



## MEETING OF THE CITY COUNCIL

# Agenda

Cheryl Cox, Mayor

Rudy Ramirez, Councilmember  
John McCann, Councilmember  
Pamela Bensoussan, Councilmember  
Steve Castaneda, Councilmember

James D. Sandoval, City Manager  
Bart Miesfeld, City Attorney  
Donna Norris, City Clerk

August 17, 2010  
4:00 p.m.

Council Chambers  
City Hall – Building 100  
276 Fourth Avenue

### CALL TO ORDER

**ROLL CALL:** Councilmembers Bensoussan, Castaneda, McCann, Ramirez and Mayor Cox

### PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

### SPECIAL ORDERS OF THE DAY

- PRESENTATION OF PLAQUES TO TRACY LAMB, DIRECTOR OF THE CHULA VISTA OLYMPIC TRAINING CENTER AND PABLO VELEZ-CARILLO, CEO OF SHARP CHULA VISTA MEDICAL CENTER AND; PRESENTATION BY TRACY LAMB OF FOUR CHECKS IN THE AMOUNT OF \$3,250 EACH FROM THE PROCEEDS OF THE OLYMPIC TRAINING CENTER'S SECOND ANNUAL 5K TO DAVID MCLELLAN FOR THE FRIENDS OF CHULA VISTA PARKS AND RECREATION; VIRGINIA TAYLOR FOR THE FRIENDS OF THE CHULA VISTA LIBRARY; SUSAN FULLER FOR THE FRIENDS OF THE CHULA VISTA NATURE CENTER; AND DEBBIE MARTIN FOR THE CHULA VISTA ANIMAL SHELTER'S HELP AND EDUCATION FOR ANIMAL RESPONSIBILITY TEAM (H.E.A.R.T.)
- OATHS OF OFFICE

**Youth Action Council Members:** Lauren Benitez, Gina Bernacett, Carina Bravo, Thomas Davies, Horacio Herrera, Mitchell Jimenez, Alex Leopold, Nicolas Metras, Shannon Ocheltree (Ex-Officio), Victor Santander, Bryce Smith, John Paul Sotelo

- PRESENTATION OF THE INTERSTATE-805 MANAGED LANES PROJECT SOUTH SEGMENT, BY RAMON MARTINEZ, P.E., PROJECT MANAGER, CALTRANS

## **CONSENT CALENDAR**

(Items 1-7)

*The Council will enact the Consent Calendar staff recommendations by one motion, without discussion, unless a Councilmember, a member of the public, or staff requests that an item be removed for discussion. If you wish to speak on one of these items, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting. Items pulled from the Consent Calendar will be discussed immediately following the Consent Calendar.*

1. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING THE ZONING MAP ESTABLISHED BY SECTION 19.18.010 TO REZONE A 4.35 ACRE PARCEL LOCATED AT 701 D STREET FROM MHP (EXCLUSIVE MOBILEHOME PARK) ZONE TO R-3-P (APARTMENT RESIDENTIAL, PRECISE PLAN) ZONE (SECOND READING AND ADOPTION)

The 4.35 acre project site was previously zoned R3 until it was changed to MHP due to the previously existing Jade Bay Mobile Lodge. The site is now vacant. The applicant requests it be rezoned to R3 to be consistent with general plan designation and to allow future multi-family development. This ordinance was introduced on August 10, 2010. (Assistant City Manager/Development Services Director)

Staff recommendation: Council adopt the ordinance.

2. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE CLOSURE OF RANCHO DEL REY PARKWAY BETWEEN TERRA NOVA DRIVE AND DEL REY BOULEVARD FOR THE 31<sup>st</sup> ANNUAL ORANGE CRATE DERBY FROM 6:00 A.M. ON SATURDAY, SEPTEMBER 11, 2010 UNTIL 6:00 P.M. ON SUNDAY, SEPTEMBER 12, 2010 AND APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND BONITA VALLEY LIONS CLUB FOR THE DERBY

The Bonita Orange Crate Derby Committee of the Bonita Valley Lions Club is requesting permission for temporary street closure of Rancho Del Rey Parkway on September 11 and 12, 2010 to conduct their 31<sup>st</sup> Annual Orange Crate Derby. (Communications Coordinator)

Staff recommendation: Council adopt the resolution.

3. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE AGREEMENT WITH HINDERLITER, DE LLAMAS AND ASSOCIATES TO PROVIDE BUSINESS LICENSING SOFTWARE AND SALES AND USE TAX SERVICES

Staff issued a Request for Proposal for business license software and sales and use tax services to increase efficiency through enhanced automation, and to improve business license enforcement through sales tax data integration. The current business licensing system requires a significant amount of staff support from the City's ITS Department, and due to the recent budget cuts, ITS is no longer able to support the annual business license online renewal process. Also, the current system does not have the ability to interface with sales tax data electronically which is an important tool for enforcement. Adoption of the resolution approves the agreement with Hinderliter, de Llamas and Associates. (Director of Finance/Treasurer)

Staff recommendation: Council adopt the resolution.

4. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING A NEW CAPITAL IMPROVEMENT PROJECT "BONITA CANYON REPAIRS" (DR-189), AMENDING THE FISCAL YEAR 2010/2011 CIP PROGRAM, APPROPRIATING FUNDS THEREFOR; AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO NEGOTIATE WITH THE CONSULTANT TEAM OF RICK ENGINEERING COMPANY AND HELIX ENVIRONMENTAL PLANNING INC.; AND IF NECESSARY, AUTHORIZE STAFF TO PREPARE AND SOLICIT REQUESTS FOR PROPOSALS FOR ENGINEERING DESIGN, ENVIRONMENTAL REVIEW AND GEOTECHNICAL SERVICES SO THE ENGINEERING DESIGN AND ENVIRONMENTAL DOCUMENT CAN BE COMPLETED BY SPRING 2011 (4/5THS VOTE REQUIRED)

The City of Chula Vista's infrastructure, such as roadways, signals and street lighting also includes natural and improved drainage systems to convey water away from property and ultimately out to the receiving waters of the Otay and Sweetwater Rivers and the San Diego Bay. There are two canyons in eastern Chula Vista where erosion has been occurring and where City staff has hired a consultant team in order to prepare a study and make findings on how to reduce the amount of erosion. Adoption of the resolution establishes Capital Improvement Project DR-189. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

5. A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$201,122 IN ON-BILL FINANCING FUNDS FROM SAN DIEGO GAS & ELECTRIC TO INSTALL A SPLIT HVAC SYSTEM AT THE PUBLIC WORKS CORPORATION YARD AND APPROPRIATING \$201,122 IN FINANCING FUNDS TO THE CITY'S ENERGY CONSERVATION FUND AND AMENDING THE FISCAL YEAR 2010/2011 SDG&E ON-BILL FINANCING CAPITAL EXPENDITURE CATEGORY (4/5THS VOTE REQUIRED)
- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING \$30,000 IN TRANSIT DOLLARS AND AMENDING THE FISCAL YEAR 2010/2011 EQUIPMENT REPLACEMENT CAPITAL EXPENDITURE CATEGORY (4/5THS VOTE REQUIRED)

- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA 1) AWARDING A DESIGN BUILD AGREEMENT FOR THE “CORPORATE YARD TRANSIT CENTER HVAC SYSTEM PROJECT” (GG212) TO EMCOR SERVICE/MESA ENERGY SYSTEMS, WHICH WILL BE FUNDED THROUGH THE SAN DIEGO GAS & ELECTRIC (SDG&E) ON-BILL FINANCING PROGRAM AND TRANSIT DOLLARS IN THE EQUIPMENT REPLACEMENT FUND AND; 2) AUTHORIZING THE EXPENDITURE OF ALL AVAILABLE PROJECT CONTINGENCY FUNDS

