

City of Chula Vista
Regular City Council Meeting
MINUTES

March 19, 2024, 5:00 p.m.
Council Chambers, 276 Fourth Avenue, Chula Vista, CA

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

Also Present: City Manager Kachadoorian; Jill Maland representing Lounsbery Ferguson Altona & Peak LLP, Interim Acting City Attorney; Deputy Director of City Clerk Services Turner; Director of City Clerk Services Malone

Minutes are prepared and ordered to correspond to the agenda.

1. CALL TO ORDER

The meeting was called to order at 5:03 p.m.

2. ROLL CALL

Deputy Director of City Clerk Services Turner called the roll.

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

Led by Deputy Mayor Gonzalez.

4. SPECIAL ORDERS OF THE DAY

4.1 Presentation of a Proclamation to Public Information Specialist Diane Howell in Recognition of Her Retirement and 22.5 Years of Dedicated Service with the City of Chula Vista

Mayor McCann spoke regarding Public Information Specialist Howell's tenure and accomplishments; he and the City Councilmembers presented a proclamation to Ms. Howell.

5. CONSENT CALENDAR (Items 5.1 through 5.5)

The following members of the public spoke regarding Items 5.1 through 5.5.

- *Alan C.*
- *Mark*

John Acosta, Chula Vista resident, spoke regarding Items 5.2 and 5.3.

Delia Dominguez-Cervantes, Chula Vista resident, spoke regarding Item 5.3.

Robert spoke regarding Item 5.4.

Moved by Mayor McCann

Seconded by Councilmember Chavez

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

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

Result, Carried (4 to 0)

5.1 Approve Meeting Minutes

Approval of the minutes dated: February 20, 2024, and February 26, 2024.

5.2 Waive Reading of Text of Resolutions and Ordinances

Robert submitted written comments.

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 Housing Report: Accept the Housing Element 2023 Annual Progress Report and Housing Successor Annual Report for Fiscal Year 2022/23

Jason Smith submitted written comments expressing a neutral position on the item.

Acceptance of the Housing Element 2023 Annual Progress Report and the Housing Successor Annual Report for Fiscal Year 2022/23.

5.4 Community Facility District: Declare Intention to Form Community Facilities District 16M CFD (El Dorado Ridge) for Maintenance and Monitoring of Open Space

Adopt a resolution approving the proposed boundaries of Community Facilities District 16M ("CFD 16M"), declaring the intention of the City Council to authorize the formation of the proposed CFD 16M, levy a special tax, and set a time and place for the public hearing.

Item 5.4 heading:

RESOLUTION NO. 2024-043 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING ITS INTENTION TO ESTABLISH PROPOSED COMMUNITY FACILITIES DISTRICT NO. 16M (EL DORADO RIDGE) OF THE CITY OF CHULA VISTA AND TAKING OTHER ACTIONS RELATING THERETO

5.5 Grant Award and Donation Appropriation: Accept the California for All Animals Grant to Provide Public Spay/Neuter Services, and the Ethel Chisholm Keyes Trust Donation and Appropriate Funds

Adopt a resolution 1) accepting \$52,500 in grant funds from the California for All Animals to provide public spay/neuter services and preventative vaccinations to the

community; and 2) accepting a \$100,000 donation from the Ethel Chrisholm Keyes Trust and appropriating funds for these purposes. **(4/5 Vote Required)**

Item 5.5 heading:

RESOLUTION NO. 2024-044 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING GRANT FUNDS FROM CALIFORNIA FOR ALL ANIMALS AND A DONATION FROM THE ETHEL CHISHOLM KEYES TRUST **(4/5 VOTE REQUIRED)**

The meeting was recessed at 6:09 p.m. and resumed at 6:25 p.m.

6. PUBLIC COMMENTS

The following members of the public spoke regarding various topics:

- Alan C.
- John Acosta

Joseph Raso, Chula Vista resident, spoke in opposition to the Tenant Protection Ordinance.

Deborah Schlemmer, spoke regarding cameras in City parks and various other topics.

Salvador Abrica, representing Teamsters Local 542, spoke regarding the franchise agreement between the City and Republic Services.

At the request of Councilmember Preciado, there was a consensus of the City Council to direct staff to return to a future meeting with an analysis of the forced majeure clause related to the franchise agreement extension with Republic Services.

Robert Johnson submitted written communications.

The following members of the public spoke regarding the closure of the labor and delivery department at Scripps:

- Linda Castillea
- Susanna Chou

7. PUBLIC HEARINGS

7.1 Bond Approval: Approve the Issuance of Tax-Exempt Multifamily Housing Revenue Bonds for the Construction of the Congregational Place Project and Certain Other Matters Relating Thereto

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 McCann opened the public hearing.

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

- John Acosta, Chula Vista resident
- Mark
- Alan C.
- Paul Henkin

The following members of the public spoke expressing a neutral position on the item:

- *Delia Dominguez-Cervantes, Chula Vista resident*
- *Robert*

The following members of the public submitted written communications expressing a neutral position on the item:

- *Jason Smith*
- *Paul Henkin*

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

At the request of Councilmember Preciado, Housing Manager Warwick gave a presentation.

The meeting was recessed at 6:09 p.m. and resumed at 6:25 p.m.

Moved by Councilmember Preciado
Seconded by Deputy Mayor Gonzalez

To adopt Resolution No. 2024-045, the heading was read, text waived. The motion was carried by the following vote:

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

Result, Carried (4 to 0)

Item 7.1 heading:

RESOLUTION NO. 2024-045 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE ISSUANCE OF TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS FOR THE CONSTRUCTION OF THE CONGREGATIONAL PLACE PROJECT AND CERTAIN OTHER MATTERS RELATING THERETO

8. ACTION ITEMS

8.1 Council Referral: Report on Implementing Senate Bill 10 Within the City of Chula Vista

Principal Planner Donaghe gave a presentation on the item.

