questions of the City Council.*

*Assistant City Manager Allen announced that revised documents related to the item had been distributed to the City Council, and that action on the item would be with respect to the revised documents.*

*Mayor McCann opened the public hearing.*

*John Acosta, Chula Vista resident. requested information on the project.*

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

**Moved by** Mayor McCann

**Seconded by** Councilmember Cardenas

To adopt Resolution No. 2023-037, 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 A heading:

A) RESOLUTION NO. 2023-037 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SALE, EXECUTION, AND DELIVERY OF ADDITIONAL MULTIFAMILY HOUSING REVENUE NOTES OF THE HOUSING AUTHORITY OF THE CITY OF CHULA VISTA FOR OTAY RANCH APARTMENTS

**Moved by** Mayor McCann

**Seconded by** Councilmember Gonzalez

To adopt Resolution No. 2023-001 of the Chula Vista Housing Authority, 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 B heading:

RESOLUTION NO. 2023-001 OF THE CHULA VISTA HOUSING AUTHORITY AUTHORIZING THE EXECUTION AND DELIVERY OF ITS TAX-EXEMPT MULTIFAMILY HOUSING REVENUE NOTE AND TAXABLE MULTIFAMILY HOUSING REVENUE NOTE FOR THE PURPOSE OF PROVIDING ADDITIONAL FINANCING FOR THE ACQUISITION AND CONSTRUCTION OF THE OTAY RANCH APARTMENTS MULTIFAMILY RENTAL HOUSING PROJECT;

APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF ANY AND ALL DOCUMENTS NECESSARY TO EXECUTE AND DELIVER THE NOTES, COMPLETE THE TRANSACTION AND IMPLEMENT THIS RESOLUTION; AND RATIFYING AND APPROVING ANY ACTION HERETOFORE TAKEN IN CONNECTION WITH THE NOTES

*Mayor McCann recessed the meeting at 6:57 p.m. The Council reconvened at 7:11 p.m., with all members present.*

**7.2 Accessory Dwelling Units: Amend the Chula Vista Municipal Code on Accessory Dwelling Units and Junior Accessory Dwelling Units to Align with State Law and Clarify Development Regulations**

*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 and Sr. Planner Mallec gave a presentation on the item.*

*Mayor McCann opened the public hearing.*

*Delia Dominguez-Cervantes, Chula Vista resident, spoke regarding the process to obtain plans for Accessory and Jr. Accessory Dwelling Units.*

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

*Council discussion ensued.*

**Moved by** Councilmember Gonzalez

**Seconded by** Councilmember Cardenas

To place the ordinance below 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 AMENDMENTS TO CHULA VISTA MUNICIPAL CODE SECTIONS 19.58.022 (ACCESSORY DWELLING UNITS) AND 19.58.023 (JUNIOR ACCESSORY DWELLING UNITS) **(FIRST READING)**

**8. ACTION ITEMS**

**8.1 American Rescue Plan Act (ARPA): Approve an ARPA Spending Plan Amendment and Subrecipient Agreements for SBCS Domestic Violence Program, SBCS Casa Nueva Vida Shelter Operations, and Jacobs & Cushman San Diego Food Bank, and Reallocate Funds**

*Mayor McCann stated he would abstain from voting on Item 8.1 due to a potential property-related conflict of interest and he left the dais during the discussion and voting on the item.*

*Management Analyst Barnard gave a presentation on the item*

*Delia Dominguez-Cervantes requested information regarding services being subcontracted.*

*Homeless Service Manager Rodriguez responded to questions from the City Council and members of the public*

*Victoria Salcido submitted written communication expressing a neutral position on the item, requesting information about how the organizations were selected.*

**Moved by** Deputy Mayor Preciado  
**Seconded by** Councilmember Cardenas

To adopt Resolution No. 2023-038, heading read, text waived. The motion carried by the following vote:

Yes (4): Councilmember Cardenas, Councilmember Chavez, Councilmember Gonzalez, and Deputy Mayor Preciado

Abstain (1): Mayor McCann

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

Item 8.1 heading:

RESOLUTION NO. 2023-038 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (1) APPROVING A FOURTH AMENDMENT TO THE AMERICAN RESCUE PLAN ACT SPENDING PLAN, (2) AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AGREEMENTS WITH SBCS CORPORATION FOR DOMESTIC VIOLENCE SERVICES AND CASA NUEVA VIDA SHELTER OPERATION PROGRAMS, AND THE JACOBS AND CUSHMAN SAN DIEGO FOOD BANK; AND (3) REALLOCATING FUNDS AND AMENDING THE CIP BUDGET THEREFOR **(4/5 VOTE REQUIRED)**

**8.2 Housing Report: Accept the Housing Element 2022 Annual Progress Report and Housing Successor Annual Report for Fiscal Year 2021/22**