The Chula Vista Transit offices located at the Public Works Center is in operation seven days a week, twenty or more hours per day. The existing HVAC system for the Transit office is interconnected with the main HVAC system for the entire Public Works building, therefore, the main system cools or heats the entire building as required for the Transit offices. Splitting the systems by installing a completely separate heat pump unit, supply and return air ducting system for the Transit offices will save \$282,700 kWh per year, a cost savings of approximately \$32,110 annually. The project will be funded through SDG&E 0%-interest on-bill financing and incentives. (Director of Public Works/Director of Conservation and Environmental Services)

Staff recommendation: Council adopt the resolutions.

6. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA REJECTING ALL BIDS FOR THE “SEWER REPAIR PROJECT AT CALLE MESITA, THIRD AVENUE, AND LA MEDIA IN THE CITY OF CHULA VISTA, CALIFORNIA (CIP NO. SW270)”

On July 21, 2010, the Director of Public Works received three sealed bids for the project. The project would rehabilitate existing broken sewer mains and laterals, repair cracked sewer lines and rehabilitate existing manholes in various locations throughout the City. The two lowest bids received were determined to be non-responsive and the third bid was 58% higher than the lowest bid. Therefore, staff recommends that all bids be rejected and re-bid with a larger sewer rehabilitation project. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

7. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (1) RATIFYING AND APPROVING SUBMITTAL OF A GRANT APPLICATION TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) TO SUPPORT A MULTI-YEAR PROGRAM TO RESTORE AND ENHANCE OTAY TARPLANT AND SAN DIEGO THORN MINT HABITAT WITHIN THE CHULA VISTA CENTRAL CITY PRESERVE MANAGEMENT AREA; (2) AUTHORIZING STAFF TO NEGOTIATE A GRANT AGREEMENT BETWEEN SANDAG AND THE CITY TO RECEIVE GRANT FUNDS, AND; (3) DIRECTING STAFF TO RETURN TO COUNCIL WITH A GRANT AGREEMENT BETWEEN SANDAG AND THE CITY REGARDING OTAY TARPLANT AND SAN DIEGO THORN MINT RESTORATION FOR COUNCIL CONSIDERATION

On July 16, 2010, the San Diego Association of Governments (SANDAG) Regional Planning Committee approved a portion of the City's grant application for TransNet funding in an amount of \$268,428. This funding will support a multi-year land management program to restore and enhance degraded areas supporting the Otay tarplant and San Diego thornmint within the City's Central City Preserve Management Area (Central City PMA), particularly within Rice Canyon. The land management activities offered through this program are essential for the Otay tarplant and San Diego thornmint to continue to exist and sustain the changing conditions within the Central City PMA. (Assistant City Manager/Development Services Director)

Staff recommendation: Council adopt the resolution.

## **ITEMS REMOVED FROM THE CONSENT CALENDAR**

### **PUBLIC COMMENTS**

*Persons speaking during Public Comments may address the Council on any subject matter within the Council's jurisdiction that is not listed as an item on the agenda. State law generally prohibits the Council from discussing or taking action on any issue not included on the agenda, but, if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. Comments are limited to three minutes.*

### **ACTION ITEMS**

*The Item(s) listed in this section of the agenda will be considered individually by the Council and are expected to elicit discussion and deliberation. If you wish to speak on any item, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting.*

#### **8. PRESENTATION BY THE CHULA VISTA CHAMBER OF COMMERCE OF A REPORT ON THE OPERATIONS FOR THE FIRST YEAR OF THE CHULA VISTA TOURISM MARKETING DISTRICT**

On July 14, 2009, the City Council adopted a resolution that was the final step in establishing the Chula Vista Tourism Marketing District (CVTMD). The CVTMD is required to prepare and submit an annual report to the City Council. The Chula Vista Chamber of Commerce, acting as the owner's association for the CVTMD will deliver the report and presentation. (Assistant City Manager/Development Services Director)

Staff recommendation: Council consider the report and take action it deems appropriate.

