

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

September 19, 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; Deputy Director 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 7.2 which was heard after the Consent Calendar.*

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**1. CALL TO ORDER**

*A regular meeting of the City Council 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.*

**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:**

**Health, Wellness, and Aging Commission**

- Joyce Persichilli

**Human Relations Commission**

- Jeff Redondo

*City Clerk Bigelow administered the oath of office to Commissioners Persichilli and Redondo and Councilmember Chavez presented the certificates of appointment.*

**4.2 Presentation by Port Commissioner Ann Moore on the Port of San Diego's Public Workshops for Community Input on Upcoming Expanded Access Events**

*Commissioner Moore gave a presentation on the item.*

**4.3 Presentation of a Proclamation to Lorena Gurule-Montes and Hillary Theakston Proclaiming September 2023 Ovarian Cancer Awareness Month in the City of Chula Vista**

*Mayor McCann read the proclamation and Councilmember Cardenas presented it to Lorena Gurule-Montes and Hillary Theakston.*

**4.4 Presentation of a Proclamation to Wayne Nelson Proclaiming September 22, 2023 as California Native American Day in the City of Chula Vista**

*Mayor McCann read the proclamation, and Councilmember Gonzalez presented it to Tina Meza, James Hunter, and Michael Hunter, representing the Tribal Council of Jamul Indian Village.*

**5. CONSENT CALENDAR (Items 5.1 through 5.12)**

*Items 5.4, 5.9, and 5.10 were removed from the consent calendar by Councilmember Gonzalez and a member of the public.*

*Mayor McCann stated he would abstain from voting on Item 5.6 due to a potential property-related conflict of interest.*

**Moved by** Mayor McCann

**Seconded by** Councilmember Cardenas

To approve the recommended actions appearing below consent calendar Items 5.1 through 5.3, 5.5, 5.7 5.8, 5.11, and 5.12. The headings were 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)**

**5.1 Approval of Meeting Minutes**

Approval of the minutes dated: September 12, 2023.

**5.2 Waive Reading of Text of Resolutions and Ordinances**

Approval of 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**

Consideration of requests for excused absences. No requests were received at that meeting.

**5.5 Employee Positions: Adopt an Ordinance Adding and Deleting Unclassified Position Titles (Second Reading and Adoption)**

*LL submitted written comments in opposition to the item.*

Adopt an ordinance amending Chula Vista Municipal Code Section 2.05.010 to add the unclassified position title of Deputy Director of Community Services and delete the unclassified position titles of City Librarian and Parks and Recreation Administrator. **(Second Reading and Adoption) (4/5 Vote Required)**

Item 5.5 heading:

ORDINANCE NO. 3556 OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 ADDING THE UNCLASSIFIED POSITION TITLE OF DEPUTY DIRECTOR OF COMMUNITY SERVICES AND DELETING THE UNCLASSIFIED POSITION TITLES OF CITY LIBRARIAN AND PARKS AND RECREATION ADMINISTRATOR **(SECOND READING AND ADOPTION) (4/5 VOTE REQUIRED)**

**5.6 Agreements: Approve Agreements Between the City and Harrell & Company Advisors, LLC for Financial Advisory Services; Stradling Yocca Carlson & Rauth for Bond and Disclosure Counsel; and Spicer Consulting Group, LLC for Special Tax Consultant Services**

**Moved by** Mayor McCann

**Seconded by** Councilmember Cardenas

To adopt Resolution No. 2023-142 through 2023-144, the headings were read, text waived. The motion was 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 5.6 headings:

A) RESOLUTION NO. 2023-142 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A CONSULTANT SERVICES AGREEMENT TO PROVIDE FINANCIAL ADVISORY SERVICES BETWEEN THE CITY AND HARRELL & COMPANY ADVISORS, LLC

B) RESOLUTION NO. 2023-143 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A CONSULTANT SERVICES AGREEMENT TO PROVIDE BOND COUNSEL AND BOND DISCLOSURE SERVICES BETWEEN THE CITY AND STRADLING YOCCHA CARLSON & RAUTH

C) RESOLUTION NO. 2023-144 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A CONSULTANT SERVICES AGREEMENT TO PROVIDE SPECIAL TAX CONSULTING SERVICES BETWEEN THE CITY AND SPICER CONSULTING GROUP, LLC.

