

City of Chula Vista
Regular City Council Meeting
MINUTES

March 26, 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; City Clerk Bigelow; Deputy Director of City Clerk Services Turner

Minutes are prepared and ordered to correspond to the agenda.

1. CALL TO ORDER

The meeting was called to order at 5:01 p.m.

2. ROLL CALL

City Clerk Bigelow called the roll.

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

Led by Councilmember Chavez

4. SPECIAL ORDERS OF THE DAY

4.1 Oaths of Office for Board of Ethics

Board of Ethics

- Robert Maisonet

- Bobby Ray Salas

City Clerk Bigelow administered the oaths of office, and Councilmember Gonzalez presented the certificates of appointment.

4.2 Presentation of a Certificate of Recognition to Castle Park High School Coach Victor Vargas and the CIF Division 5 Champion Boys Soccer Team

Mayor McCann read the certificate of recognition, and he and the City Councilmembers presented it to Coach Victor Vargas and the CIF Division 5 Champion Boys Soccer Team.

5. CONSENT CALENDAR (Items 5.1 through 5.5)

Alan C. spoke regarding items 5.1 through 5.4.

John Acosta, Chula Vista resident, spoke regarding Items 5.1 and 5.2.

Item 5.5 was removed from the consent calendar at the request of Deputy Mayor Gonzalez.

Acting City Attorney Maland announced that a revised resolution for Item 5.2 had been distributed and that action on the item would be on the revised document.

Moved by Mayor McCann

Seconded by Councilmember Preciado

To approve the recommended actions appearing below consent calendar Items 5.1 through 5.4. 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 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.

5.2 Employee Benefits: Approve a Consultant Services Agreement with Marsh & McClennan Agency, LLC. to Provide Employee Benefits Insurance Broker Services

Adopt a resolution approving the consultant services agreement with Marsh & McClennan Agency, LLC.

Item 5.2 heading:

RESOLUTION NO. 2024-048 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE CONSULTANT SERVICES AGREEMENT TO PROVIDE EMPLOYEE BENEFITS INSURANCE BROKER SERVICES BETWEEN THE CITY AND MARSH & MCLENNAN AGENCY, LLC.

5.3 Agreement and Appropriation: Approve a Third 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 for that Purpose

Adopt a resolution approving the third amendment to the Legal Services Agreement with Gatzke, Dillon & Balance, LLP for on-call legal services to assist the Development Services Department for an additional \$250,000 and amending the fiscal year 2023-24 Development Services Fund budget for that purpose. **(4/5 Vote Required)**

Item 5.3 heading:

RESOLUTION NO. 2024-049 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE THIRD 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 2023-24 BUDGET, AND APPROPRIATING FUNDS THEREFOR **(4/5 VOTE REQUIRED)**

5.4 Agreement: Authorize the Use of a Cooperative Agreement Between Sourcewell and Mansfield Oil Company of Gainesville, Inc. for the Purchase of Motor Vehicle Fuel, and Approve Entering Into an Agreement with Mansfield

Adopt a resolution approving the City's use of the cooperative purchasing agreement between Sourcewell and Mansfield Oil Company of Gainesville, Inc. (Mansfield) for the purchase of motor vehicle fuel, on an as-needed basis, with a term starting on April 24, 2024 and ending on or before February 10, 2028, in a maximum amount of \$7 million; and authorizing the City Manager to negotiate, execute, and finalize an agreement with Mansfield.

Item 5.4 heading:

RESOLUTION NO. 2024-050 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE USE OF THE COOPERATIVE CONTRACT BETWEEN SOURCEWELL AND MANSFIELD OIL COMPANY OF GAINESVILLE, INC. FOR THE PURCHASE OF MOTOR VEHICLE FUEL, AND APPROVING ENTERING INTO AN AGREEMENT WITH MANSFIELD

ITEMS REMOVED FROM THE CONSENT CALENDAR

5.5 University-Innovation District: Appropriate Funds for Development of a University-Innovation District Phase One Feasibility Study

City Manager Kachadoorian gave an overview of the item and responded to questions from the City Council.

The following members of the public spoke regarding the item:

- *Alan C.*
- *John Acosta, Chula Vista resident*

Moved by Councilmember Preciado

Seconded by Councilmember Chavez

To adopt Resolution No. 2024-051, 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 5.5 heading:

RESOLUTION NO. 2024-051 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING FUNDS FOR DEVELOPMENT OF A UNIVERSITY-INNOVATION DISTRICT PHASE ONE FEASIBILITY STUDY **(4/5 VOTE REQUIRED)**

6. PUBLIC COMMENTS

Alan C. spoke regarding various topics.