#### **9. CONSIDERATION OF MODIFYING THE FEE DEFERRAL PROGRAM**

The proposed ordinance provides for the payment of City fees prior to a building permit receiving final inspection. Previously, these fees were deferred with an agreement. The proposed ordinance provides for the effective deferral while providing safeguards for the City to receive all fees without an agreement. (Assistant City Manager/Development Services Director)

Staff recommendation: Council place the following ordinance on first reading:

ORDINANCE OF THE CITY OF CHULA VISTA MODIFYING THE FEE DEFERRAL PROGRAM (FIRST READING)

10. CONSIDERATION OF A PROPOSED LAND OFFER AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND OV THREE TWO, LLC; JJJ & K INVESTMENTS TWO, LLC

The proposed Land Offer Agreement updates the land holdings owned by JPB Development, LLC and reduces the number of potential dwelling units by 750, consistent with the updated land holdings. (Assistant City Manager/Development Services Director)

Staff recommendation: Council adopt the following resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE MAYOR TO ENTER INTO A NEW LAND OFFER AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND OV THREE TWO, LLC; AND JJJ & K INVESTMENTS TWO, LLC; FOR CONVEYANCE OF 160 ACRES TO THE CITY FOR UNIVERSITY/REGIONAL TECHNOLOGY PARK DEVELOPMENT

11. REPORT ON THE FINANCIAL STATUS OF THE CITY OF CHULA VISTA

In January 2009, the City Council endorsed the City Managers' proposed Chula Vista Fiscal Health Plan, which serves as the blueprint to move the City back to strong financial standing on a long-term basis. The report provides an overview of the progress that has been made to-date in implementing the Chula Vista Fiscal Health Plan as well as an update on the City's financial outlook over the next few years with a focus on fiscal year 2011/2012. (Director of Finance/Treasurer)

Staff recommendation: Council hear the report.

12. CONSIDERATION OF AUTHORIZATION BY THE CITY COUNCIL TO SUBMIT TO THE CITY CLERK AN ARGUMENT, AND REBUTTAL ARGUMENT, IF ANY, IN SUPPORT OF THE MEASURE RELATING TO THE CITY'S TELECOMMUNICATIONS USERS' TAX (RESOLUTION NO. 2010-148) TO BE INCLUDED IN THE SAMPLE BALLOT FOR THE NOVEMBER 2, 2010 ELECTION

On June 8, 2010, the City Council voted to place on the November 2, 2010 election a measure related to the City's Telecommunications Users' Tax. The California Elections Code permits the City to submit an argument and rebuttal argument, if any, in support of the measure. Adoption of the resolution authorizes the submittal of an argument and rebuttal argument, if any, in support of the City's Telecommunications Users' Tax and to designate the Mayor and/or Councilmember(s) to draft and file such arguments. (City Attorney)

Staff recommendation: City Council take action as it deems appropriate.

## **OTHER BUSINESS**

13. CITY MANAGER'S REPORTS

14. MAYOR'S REPORTS

15. COUNCILMEMBERS' COMMENTS

- Councilmember Castaneda: Discussion regarding use of the City logo by Cambios con Fe on City park clean-up event flyers.

**ADJOURNMENT** to the next Regular City Council Meeting on September 14, 2010, at 4:00 p.m., in the Council Chambers.

*Materials provided to the City Council related to any open-session item on this agenda are available for public review at the City Clerk's Office, located in City Hall at 276 Fourth Avenue, Building 100, during normal business hours.*

***In compliance with the  
AMERICANS WITH DISABILITIES ACT***

*The City of Chula Vista requests individuals who require special accommodations to access, attend, and/or participate in a City meeting, activity, or service, contact the City Clerk's Office at (619) 691-5041 at least forty-eight hours in advance of the meeting.*