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

**Moved by** Mayor McCann  
**Seconded by** Councilmember Cardenas

To accept the Housing Element 2022 Annual Progress Report and the Housing Successor Annual Report for Fiscal Year 2021/22. 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)**



**8.3 State Ballot Measure: Oppose Statewide Initiative No. 21-0042A1, “Limits the Ability of Voters and State and Local Governments to Raise Revenues for Government Services. Initiative Constitutional Amendment”**

**Moved by** Councilmember Cardenas

**Seconded by** Councilmember Gonzalez

To adopt Resolution No. 2023-039, heading read, text waived. The motion carried by the following vote:

Yes (4): Councilmember Cardenas, Councilmember Chavez, Councilmember Gonzalez, and Deputy Mayor Preciado

No (1): Mayor McCann

**Result, Carried (4 to 1)**

Item 8.3 header:

RESOLUTION NO. 2023-039 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA OPPOSING BALLOT INITIATIVE NO. 21-0042A1, “LIMITS ABILITY OF VOTERS AND STATE AND LOCAL GOVERNMENTS TO RAISE REVENUES FOR GOVERNMENT SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT”

**9. CITY MANAGER’S REPORTS**

*There were none.*

**10. MAYOR’S REPORTS**

*Mayor McCann thanked newly appointed board and commission members and spoke of his attendance at the ribbon cutting for Casa Anita and the Wyverd Fiber event.*

**11. COUNCILMEMBERS’ COMMENTS**

*Deputy Mayor Preciado spoke regarding proactive business owners in Chula Vista, thanked staff for recent meetings to provide project updates and announced his public office hours at Norman Park Senior Center.*

*Councilmember Chavez spoke regarding her attendance at the Taste of Third.*

*Councilmember Cardenas spoke regarding her attendance at the SANDAG Board Retreat. She commended the new City Councilmembers on their hard work in approving recent projects.*

**11.1 Deputy Mayor Preciado**

*Consideration of formation of an ad-hoc subcommittee to consider matters related to labor agreements and labor relations.*

*Deputy Mayor Preciado spoke regarding the item.*

*John Acosta, Chula Vista resident, spoke in opposition to the item.*

**Moved by** Deputy Mayor Preciado

**Seconded by** Councilmember Cardenas

To form an ad-hoc subcommittee, convening for 90 days, consisting of Deputy Mayor Preciado and Councilmember Cardenas to consider matters related to labor agreements and labor relations and report back to the City Council.

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

**Result, Carried (5 to 0)**

## **11.2 Councilmember Chavez**

Consideration of formation of an ad-hoc subcommittee to consider matters related to economic development and binational affairs.

*Councilmember Chavez spoke regarding the item.*

*John Acosta, Chula Vista resident, spoke in support of inclusivity on the committee.*

*Deputy Mayor Preciado recommended including existing business associations, namely the Chamber of Commerce, and consideration of a more permanent structure for economic development and binational affairs.*

**Moved by** Councilmember Chavez

**Seconded by** Councilmember Cardenas

To form an ad-hoc subcommittee, convening for 90 days, consisting of Councilmember Chavez and Mayor McCann to consider matters related to economic development and binational affairs and report back to the City Council.

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

**Result, Carried (5 to 0)**

## **12. CITY ATTORNEY'S REPORTS**

*Acting City Attorney Maland congratulated the SDSU Aztecs basketball team for making it to the Final Four Championship.*

## **13. CLOSED SESSION**

*Pursuant to Resolution No. 13706 and Council Policy No. 346-03, Official Minutes and records of action taken during closed session 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 8:22 p.m. The City 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: Arturo Castanares v. City of Chula Vista, San Diego Superior Court, Case No. 37-2021-17713-CU-MC-CTL.

**Action:** No Reportable Action

B) Name of Case: Tlaloc Fait v City of Chula Vista, San Diego Superior Court, Case No. 37-2022-13673-CU-PO-CTL.

**Action:** No Reportable Action

C) Name of Case: Aimee Alexander v Prescott Company, et al., San Diego Superior Court, Case No. 37-2020-11388-CU-PO-CTL.

**Action:** No Reportable Action

D) Name of Case: San Diego County Office of Education, et al. v. County of San Diego, et al., Sacramento Superior Court, Case No. 37-2017-80002701-CU-WM-GDS.

**Action:** No Reportable Action

**13.2 Conference with Legal Counsel Regarding Liability Claims Pursuant to Government Code Section 54956.95**

Claimant: Margarita Brandon-Tait Adj14888486  
Agency Claimed Against: City of Chula Vista

**Action:** No Reportable Action

**13.3 Conference with Legal Counsel Regarding Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4):**

One (1) case

**Action:** No Reportable Action

**14. ADJOURNMENT**

*The meeting was adjourned at 8:54 p.m.*

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

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Kerry K. Bigelow, MMC, City Clerk