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

John Acosta, Chula Vista resident, spoke regarding cannabis permitting and various other topics.

Carol Leromnimon, representing LAFCO, spoke regarding a recent decision to add the Port of San Diego to the LAFCO registry as an independent Special District.

John Fischer, Chula Vista resident, thanked staff for their efforts related to securing funding for fencing along Industrial Blvd.

The following members of the public spoke regarding the condition of soccer fields at City parks:

- *Hector Diaz*
- *Benito Delgado*
- *Ryan Marquez*
- *Vince Ortiz*

Sharmane Estolanno, Chula Vista resident, expressed interest in the District 4 vacancy.

Robert Johnson submitted written comments.

The meeting was recessed at 5:58 p.m. and resumed at 6:04 p.m.

7. ACTION ITEMS

7.1 Ratification of Temporary Appointment: City Manager's Appointment of the Interim Director of Parks and Recreation - CalPERS Retiree Lisa Rudloff

Deputy City Manager Chase spoke regarding the item.

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

Robert Johnson submitted written comments in opposition to the item.

Moved by Mayor McCann

Seconded by Deputy Mayor Gonzalez

To adopt Resolution No. 2024-052, 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. 2024-052 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CERTIFYING THE NECESSITY OF TEMPORARILY APPOINTING CALPERS RETIREE LISA RUDLOFF, PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21221(h)

8. PUBLIC COMMENTS (CONTINUED)

There were none.

9. CITY MANAGER'S REPORTS

There were none.

10. MAYOR'S REPORTS

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

11. COUNCILMEMBERS' COMMENTS

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

At the request of Deputy Mayor Gonzalez, there was a consensus of the City Council to direct City Clerk staff to review the process for requesting to speak and its impact on the order of speakers.

At the request of Councilmember Chavez, there was a consensus of the City Council to add a discussion regarding AB 2783 relating to transparency and accountability in Port governance to the next regularly scheduled City Council meeting.

Councilmember Chavez gave a SANDAG report concerning the toll road.

12. CITY CLERK'S REPORTS

12.1 City Council Vacancy: Determine a Date and Time to Conduct the Interviews of Applicants for Potential Appointment to the Vacant District 4 Council Seat, and Take Possible Action Regarding Interview Procedures

City Clerk Bigelow gave a presentation.

Alan C. spoke in support of the D4 appointee representing the needs of the District 4 community.

John Acosta, Chula Vista resident, spoke in opposition to applicant Nicolas Segura Jr.

The following members of the public spoke in support of the District 4 seat remaining vacant and, if appointed, that the individual represent the needs of the D4 community:

- *Delia Dominguez Cervantes, Chula Vista resident*
- *Cheryl P., Chula Vista resident*

There was a consensus of the City Council to hold a special City Council meeting on April 4, 2024, at 4 p.m. to interview all eight qualified candidates and determine the interview questions; to set the interview time at 10 minutes to include a three-minute introduction, one question from each City Councilmember and a one-minute closing; and to approve the appointment procedure as follows: Each City Councilmember would have an opportunity to make a motion and request a second in the pre-determined seniority order of Mayor McCann, Deputy Mayor Gonzalez, Councilmember Chavez, and Councilmember Preciado. The four initial

nominations would be held without action until each City Councilmember had the opportunity to nominate one finalist. Following the initial four nominations, the City Council would vote upon nominations. The process would be repeated if necessary, and the first affirmative vote of three Councilmembers would result in an appointment being made.

13. CITY ATTORNEY'S REPORTS

There were none.

14. 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 6:54 p.m. The City Council convened in closed session at 7:04 p.m., with all members present.

14.1 Conference with Labor Negotiators Pursuant to Government Code Section 54957.6

Alan C. spoke in opposition to closed-session discussions.

Agency designated representatives: Maria Kachadoorian, Jill Maland, Courtney Chase, and Tanya Tomlinson

Employee organization: EXEC and SM

Action: No Reportable Action

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

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

Action: Item not discussed.

15. ADJOURNMENT

The meeting was adjourned at 7:39 p.m.

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

Kerry K. Bigelow, MMC, City Clerk