



Cathedral City

## CITY COUNCIL MINUTES

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

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Wednesday, January 11, 2017      REGULAR MEETING      6:30 PM

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### • CALL TO ORDER

*Mayor Stan Henry called the January 11, 2017, Regular Meeting of the City Council to order at 6:30 p.m.*

### • PLEDGE OF ALLEGIANCE

*Council Member John Aguilar led the Pledge of Allegiance.*

### • INVOCATION (MOMENT OF REFLECTION)

*Council Member Mark Carnevale asked for a moment of silence in honor of Supervisor John Benoit who passed away and 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

*Mayor Henry announced that item 2D. will be pulled for discussion and a separate vote. Item 2J will be pulled and brought back at a later date.*

### • STATEMENT OF PARTICIPATION BY THE DEPUTY CITY CLERK

#### 1. PUBLIC COMMENT

*Nick Stone, Cathedral City, reported that there are noise violations from In-Shape. These noise violations are in the ground and very disruptive to him and his wife. He requested that a realistic test be conducted to measure the noise that they experience throughout the day. They request that In-Shape move the free weights to the northeast section of the building, far from any residence, and insulated from ground-borne vibrations by the swimming pool and that the weight room hours be 6:00 a.m. to 10:00 p.m. daily.*

*Erin Stone, Cathedral City, described her experiences with the noise violations from in-shape and the affect it is having on her sleep conditions. She encouraged the City Council to do something.*

#### 2. CONSENT AGENDA

**A motion was made by Mayor Pro Tem Pettis, seconded by Council Member Kaplan, to approve the Consent Agenda Items with the removal of Item 2D. and 2J. The motion carried by the following vote:**

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

**2.A. [2017-03](#) Receive and file Payment of Claims and Demands**

This item was.

Enactment No: M.O. 6699

**2.B. [2017-10](#) City Council Minutes of November 9, 2016 and November 23, 2016**

This item was approved.

Enactment No: M.O. 6700

**2.C. [2016-537](#) Amendment No. 1 to Professional Services Agreement with NAI Consulting Inc. for the Date Palm Bridge Widening Project**

This item was approved.

Enactment No: M.O. 6701

**2.D. [2016-539](#) Professional Construction Management Services Agreement with Falcon Engineering Services, Inc. for the Date Palm Drive Bridge Widening Project**

A motion was made by Council Member Aguilar, seconded by Mayor Pro Tem Pettis, to authorize the City Manager to execute a Professional Construction Management Services Agreement with Falcon Engineering Services in the not-to-exceed amount of One Million Six Hundred Seventy Two Thousand Six Hundred Twenty Six Dollars (\$1,672,626) to provide Construction Management Services for the Date Palm Drive Bridge Widening at the Whitewater River Project. The motion carried by the following vote:

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

Enactment No: M.O. 6702

**2.E. [2016-560](#) Agreement with The Ramsay Group for the Five-Year (2017-2021) Consolidated Plan and FY 2017 Annual Action Plan**

This item was approved.

Enactment No: M.O. 6703

**2.F. [2016-551](#) Contract Award for Demography Services**

This item was approved.

Enactment No: M.O. 6704

**2.G. [2016-558](#) Business Relocation Assistance Program**

This item was approved.

Enactment No: Reso 2017-01

**2.H. [2017-02](#) Fourth Amendment to SunLine Joint Powers Transportation Agency Agreement**

This item was approved.

Enactment No: M.O. 6705

**2.I. [2016-562](#) Annual California Government Code Section 50075 Report for Community Facilities District (CFD) 2006-1**

This item was approved.

Enactment No: M.O. 6706

**2.J. [2016-541](#) Application to the Federal Emergency Management Agency for a Staffing of Adequate Fire and Emergency Response Grant**

**2.K. [2016-540](#) 2017 Day of the Young Child**

This item was approved.

Enactment No: M.O. 6707

**2.L. [2016-544](#) Resignation of Karen Panico-Willis from Parks and Community Events Commission and Sue Townsley from the Public Arts Commission**

This item was approved.