**5.7 Agreements: Approve an Agreement with Hinderliter de Llamas (“HdL”) to Provide Sales and Use Tax Auditing Services**

Adopt resolution approving sales and use tax audit services between the City of Chula Vista and HdL for fiscal years 2023-24 and one option to extend through fiscal year 2024-25.

Item 5.7 heading:

RESOLUTION NO. 2023-145 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING SALES AND USE TAX AND TRANSACTIONS TAX AUDIT & INFORMATION SERVICES AGREEMENT BETWEEN THE CITY AND HINDERLITER, DE LLAMAS AND ASSOCIATES

**5.8 Board, Commission, and Committee Terms: Accept the Local Appointments List of Terms Expiring in 2024**

Adopt a resolution accepting the 2024 Local Appointments List for board, commission, and committee terms expiring in calendar year 2024.

Item 5.8 heading:

RESOLUTION NO. 2023-146 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING THE 2024 LOCAL APPOINTMENTS LIST FOR BOARD, COMMISSION, AND COMMITTEE TERMS EXPIRING IN CALENDAR YEAR 2024

**5.11 Contract Award and Appropriation: Award a Public Works Contract to Sancon Technologies, Inc. for the “Sewer Manhole Rehabilitation – FY2019-20 & Sewer Manhole Rehabilitation – FY2020-21 (SWR0314 & SWR0320)” Project and Appropriate Funds for that Purpose**

Adopt a resolution 1) awarding a public works contract to Sancon Technologies, Inc. for the “Sewer Manhole Rehabilitation – FY2019-20 & Sewer Manhole Rehabilitation – FY2020-21 (SWR0314 & SWR0320)” project in the amount of \$298,045, and 2) appropriating Sewer Facility Replacement funds to cover the projected costs of the construction phase of the project. **(4/5 Vote Required)**

Item 5.11 heading:

RESOLUTION NO. 2023-149 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS, AWARDING A CONTRACT FOR THE “SEWER MANHOLE REHABILITATION – FY2019-20 & SEWER MANHOLE REHABILITATION – FY2020-21 (SWR0314 & SWR0320)” PROJECT TO SANCON TECHNOLOGIES, INC., AND APPROPRIATING FUNDS THEREFOR **(4/5 VOTE REQUIRED)**

**5.12 Agreements: Approve Agreements with Arcadis a California Partnership, HNTB Corporation, Iteris, Inc., and STC Traffic, Inc., to Provide On-Call Traffic Engineering & Intelligent Transportation Systems Consulting Services**

Adopt a resolution approving On-Call Traffic Engineering & Intelligent Transportation Systems Consulting Services agreements with Arcadis a California Partnership, HNTB Corporation, Iteris, Inc., and STC Traffic Inc. for various capital improvement projects and other city projects.

Item 5.12 heading:

RESOLUTION NO. 2023-150 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING ON-CALL TRAFFIC ENGINEERING & INTELLIGENT TRANSPORTATION SYSTEMS CONSULTING SERVICES AGREEMENTS BETWEEN THE CITY AND ARCADIS IBI GROUP, HNTB CORPORATION, ITERIS, INC., AND STC TRAFFIC, INC.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**5.4 Labor Relations: Adopt Ordinances Relating to Project Labor Agreements and Contractor Transparency (Second Reading and Adoption)**

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

*Delia Dominguez Cervantes, Chula Vista resident, spoke in opposition to the item.*

*Sal Espinosa, Chula Vista resident, submitted written comments in support of the item.*

*Councilmember Gonzalez stated that he did not believe that project labor agreements were a disincentive related to affordable housing projects; however, if the situation changed, he encouraged staff to bring the item back to City Council for reconsideration.*

**Moved by** Deputy Mayor Preciado

**Seconded by** Councilmember Cardenas

To adopt Ordinance No. 3554 the heading was read, text waived. The motion was 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 5.4 A heading:

