



Cathedral City

CITY COUNCIL MINUTES

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

Wednesday, November 23, 2016 REGULAR MEETING 4:30 PM

• CALL TO ORDER

Mayor Stan Henry called the Regular Meeting of the City Council to order at 4:30 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

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

• STATEMENT OF PARTICIPATION BY THE DEPUTY CITY CLERK

1. PUBLIC COMMENT

Keith Davis, Cathedral City, was called to speak. He indicated that he would like to have designated trails in Cathedral City with signage. He feels that it will bring responsible hikers and tourism. He will work with staff to try and make this happen.

Randy Winbigler, Cathedral City, was called to speak. He looks forward to hearing how the Council will address the concerns that the residents have expressed with regard to the Charter. He would like to see the City go to district elections. He feels that the No vote of the charter was not by a large margin and feels that it is difficult to stand up to City Hall. He believes that the Mayor is an important position contrary to what has been said. He wished everyone a Happy Thanksgiving.

Alan Carvalho, Cathedral City, was called to speak. He feels that Yes on HH played fair. He thanked the City for the amazing support of the 35th Anniversary celebration. He thanked all those that participated in the event. The artist that created the Lalo Guerrero sculpture indicated that he has never been to an event that was so supported and moving.

Denise Cross, Cathedral City, was called to speak. Asked the Council to pay attention to residents when they are speaking.

2. LEGISLATIVE ACTIONS

2.A. [2016-504](#) Interim Urgency Ordinance Temporarily Halting Approvals of New
Dispensary Applications

City Attorney Eric Vail, explained the process and reason for the Interim Urgency Ordinance.

Council Member Mark Carnevale thanked City Attorney Vail for his explanation. He indicated that he had no idea how quickly this industry would take off and the number of challenges that would arise along the way. He does not know of any businesses that have been displaced as a result of the cannabis industry to date. He is supportive of the moratorium and the idea of taking a step back to evaluate where we are and to address some of the concerns and challenges that have come up along the way. He congratulated and thanked staff and the Planning Commission for all of the work they have done.

Mayor Stan Henry opened the Public Hearing for comments.

John Pena, La Quinta, was called to speak. He indicated that he is representing a client that is going through the appeal process and wanted to clarify that they would not be affected by the adoption of this Urgency Ordinance.

Greta Carter, Desert Hot Springs, was called to speak. She indicated that she is an applicant that is in the process. They have injected well over 7 figures into Cathedral City and have budgeted more. Their proposed location is on Bankside Drive and she too wanted to make sure that she would not be affected by this Urgency Ordinance.

Nick Hughes, Bramuda Dunes, was called to speak. He thanked the Council for the opportunity to allow them to open their dispensary. He stated that he supports the moratorium. He wished the Council a Happy thanksgiving.

Randy Wingbinger, Cathedral City, submitted the following for the record from Jane Rasco and Diane Gill: City Council was usually dark the Wednesday before Thanksgiving in past years. We feel that there is a rush to get cannabis stores and growing facilities into our city in the last six months. We question taking our viable businesses that have supported our tax base for years, squeezed out of properties on and near Perez Road to get pot stores, 3 and more on that road and area. Why not fill vacant stores such as the old Sam's building and Burlington and other or better yet, locate across the freeway. We have a surplus of vacant stores. Why pick on a thriving business district?

Kendra Culbertson, Cathedral City, was called to speak. She questioned why didn't the City move slower. She feels that the City could have gone slower. She expressed her concern with having an unlimited number of dispensaries allowed in the community and the displacement of businesses that have been supportive of the City. She stated that there are Council Members that are involved in the pot industry and asked that all items related to pot be addressed in a public forum due to the conflict of interest.

Randy Winbiger, Cathedral City, was called to speak. He expressed his concern with cannabis businesses. He feels that the whole process needs to be re-looked. He feels that those Council Members that have a conflict should recuse themselves from any related items. He also indicated that he feels more residents need to be appointed to the Medical Cannabis Task Force.

Bethany Ballard, Cathedral City, was called to speak. She expressed her concern with limited number of people who can be appointed to the Marijuana Task Force and the lack of balance of it and questioned what the official procedure and criteria is for appointing members to task forces. She feels that the community representative for the Medical Cannabis Task Force should be selected by the residents and there should be more than one representative.

Denise Cross, Cathedral City, was called to speak. She questioned if cultivation licenses are still going to be processed. She stated that there are properties all over the town that are being marketed for cannabis. She feels like the City is headed into a free for all.

Alan Carvalho, Cathedral City, was called to speak. He expressed his concern with personal attacks on Council Members. People have the right to make a living. He feels that we need to unify the City not tear it down.

Council Member John Aguilar stated that he is in favor of the Interim Ordinance. He feels that 45 days will not be enough time to complete the review process and questioned how staff sees this process being played out. He stated that there is no magic on the appointments to the Task Force. He expressed his agreement with everything that Council Member Carnevale stated.

Charles McClendon, City Manager, gave an overview of the process that he sees taking place. He stated that the appointments to the Medical Cannabis Task Force are outlined an adopted Ordinance.

Council Member Shelley Kaplan stated that he feels Council Member Carnevale articulated the Council's concerns as well as Council Member Aguilar. He also stated that the City Attorney did a good job at explaining the process. He indicated that he is in favor of the moratorium. He is also in favor of free market. He expressed his surprise by the number of applications for dispensaries. He stated that he would be in favor of appointing additional residents to the Medical Cannabis Task Force.

Mayor Pro Tem Greg Pettis stated that an Urgency Ordinance requires a 4/5 vote to pass so if he or Council Member Carnevale abstain from voing on this Ordinance it would not pass. He stated that he has not represented any dispensaries and that he works for a residential brokerage. Voters have approved twice the taxation of cannabis in the City. During his time there have been numerouse temporary Urgency Ordiances and none of them have remained temporary. The Council made a clear decision to listen to the residents to run the City like a business. He feels that the City has not given the industry the time it needs. He does not believe all of these businesses will still be in business in a year, the market will dictate the outcome. He feels that 6 dispensaries is not an abundance. He stated that businesses have not been forced to close, they have all been owner occupied. He stated that he is against the moratorium and feels that it is not what we should be doing.

Mayor Stan Henry stated that a lot of information has been provided across the State. There are still a lot of unknowns with regard to Prop 64 and a lot of concern. He stated that he agrees with Mayor Pro Tem Pettis that not all of the dispensaries that are business now will be still be in business in a year. He is concerned with having empty buildings as a result of the failure of those businesses. We should not rely on one industry for general fund monies. We have 40 applicants in the cannabis industry and we need to look at the affects it will have on the City and the Valley. No one knows what will happen as a result as a result of this industry and we need to take some time to see what some on the affects may be.

A motion was made by Council Member Aguilar, seconded by Council Member Kaplan, to approve an Interim Urgency Ordinance of the City Council of the City of Cathedral City, California, Adopting and Imposing a Temporary Moratorium on the Approval of New Application for Dispensaries. The motion carried by the following vote:

Aye: 4 - Mayor Henry, Council Member Kaplan, Council Member Carnevale, and Council Member Aguilar

Nay: 1 - Mayor Pro Tem Pettis

Enactment No: Ord 785

ADJOURN

STANLEY E. HENRY, Mayor

ATTEST:

GARY F. HOWELL, City Clerk