Enactment No: M.O. 6708

**3. PUBLIC HEARINGS**

**3.A. [2016-561](#) Appeal of Planning Commission Denial of Conditional Use Permit 16-007 for Sunshine Coast Wellness, 28201 Date Palm Drive, Suite B&C**

*City Manager Charles McClendon stated that the applicant has requested a continuance to a date uncertain.*

*Mayor Henry opened the Public Hearing.*

*Barbara Berzon, Cathedral City, was called to speak. She stated that she owns a business adjacent to this proposed site and is opposed to the approval of the CUP.*

*Mayor Henry indicated that the Public Hearing will be continued to a date uncertain.*

**3.B. [2016-564](#) Vacation 2016-01: Public Hearing to Vacate a Portion of a Public Utility Easement Reserved from the Vacation of Sunair Road, between Melrose Drive and Palo Verde Drive. Applicant: CCBC Resort Hotel.**

*Mayor Henry opened the Public Hearing for comments, there being none, he closed the Public Hearing.*

A motion was made by Council Member Kaplan, seconded by Council Member Carnevale, to approve a Resolution ordering the Conditional Vacation of a Portion of an 80 Foot Wide Utility Easement Reserved from the Vacation of Sunair Road, between Melrose Drive and Palo Verde Drive, Pursuant to Vacation No. 97-1, as described in Resolution No. 97-65, Recorded on May 17, 2002, as instrument No. 2002-262992, in Official Records of Riverside County. (Vacation No. 2016-01). The motion carried by the following vote:

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

Enactment No: Reso 2017-02

#### **4. LEGISLATIVE ACTIONS**

##### **4.A. [2016-542](#) Replacement of Cardiac Monitors / Defibrillators**

A motion was made by Council Member Aguilar, seconded by Council Member Kaplan, to approve the replacement of seven cardiac monitors/defibrillators for \$213,734.26 to be paid half each fiscal year, during the fiscal years of 2017/2018 and 2018/2019 with no interest. The motion carried by the following vote:

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

Enactment No: M.O. 6710

##### **4.B. [2016-563](#) Participation in The California Municipal Finance Association Open PACE Program**

A motion was made by Council Member Kaplan, seconded by Mayor Pro Tem Pettis, to approve a Resolution approving, authorizing and directing execution of a Joint Exercise of Powers Agreement relating to the California Municipal Finance Authority; consenting to the inclusion of properties within the territory of the City in the California Municipal Finance Authority Open Space Programs; authorizing the California Municipal Authority to accept application from property owners, conduct contractual assessment proceedings and levy contractual assessments within the territory of the City; and authorizing related actions. The motion carried by the following vote:

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

#### **5. COUNCIL REPORTS**

*Council Member John Aguilar, wished everyone a Happy New Year. He reported that he attended the Hannukkah event at Boomers!, and was glad to be a part of the event. He stated that there are four new Assembly Bills that were signed related to density bonuses connected to affordable housing.*

*Council Member Shelley Kaplan, commended Tami Scott and her staff on an excellent audit report. He feels the transparency of the documents, etc. are great. He attended the retirement event of Captain Earl Moss. He stated that the Palm Springs Film Festival has brought a lot of people into the City and can see the event growing each year. He announced that the RSVP event will be held on February 9th, which is a very important event. He stated that without volunteers some of the functions and programs would not exist. He attended the Chamber Luncheon today where Mr. Joe Wallace from Economic Partnership spoke, which he felt was very interesting. He announced that the Elk's Club will be holding a first responders dinner for Cathedral City on January 19th.*

*Mayor Pro Tem Greg Pettis, reported that he participated, along with the Mayor, in a joint meeting with the Palm Springs Unified School District Board of Education. They discussed the new Agua Caliente Elementary School ground breaking, which will be held in spring. They also discussed the summer food program. He announced*

that RCTC approved forwarding on to SCAG the inclusion in the active transportation program a grant for CVLink.

Mayor Stan Henry expressed how nice it was seeing the parking full around the civic center and downtown for the Film Festival and is a good economic boost. He reported that the pool is done at the High School, the next phase will be solar. He reported that Jammin' for Jesus will be held on Saturday. He encouraged everyone to go to the Film Festival.

