



CITY COUNCIL MINUTES

CITY COUNCIL CHAMBERS 68-700 AVENIDA LALO GUERRERO CATHEDRAL CITY, CA 92234

Wednesday, July 22, 2015 REGULAR MEETING 6:30 PM

- **CALL TO ORDER**

Mayor Stan Henry called the July 22, 2015 Regular Meeting of the City Council to order at 6:45 p.m.

- **PLEDGE OF ALLEGIANCE**

Council Member John Aguilar led the Pledge of Allegiance.

- **INVOCATION (MOMENT OF REFLECTION)**

Council Member Mark Carnevale offered the invocation.

- **ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK**

Present: 5 - Mayor Stan Henry, Mayor Pro Tem Gregory S. Pettis, Council Member Shelley Kaplan, Council Member Mark Carnevale, and Council Member John Aguilar

- **AGENDA FINALIZATION**

Mayor Stan Henry indicated that he would like to pull Consent Agenda Item 3O. for discussion.

Council Member John Aguilar indicated that he would like to pull Consent Agenda Items 3U. and 3X. for discussion.

City Attorney Charles Green indicated tha he would like to add the following Closed Session Urgency Item to the Agenda:

Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8:

Property Location: Approximately 120 acres located in close proximity to the intersection of Landau and Vista Chino.

Agency Negotiator: The City of Cathedral City

Negotiating Parties: Verano Recovery, LLC and First American Title Company

Under Negotiation: Price and Terms of payment

He indicated that adding this item to the Agenda meets the legal requirements.

A motion was made by Council Member Kaplan, seconded by Council Member Aguilar, to add the following Urgency Closed Session item to the Agenda as Item 7G:

Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8:

Property Location: Approximately 120 acres located in close proximity to the intersection of Landau and Vista Chino.

Agency Negotiator: The City of Cathedral City

Negotiating Parties: Verano Recovery, LLC and First American Title Company

Under Negotiation: Price and Terms of payment

The motion carried by the following vote:

Aye: 5 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

1. SPECIAL PRESENTATIONS

2. PUBLIC COMMENTS

Frank Riela, Cathedral City, was called to speak. He expressed his concern with fireworks. He requested enforcement and punishment of illegal fireworks and that in the future years the City Council limit the number of days they are allowed to be sold and set-off.

Matt Pappas, Long Beach, was called to speak. He introduced himself and indicated that he is an attorney and that he will be taking over all of the cases related to the Medical Marijuana Dispensary lottery.

3. CONSENT AGENDA

A motion was made by Council Member Kaplan, seconded by Council Member Aguilar, to approve the following Consent Agenda Items with the removal of Item 3O., 3U., and 3X. The motion carried by the following vote:

Aye: 5 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

3.A. [2015-272](#) Receive and file Payment of Claims and Demands

Enactment No: M.O. 6416

3.B. [2015-284](#) City Council Minutes of June 10, 2015

Enactment No: M.O. 6417

3.C. [2015-175](#) Resolution for Paying & Reporting the Value of Employer Paid Member Contributions ("EPMC") with all Costs Paid by the members of the Cathedral City Fire Management.

Enactment No: Reso 2015-37

3.D. [2015-176](#) Resolution of Intention for a Contract Amendment between CalPERS and the City of Cathedral City

Enactment No: Reso 2015-38

3.E. [2015-201](#) Resolution of Intention to Establish Improvement Area No. 9 - CFD NO. 2006-1

Enactment No: Reso 2015-39

3.F. [2015-253](#) Contract Award to Petrochem Manufacturing Incorporated for Central Mix Type II Rubberized Emulsion Aggregate Slurry (REAS), Tanks, Pumps and Personnel for the East Palm Canyon Drive

Preventive Maintenance Project.

Enactment No: M.O. 6418

- 3.G. [2015-257](#) Second Reading and Adoption of Amendments to the 2015 City Speed Limits Ordinance**

Enactment No: Ord 758

- 3.H. [2015-259](#) Extension of the Materials Testing contract with Landmark Consultants and the Survey Services contract with MSA Consulting**

Enactment No: M.O. 6419

- 3.I. [2015-260](#) 2015-2016 California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant**

Enactment No: M.O. 6420

- 3.J. [2015-264](#) Second Reading of an Ordinance Regulating Single Use Carryout Plastic Bags.**

Enactment No: Ord 759

- 3.K. [2015-265](#) Second Reading of an Ordinance Regarding Massage Establishments**

Enactment No: Ord 760

- 3.L. [2015-267](#) Second Reading of an Ordinance Regarding Trespass**

Enactment No: Ord 761

- 3.M. [2015-268](#) Extension of the Current Professional Services Agreement with NAI Consulting, Inc.**

Enactment No: Reso 2015-40

- 3.N. [2015-270](#) Resolution of Intention to Vacate Certain Streets, Alleys, Public Highways and Utility Easements - Vacation No. 2015-01**

Enactment No: Reso 2015-41

- 3.O. [2015-271](#) Resolution - Changes to the Scopes of Work for the Whitewater River Bike Trail Phase 1 and Phase 2 Projects**

Rosario Avila, Cathedral City, was called to speak. She encouraged the Council to move forward with caution with regard to the CV-Link project.