Planning Commissioner Torres spoke regarding the item.

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

- *Mark*
- *Pamela Gilles*
- *Delia Dominguez-Cervantes, Chula Vista resident*
- *Rosemarie Ballard*
- *Alan C.*
- *Lora Duzyk*
- *Cheryl P.*

- Dale Stevenson
- Eva Adolfsson, Chula Vista resident
- Paul Henkin
- Lillie Herbert. Chula Vista resident
- Robert
- Laura
- Elain Lucca, Chula Vista resident
- John Acosta, Chula Vista resident
- Christine Brady, Chula Vista resident

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

- Carolina Ramirez
- Kathleen M. Adams

8.2 Financial Report and Appropriation: Accept Quarterly Financial Report for Quarter Ending December 31, 2023, Appropriate Funds to Implement Required Budget Adjustments, Create New CIP Project, and Accept \$47,162 from California State Library Grants

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

- Mark
- Alan C.

Christine Brady, Chula Vista resident, spoke regarding arts and culture in the City.

The meeting was recessed at 8:05 p.m. and resumed at 8:17 p.m.

Moved by Councilmember Preciado

Seconded by Mayor McCann

To adopt Resolution Nos. 2024-046 and 2024-047, the headings were read, text waived. The motion was carried by the following vote:

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

Result, Carried (4 to 0)

Item 8.2 headings:

A) RESOLUTION NO. 2024-046 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING VARIOUS AMENDMENTS TO THE FISCAL YEAR 2023-24 BUDGET TO ADJUST FOR VARIANCES, ACCEPTING FUNDS FROM CALIFORNIA STATE LIBRARY GRANTS, AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

B) RESOLUTION NO. 2024-047 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2023-24 CIP PROGRAM BUDGET BY ESTABLISHING A NEW CIP PROJECT, PRK0345 "MACKENZIE CREEK PICKLEBALL COURTS;" AND APPROPRIATING FUNDS FROM THE AVAILABLE

BALANCE OF THE AMERICAN RESCUE PLAN ACT FUND THEREFOR (4/5 VOTE REQUIRED)

9. PUBLIC COMMENTS (CONTINUED)

The following members of the public spoke regarding various topics related to the Ralph Brown Act:

- *Mark*
- *Robert Johnson*

The following members of the public spoke regarding the closure of the labor and delivery department at Scripps:

- *Letisa Carson*
- *Sheighla*
- *Carolina Ramirez*
- *Delia Dominguez Cervantes*
- *Paul Henkin*
- *Aisha Pratt*

At the request of Mayor McCann, there was a consensus of the City Council to direct staff to assess how the City might provide support to keep the labor and delivery department at Scripps Chula Vista open.

The following members of the public thanked staff for their efforts to clean up Industrial Blvd:

- *Roberto Ramirez, he also spoke about addressing other conditions in the area.*
- *Stephanie Rojas*

Oscar Salas spoke regarding the franchise agreement between the City and Republic Services.

10. CITY MANAGER'S REPORTS

There were none.

11. MAYOR'S REPORTS

Mayor McCann reported on attendance at recent events and made community announcements.

11.1 Appointments to the Board of Ethics

Board of Ethics

- *Robert Maisonet*
- *Bobby Ray Salas*

Mark spoke in support of the item.

Moved by Mayor McCann
Seconded by Councilmember Preciado

To ratify the appointments of Robert Maisonet and Bobby Ray Salas to the Board of Ethics Commission. The motion was carried by the following vote:

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

Result, Carried (4 to 0)

12. COUNCILMEMBERS' COMMENTS

Councilmembers reported on attendance at recent events and made community announcements.

Deputy Mayor Gonzalez distributed a memorandum regarding SB 1208 relating to Waste Discharge Permits: Landfills and AB 2783 relating to Transparency and Accountability in Port governance.

At the request of Deputy Mayor Gonzalez there was a consensus of the City Council to add a discussion regarding support of SB 1208 to a future meeting agenda.

13. CITY CLERK'S REPORTS

13.1 City Council Vacancy: Discussion and Direction to Staff on the Appointment Process for the District 4 City Council Vacancy

Deputy Director of City Clerk Services Turner spoke regarding the item.

Alan C. spoke in support of a special meeting being held to conduct interviews.

Paul Henkin submitted written comments in support of filling the seat by appointment.

There was a consensus of the City Council to interview all eight qualified applicants and return to the March 26, 2024, City Council meeting to determine the date and format of the interviews as well as the interview questions.

14. CITY ATTORNEY'S REPORTS

There were none.

15. CLOSED SESSION

Pursuant to Resolution No. 13706 and City Council Policy No. 346-03, the City Attorney maintains official minutes and records of action taken during closed session.

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 9:30 p.m. The City Council convened in closed session at 9:32 p.m., with all members present.

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

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

Action: No Reportable Action

B) Name of case: CV Amalgamated LLC v City of Chula Vista, et al., San Diego Superior Court, Case number 37-2020-33446-CU-MC-CTL

Action: Item not heard.

15.2 Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4):

Moved by Councilmember Preciado
Seconded by Councilmember Chavez

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

Result, Carried (4 to 0)

One (1) Case

Action: Authorization to initiate litigation.

16. ADJOURNMENT

The meeting was adjourned at 10:12 p.m.

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

Kerry K. Bigelow, MMC, City Clerk