## **6. CLOSED SESSION**

City Attorney Eric Vail announced that the Council will adjourn to Closed Session to discuss items 6A., 6D., and 6E.

The City Council adjourned to Closed Session at 7:25 p.m.

**6.A. [2016-545](#) Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

**Property Location:** Approximately 12.5 acres at the Northwest Corner of East Palm Canyon Drive and Date Palm Drive.

**Negotiating Parties:** City of Cathedral City as Successor Agency to the former Redevelopment Agency and the City Urban Revitalization Corporation,

**Property Owners:** City Urban Revitalization Corporation

**Under Negotiations:** Price and Terms for potential purchase of real property.

**6.B. [2016-547](#) Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

**Property Location:** Approximately 2 acres at the southeast corner of West Buddy Rogers and East Palm Canyon Drive.

**Negotiating Parties:** City of Cathedral City as the Housing Successor Agency to the former Redevelopment Agency and Cathedral Canyon Development, LLC

**Property Owner:** City of Cathedral City as the Housing Successor Agency to the Former Redevelopment Agency

**Under Negotiations:** Price and Terms for potential sale of real property.

**6.C. [2016-549](#) Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

**Property Location:** Approximately 36,365 square feet of land near the Southwest Corner of East Palm Canyon Drive and Buddy Rogers Avenue (APN: 687-193-007 & 010; and 687-195-002 through 007).

**Negotiating Parties:** City of Cathedral City as the Successor Agency to the former Redevelopment Agency and the City Urban Revitalization

Corporation

**Property Owner:** City Urban Revitalization Corporation

**Under Negotiations:** Price and Terms for potential sale of real property

- 6.D. [2016-553](#) **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

**Property Location:** Approximately 15 acres south of East Palm Canyon Drive at Date Palm Drive

**Negotiating Parties:** City of Cathedral City as the Successor Agency to the former Redevelopment Agency and the City Urban Revitalization Corporation

**Property Owner:** City Urban Revitalization Corporation

**Under Negotiations:** Price and Terms for potential sale of real property

- 6.E. [2016-554](#) **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

**Property Location:** Approximately 5.79 acres at Margot Murphy Way south of E. Palm Canyon Drive; A.P.N. 687-510-049 and 687-510-050, Parcels 6 and 7

**Negotiating Parties:** City Council as Successor Agency to the Former Redevelopment Agency and City Urban Revitalization Corp.

**Property Owners:** City Urban Revitalization Corp.

**Under Negotiation:** Price and Terms for Potential Sale of Real Property

- 6.F. [2016-556](#) **Conference with Legal Counsel - Anticipated Litigation Significant exposure to litigation pursuant to paragraphs (d)(2) and (e)(1) of the Government Code.**

**One (1) matter**

- 6.G. [2016-557](#) **Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**

**Property Location:** APNS: 670-197-005 (31555 Victor Rd); and 678-303-015 (31837 Avenida Alvera)

**Negotiating Parties:** City of Cathedral City as Housing Successor Agency to the former Redevelopment Agency; City of Cathedral City and James Fortson/JBRE, Inc.

**Property Owners:** Housing Successor Agency

**Under Negotiations:** Price and Terms for potential purchase of real property

*The City Council reconvened at 8:20 p.m.*

*City Attorney Eric Vail announced that the City Council met in Closed Session to discuss the following items:*

*Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8. for the following locations:*

*Approximately 12.5 acres at the Northwest Corner of East Palm Canyon Drive and Date Palm Drive.*

*Approximately 15 acres south of East Palm Canyon Drive at Date Palm Drive.*

*Approximately 5.79 acres at Margot Murphy Way south of E. Palm Canyon Drive; A.P.N. 687-510-049 and 687-510-050, Parcels 6 and 7.*

*There was no reportable action taken.*

**ADJOURN**

*Mayor Stan Henry adjourned the Regular City Council Meeting at 8:22 p.m. in memory of John Benoit.*

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*STANLEY E. HENRY, Mayor*

ATTEST:

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*GARY F. HOWELL, City Clerk*