Sergio Espericueta, Cathedral City, was called to speak. He expressed his concern with the access to CV-Link from the Dream Homes neighborhood.

Tyrone Pearson, Cathedral City, was called to speak. He indicated that he agrees with the Council on continuing the appeal until August 12, 2015.

A motion was made by Council Member Aguilar, seconded by Council Member Kaplan, to approve a Resolution authorizing the filing of requests for changes to the scope of work for the Whitewater Bike Trail Phase 1 and Phase 2 projects; and authorize the City Engineer to sign and submit the requests on behalf of the City Council. The motion carried by the following vote:

Enactment No: Reso 2015-42

**3.P. [2015-273](#) 2015 Special Assessments against Properties for Nuisance
Abatement Costs**

Enactment No: Reso 2015-43

**3.Q. [2015-274](#) Acceptance of the Edward Byrne Grant in the amount of \$12,839
from the Bureau of Justice Assistance**

Enactment No: M.O. 6421

3.R. [2015-275](#) Records Retention Schedule Update

Enactment No: Reso 2015-44/Reso SA-2015-02

**3.S. [2015-288](#) Perez Road Pavement Rehabilitation from East Palm Canyon Drive
to Campbell Street.**

Enactment No: M.O. 6422

3.T. [2015-289](#) West Coast Artists' Art Festival

Enactment No: M.O. 6423

**3.U. [2015-292](#) Professional Services Agreement with The Altum Group for
Environmental Services Related to the Proposed Edom Hill
Composting Facility**

A motion was made by Council Member Kaplan, seconded by Council Member Aguilar, to approve a Professional Services Agreement with the Altum Group to render professional environmental services in order to assist the Planning Division in completing an Initial Study and Mitigated Negative Declaration for the proposed Edom Hill Composting Facility. The motion carried by the following vote:

Enactment No: M.O. 6424

**3.V. [2015-294](#) Approval of Traffic Signal Repairs and Upgrades Provided by
Siemens Industry, Inc.**

Enactment No: M.O. 6425

**3.W. [2015-295](#) Second Reading - Residential Smoke Alarm Ordinance
Amendment**

Enactment No: Ord 762

3.X. [2015-296](#) Final Planned Unit Development (PUD) 14-001 for Tract No. 36747

A motion was made by Council Member Aguilar, seconded by Mayor Pro Tem Pettis, to approve the Final Planned Unit Development (PUD) 14-001 for Tract No. 36747. The motion carried by the following vote:

Aye: 5 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

Enactment No: M.O. 6426

3.Y. [2015-297](#) Resolution of Support for AB 150

Enactment No: Reso 2015-45

4. PUBLIC HEARINGS**4.A. [2015-258](#) Appeal of Planning Commission Denial of Conditional Use Permit Application for King Blaise Cooperative located at 68860 Ramon Road in Cathedral City.**

Deputy City Attorney Nick Hermesen, indicated that the Planning Commission denied the Conditional Use Permit application from King Blaise Cooperative based on the fact that the proposed application was in violation of the Cathedral City Municipal Code due to issues discovered in the applicant's background check. Deputy City Attorney Hermesen went through each finding and stated staff recommends that the City Council affirm the findings and decision of the Planning Commission. He indicated that the appeal was received in the appropriate time frame. The grounds of the appeal are that the findings are not true and misleading. He explained the appeal process and outlined their options.

Mayor Henry called upon the appellant to comment on his appeal.

Brian Nicholson, President King Blaise Cooperative, stated that the findings that were brought forward on him are not true and correct. He also indicated that Blaise Moreno is no longer affiliated with King Blaise Cooperative. He expressed his concern with the process and requested that the City Council consider his appeal and approve his application for a CUP to operate a Medical Marijuana Dispensary.

Mayor Stan Henry opened the Public Hearing for comments, there being none, he returned the discussion to the City Council.

There were questions of the appellant related to the background checks related to the application. Captain Earl Moss went over the background investigation that was conducted by Cathedral City Police Department.

Council Member Mark Carnevale stated he feels incorrect information has been provided to the City Council and the Planning Commission and would like to see this item continued for further investigation.