ORDINANCE NO. 3554 OF THE CITY OF CHULA VISTA AMENDING CHAPTER 2.59 AND ADDING CHAPTER 2.71, "PROJECT LABOR AGREEMENTS" REGARDING PROJECT LABOR AGREEMENTS FOR CERTAIN PROJECTS CONSTRUCTED ON CITY OWNED PROPERTY AND AFFORDABLE HOUSING PROJECTS RECEIVING SIGNIFICANT CITY SUBSIDY **(SECOND READING AND ADOPTION)**

**Moved by** Mayor McCann

**Seconded by** Councilmember Cardenas

To adopt Ordinance No.3555, the heading was 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 5.4 B heading:

ORDINANCE NO. 3555 OF THE CITY OF CHULA VISTA ADDING CHAPTER 2.72, "CONSTRUCTION CONTRACTOR AND SUBCONTRACTOR REPORTING" TO TITLE 2 OF THE CHULA VISTA MUNICIPAL CODE TO ENHANCE LOCAL COMPLIANCE WITH LABOR STANDARDS **(SECOND READING AND ADOPTION)**

**5.9 Agreement: Approve Memoranda of Understanding with Sweetwater Union High School District and Chula Vista Elementary School District for the School Resource Officer Program**

*At the request of Councilmember Gonzalez, there was a consensus of the City Council to add an item to a future agenda to consider using Measure A funds to augment the School Resource Officer program.*

*Mr. Rivera spoke in support of the item.*

*Police Captain Foxx responded to questions from the City Council.*

**Moved by** Deputy Mayor Preciado

**Seconded by** Mayor McCann

To adopt Resolution No. 2023-147, the heading was 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 5.9 heading:

RESOLUTION NO. 2023-147 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING MEMORANDA OF UNDERSTANDING WITH SWEETWATER UNION HIGH SCHOOL DISTRICT AND CHULA VISTA ELEMENTARY SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM

**5.10 Agreement: Approve agreement with ThirdWave Corporation for the Development of an Information Technology Master Plan for the City of Chula Vista**

*Information Technology Services Director Cisneros and Procurement Services Analyst Cruz responded to questions from the City Council.*

**Moved by** Councilmember Gonzalez

**Seconded by** Mayor McCann

To adopt Resolution No. 2023-148, the heading was 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 5.10 heading:

RESOLUTION NO. 2023-148 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE FORMAL COMPETITIVE BID PROCESS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THIRDWAVE CORPORATION FOR AN INFORMATION TECHNOLOGY MASTER PLAN

## 6. PUBLIC COMMENTS

*John Acosta, Chula Vista resident, spoke regarding various matters.*

*Mayor McCann recessed the meeting at 6:00 p.m. The Council reconvened at 6:11 p.m., with all members present.*

*The following members of the public spoke in support of reopening Harborside Park:*

- *Delia Dominguez Cervantes, Chula Vista resident*
- *Leticia*
- *Cheryl*
- *Guillermina Venezuela*

*Christine Brady, Chula Vista resident, spoke in support of reopening Harborside Park and arts facilities.*

*Steve Stenberg, Chula Vista resident, spoke in support of reopening Harborside Park and school resources officers.*

*Ruben Padilla, Chula Vista resident, requested the sign at Independence Park be replaced.*

## 7. ACTION ITEMS

### 7.1 **City Attorney Special Election: Report by the City Clerk Regarding the Potential Need for a Special Runoff Election and Options for the Date and Format of the Election, and Possible Direction from the City Council**

*Acting City Attorney Maland stated she would abstain from discussion on the item due to a financial-related conflict of interest. She left the dais during the discussion on the item. Assistant City Attorney McClurg and Alena Shamos, outside counsel for the item, joined the meeting.*

*City Clerk Bigelow spoke on the item.*

*John Acosta, Chula Vista resident, spoke in support of in-person voting.*

*LL submitted written comments in opposition to the item.*

*There was a consensus of the City Council to direct City Clerk Bigelow to bring forward an item for City Council action to call the special runoff election on March 5, 2024.*

**7.2 Labor Relations: Consideration of Establishing a Healthcare Worker Minimum Wage**

*Councilmember Chavez stated she would abstain from voting on Item 5.4 B due to a potential financial conflict of interest, and she left the dais during the discussion of the item.*

*There was a consensus of a majority of the City Council to work with the City Manager to draft a letter in support of Senate Bill 525, "Minimum Wages: Health care workers."*

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

To continue the item to the meeting of October 17, 2023, unless the Governor signed Senate Bill 525, "Minimum Wages: Health care workers".

