



## CITY COUNCIL SPECIAL MEETING MINUTES

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

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Wednesday, July 20, 2016      SPECIAL MEETING      4:30 PM

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- **CALL TO ORDER**

*Mayor Pro Tem Greg Pettis called the Special Meeting on July 20, 2016, to order at 4:30 p.m.*

- **PLEDGE OF ALLEGIANCE**

*Council Member Shelley Kaplan 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

***Mayor Stan Henry will participated via telecom***

***Marriott Newport Coast  
2300 Newport Coast Drive  
Newport Beach, CA***

- **AGENDA FINALIZATION**

- **STATEMENT OF PARTICIPATION BY DEPUTY CITY CLERK**

### **1. PUBLIC COMMENT**

*None*

### **3. PUBLIC HEARINGS**

#### **2.A.    [2016-285](#)    Public Hearing on Proposed City Charter**

**Recommendation:** Staff recommends the City Council hold a public hearing to receive input regarding the adoption of a City Charter and the content of the draft Charter and provide direction to Staff.

*Charles McClendon, indicated that the latest draft version of the Charter is attached to the Report provided to the City Council and the purpose of the meeting is to receive public input.*

*Mayor Pro Tem Greg Pettis opened the Public Hearing for community input.*

*Randy Winbigler, Cathedral City, was called to speak. Stated that he does not support having a rotating Mayor and eliminating the directly elected Mayor. He expressed his concern with allowing automatic pay raises for the City Council. He would like to see these two items removed from the Charter and feels that it will be successful if they are.*

*Sergio Espericueta, Cathedral City, was called to speak. He stated that in Section 6.01 there is language that states "Each member of the City shall continue to be elected by the voters of the entire City without regard to residency districts, until the first regular election occurring after the official population of the City reaches 75,000, by which time the City Council shall have established a by-district election system for City Council Members. The City Council is hereby authorized to initiate and approve the formation of a by-district election system for City Council members, in accordance with the California Voting Rights Act prior to the City's population reaching the above threshold should the Council determine, in its discretion, that a change in election system best suits the needs of the City." He feels that the population of 75,000 should be removed and left with the discretion of the City Council to change at any time. In Section 6.06, he feels that having a Special Election to fill a Council Vacancy should be added.*

*Bethany Ballard, Cathedral City, was called to speak. She expressed her concerns with regards to the proposed City Charter. She feels like there has not been adequate time to discuss a permanent City Charter and feels that the wording is too vague.*

*Rosario Avila, Cathedral City, was called to speak. She would like to see the ability to hold a special election to fill a vacancy, should one occur.*

*Valerie Schechter, Cathedral City, was called to speak. She feels that the City Council is under-paid and supports the language in Section 605 being included in the Charter. She also supports having a rotating Mayor instead of a Directly Elected Mayor.*

*Richard Altman, was called to speak. He supports not having a Directly Elected Mayor, having a rotating Mayor eliminates a divided Council.*

*Mayor Pro Tem Pettis closed the Public Hearing and returned discussion to the City Council.*

*Mayor Pro Tem Pettis indicated that no City funds can be used to advocate one way or another on any measure. He feels that a special election option should be looked at by the sub-committee for inclusion. The population number for district elections needs to be looked at, a demographer will be looking at the City to see what districts could look like. He requested clarification on property rights and eminent domain.*

*Erica Vega, Assistant City Attorney, responded that the City's eminent domain power comes from the Constitution, the Charter also falls under the Constitution, which gives very little rights for eminent domain and is no different than it is today.*

*Council Member Shelley Kaplan, requested clarification on UNAgenda 21 and how it relates to the City Charter.*

*Council Member John Aguilar, feels that there is still some debate related to the Directly Elected Mayor versus a Rotating Mayor. He indicated that he supports the Rotating Mayor and feels that it is the best approach. He feels the population threshold should be lowered to 60,000. He questioned if it is implied that we are governed by the State and the United States Constitution.*

*Council Member Shelley Kaplan, indicated that he has been participating on the subcommittee. They will look at the population for district elections. He feels that the biggest question is the Directly Elected Mayor. He stated that all members of the Council are elected by the people not just the Mayor, the only difference is that the Mayor*

is elected for two years not four. More discussion will be held by the sub-committee on this issue.

Council Member Mark Carnevale, indicated that many cities in the State of California are Charter Cities. He supports becoming a Charter City to allow for more local control and residents still have a voice. He indicated that he has some concerns with having a rotating Mayor, it appears to him that most residents would like to continue electing their Mayor, therefor he is opposed to having a rotating Mayor being a part of the Charter.

Mayor Stan Henry, stated that having the ability to hold a Special Election to fill vacancy should be included in the Charter. He also indicated that he would like to see the population lowered to the 60,000 to 65,000 range to go to a district election or to have it at the discretion of the City Council, he would like to see the current population growth to help make the decision. He stated that setting a pay rate at the current rate may eliminate the concerns that the residents may have. He stated that most elected Mayors are ceremonial only and has no more authority than the rest of the Council. Having an elected Mayor in Cathedral City creates a disadvantage to those members of the community that may want to run for Mayor but do not have the financial ability to do so every two years. He supports having a Rotating Mayor.

Mayor Pro Tem Greg Pettis, stated that the Council Compensation as defined in the Charter places limitations on the increases that the members can receive and also requires reductions if City Staff have reductions. There will be time for further discussion on the proposed City Charter, the final draft will be brought to the Council on August 10, 2016.

Council Member John Aguilar, indicated that the City as a Charter City will have no more power to implement or raise taxes then they have as a General Law City.

### **3. CLOSED SESSION**

Assistant City Attorney Erica Vega, announced that the City Council will adjourn to Closed Session to hold a Conference with Legal Counsel regarding anticipated litigation, pursuant to Government Code Section 54956.9(a) and (d)(4).

The City Council adjourned to Closed Session at 5:17 p.m.

The City Council reconvened at 5:32 p.m.

#### **3.A. [2016-286](#) Conference with Legal Counsel - Anticipated Litigation, Pursuant to Government Code Section 54956.9 (a) and (d)(4):**

##### **One Potential Case**

Assistant City Attorney Erica Vega announced that the City Council met in Closed Session to discuss anticipated litigation and there was no reportable action taken.

### **ADJOURN**

Mayor Pro Tem Greg Pettis adjourned the Special Meeting of July 20, 2016 at 5:32 p.m.

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STANLEY E. HENRY, Mayor

ATTEST:

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*GARY F. HOWELL, City Clerk*