Mayor Stan Henry re-opened the Public Hearing for comments.

Mr. Nicholson indicated the comments that were made by Captain Moss were not true.

Mayor Henry closed the Public Hearing.

A motion was made by Council Member Carnevale, seconded by Mayor Pro Tem Pettis, to continue the Appeal of Planning Commission Denial of Conditional Use Permit Application for King Blaise Cooperative located at 68860 Ramon Road in Cathedral to August 12, 2015 for further investigation and

directed staff to do the following:

Verify whether or not Mr. Moreno is still an Officer of the corporation at this time.

Request information from the Town of Yucca Valley on why they denied the continuation of King Blaise Cooperative in their town and the back-up information that was provided to their Board.

City Manager McClendon to have a conversation with the City Manager of Yucca Valley regarding this issue.

Request the report from San Bernardino County Sheriff's Department with regard to the grow house in Cherry Valley that was shut down. The motion carried by the following vote:

Aye: 4 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, and Council Member Carnevale

Nay: 1 - Council Member Aguilar

Enactment No: M.O. 6427

5. LEGISLATIVE ACTIONS

5.A. [2015-234](#) Introduction and First Reading of an Ordinance Amending the Contract with the California Public Employees' Retirement System.

A motion was made by Council Member Kaplan, seconded by Mayor Pro Tem Pettis, to approve the first reading of an Ordinance amending the Contract between the City Council of the City of Cathedral City and the Board of Administration of the California Public Employees' Retirement System. The motion carried by the following vote:

Aye: 5 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

Enactment No: M.O. 6428

5.B. [2015-255](#) Designation of Ex-Officio Members of the Cathedral Center and Chamber of Commerce Boards

A motion was made by Council Member Kaplan, seconded by Council Member Carnevale, to appoint Mayor Pro Tem Greg Pettis as the ex-officio member of the Chamber of Commerce and Council Member Shelley Kaplan as the ex-officio member of the Cathedral Center. The motion carried by the following vote:

Aye: 5 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

Enactment No: M.O. 6429

5.C. [2015-269](#) Approve an ADFAP & SHARP Assistance Program

Alan Carvalho, Cathedral City, was called to speak. He stated that Rebecca Navarro wanted to thank the Council for considering the approval of the ADFAP and SHARP Assistance Program.

Council Member Shelley Kaplan requested a quarterly update on the number of participants in the program.

A motion was made by Mayor Pro Tem Pettis, seconded by Council Member Kaplan, to approve the funding in the amount of \$75,000 for the re-implementation of two programs - the Assessment District Fee Assistance Program (ADFAP) and Sewer Hook-up Assistance Residential Program (SHARP) for a period of one year, ending June 30, 2016 on a first come first serve basis. The motion carried by the following vote:

Aye: 5 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

Enactment No: M.O. 6430

5.D. [2015-280](#) Ordinance prohibiting the establishment, installation, placement, construction and/or expansion of attended and unattended collection bins.

Brian Utzman, Regional Manager Attended Donation Network, was called to speak. He encouraged the Council to have the word attended stricken from the Ordinance. He stated that if the Council moves forward with the Ordinance he would like to work with staff in the future to amend the Ordinance with language that would allow attended bins to be allowed.

A motion was made by Mayor Pro Tem Pettis, seconded by Council Member Carnevale, to approve the first reading of an Ordinance prohibiting the establishment, installation, placement, construction and/or expansion of attended and unattended collection donation bins ("CDBs"). The motion carried by the following vote:

Aye: 5 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

Enactment No: M.O. 6431

5.E. [2015-282](#) Written report required by Government Code Section 65858(D) in reference to Urgency Interim Ordinance No. 2015-162 imposing a moratorium on Collection Donation Bins

A motion was made by Mayor Pro Tem Pettis, seconded by Council Member Kaplan, to receive and file a written report required by Government Code Section 65858 (D) in reference to Urgency Interim Ordinance No. 2015-162 imposing a moratorium on Collection Donation Bins. The motion carried by the following vote:

Aye: 5 - Mayor Henry, Mayor Pro Tem Pettis, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

Enactment No: M.O. 6432

6. COUNCIL REPORTS

Council Member Mark Carnevale, reported that he attended the LGBT Committee Meeting along with several other business owners. He is looking forward to the Event and feels that it will be a huge success and proud to be a part of it. He attended the local Red Cross meeting. He stated there will be a lot of upcoming events and anyone who is interested in getting involved should contact him. He reported that the Animal Shelter has received some funding, which is good news. He thanked everyone for their kind words and thoughts with regard to his injury.