Yes (3): Councilmember Cardenas, Councilmember Gonzalez, and Deputy Mayor Preciado

No (1): Mayor McCann

Abstain (1): Councilmember Chavez

**Result, Carried (3 to 1)**

**7.3 Labor Relations: Consideration of Establishing Traffic Control Worker Minimum Wage**

*Kelvin Barrios spoke in support of the item.*

*Dennis Kyle submitted written comments in opposition to the item.*

*City Council discussion ensued.*

*Assistant City Manager Allen responded to questions from the City Council.*

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

To place the ordinance below on first reading, as amended to strike the reference to November 2, 2023, and replace it with "December 2, 2023," in section 2.73.090, the heading was 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 7.3 heading:

ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHAPTER 2.73, "TRAFFIC CONTROL WORKER MINIMUM WAGE" TO TITLE 2 OF THE CHULA VISTA MUNICIPAL CODE TO ESTABLISH A TRAFFIC CONTROL WORKER MINIMUM WAGE (**FIRST READING**)



**8. CITY MANAGER'S REPORTS**

*There were none.*

**9. MAYOR'S REPORTS**

*Mayor McCann spoke regarding his attendance at the following recent events: El Grito, the opening of Grove Park, and the Chula Vista Champions Run. He also gave an update on the Metropolitan Transit Systems Budget Committee.*

**10. COUNCILMEMBERS' COMMENTS**

*At the request of Councilmember Cardenas, there was a consensus of the City Council to send a letter to the Chair of the San Diego County Board of Supervisors requesting support to clean up the area of Harborside Park and abate some of the issues.*

*Councilmember Chavez spoke regarding her attendance at the following recent events: the opening of the Chula Vista Elementary School District Sound Station, the Chula Vista Forum on Tools to Improve California Housing, 18 Cities Convening event, and El Grito. She also gave an update on the Metropolitan Transit Systems Public Security Committee.*

*At the request of Councilmember Chavez, there was a consensus of the City Council to evaluate the Council policy regarding special events in the City.*

*Councilmember Gonzalez spoke regarding his attendance at the following recent events: the opening of Grove Park, and the Chula Vista Champions Run.*

**11. CITY ATTORNEY'S REPORTS**

*There were none.*

**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.*

*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 7:13 p.m. The City Council convened in Closed Session at 7:20 p.m., with all members present.*

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

A) Name of case: American Medical Response West v. CA Dept of Healthcare Services, Sacramento Superior Court, Case No. 34-2021-80003757-CU-WM-GDS.

**Action:** No Reportable Action

B) Name of case: Hanna Wells v City of Chula Vista, et al., San Diego Superior Court, Case No. 37-2023-00036274-CU-CR-CTL.

**Action:** No Reportable Action

C) Name of case: Estate of Oral W. Nunis, Sr., by and through Roxie Nunis, et al. v. City of Chula Vista, et al., United States District Court, Case No. 21-cv-1627-AJB-DEB.

**Action:** No Reportable Action

**12.2 Conference with Labor Negotiators Pursuant to Government Code Section 54957.6**

Agency designated representatives: Maria Kachadoorian, Tiffany Allen, Courtney Chase, Tanya Tomlinson, Sarah Schoen, and Edward Prendell

Employee organization: ACE, IAFF, NIAF, MM/PR, POA, WCE, and unrepresented employees.

**Action:** No Reportable Action

**13. ADJOURNMENT**

*The meeting was adjourned at 8:35 p.m.*

*Minutes prepared by: Tyshar Turner, Deputy Director of City Clerk Services*

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Kerry K. Bigelow, MMC, City Clerk