Council Member Shelley Kaplan, reported that there has been some communication with regard to short term property rentals and suggested that there be some discussion on that at a future Study Session Meeting. He gave a West Nile Virus update. He reported that the Historical Task Force has been meeting and it is their hope that they will have something to present to the Council soon. He along with members of the Council attended the 2015 Mayors and Council Members forum in Monterey where they received a lot of good information. He reported that he attended the Coachella Valley Mosquito and Vector Control Meeting and gave a brief overview of the number of calls from Cathedral City.

Council Member John Aguilar reported that he attended the CVAG Meeting and Mayor Stan Henry was elected as Chair. He reported that he and Council Member Kaplan attended a large scholarship luncheon that was hosted by

the Housing Coalition.

Mayor Pro Tem Greg Pettis, reported that Cathedral City hosted the monthly CVEP monthly Board Meeting. It was very well attended including Valley Cities and major corporations. Jeffrey Salas, a local dynamic young man, spoke about having a Youth Commission that would be made up of high school and college students that could participate in local government. He referred to the bridge collapse in Desert Center. There are 2000 bridges labeled in Southern California as obsolete that need to be addressed.

Mayor Stan Henry, reported that he attended the CVAG Executive Committee Meeting and CV Link has been a major topic. He stated that they will make sure that the concerns are addressed and that they are diligent moving forward.

7. CLOSED SESSION

The City Council temporarily adjourned to Closed Session at 8:35 p.m.

**7.A. [2015-286](#) CLOSED SESSION: CONFERENCE WITH REAL PROPERTY
NEGOTIATOR pursuant to Government Code Section 54956.8.**

Property Location: Approximately 15 acres generally north and west of East Palm Canyon Drive and Date Palm Drive.

Negotiating Parties: City Urban Revitalization Corporation (CURC) and Landmark Development Group, LLC.

Property Owners: City Urban Revitalization Corporation (CURC)

Under Negotiations: Property Negotiations

**7.B. [2015-287](#) CLOSED SESSION: CONFERENCE WITH REAL PROPERTY
NEGOTIATOR pursuant to Government Code Section 54956.8.**

Property Location: Parcels 1 and A of Parcel Map No. 31092

Negotiating Parties: City Urban Revitalization Corporation (CURC), City of Cathedral City and Tri-Millennium Cathedral City, LLC.

Property Owners: City Urban Revitalization Corporation (CURC)

Under Negotiations: Property Negotiations

**7.C. [2015-283](#) CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL -
Existing Litigation Pursuant to Government Code Section
54956.9(d)(1):**

Name of Case and Number: City of Cathedral City v. Grasshopper et. al.

Riverside County Superior Court Case Number: INC 1206440

**7.D. [2015-302](#) CITY COUNCIL - CONFERENCE WITH LEGAL COUNSEL -
Anticipated Litigation, Pursuant to Government Code Section §
54956.9 subd. (b).**

Potential Cases: one

7.E. [2015-277](#) CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.

Property Location: Approximately 7.5 acres generally east of Mission Drive APN 677-410-009; 30600 San Diego Drive APN 677-331-003 and 30638 San Diego Drive APN 677-332-003

Negotiating Parties: City of Cathedral City as Housing Successor and Southern California Housing Development Corporation ("CORE")

Property Owners: City of Cathedral City as Housing Successor

Under Negotiations: Property Negotiations

7.F. [2015-285](#) CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.

Property Location: 68699 "B" Street APN 687-214-002; 68697 "B" Street 687-214-009; & 68676 "E" Street APN 687-232-006

Negotiating Parties: Housing Successor Agency & City Urban Revitalization Corporation

Property Owners: Housing Successor Agency & City Urban Revitalization Corporation

Under Negotiations: Property Negotiations

The City Council reconvened at 9:30 p.m.

City Attorney Charles Green announced that the City Council met in Closed Session and the following actions were taken.

Item 7C. The City Council approved a proposed Settlement Agreement with the property owner. The Agreement will be prepared and brought back to council. The settlement is for outstanding legal fees in the amount of \$65,000 of which \$55,000 is payable immediately and \$10,000 payable in 6 months.

Item 7F. The City Council approved the sale of the listed property to City Urban Revitalization Corporation in the amount of \$146,000, which is consistent with the obligation of the State approved LRPMP.

Item 7G. The City Council approved two indemnification agreements one running in favor of First American Title by the City and one running in favor of the City by Verano, LLC. both dealing with title items that need to be removed from the title policy.

ADJOURN

Mayor Stan Henry adjourned the Regular City Council Meeting at 9:33 p.m.

STANLEY E. HENRY, Mayor

ATTEST:

GARY F. HOWELL, City Clerk