



City Hall Council Chamber
1515 Sixth Street, Coachella, California
(760) 398-3502 ♦ www.coachella.org

MINUTES

CITY COUNCIL CLOSED SESSION AND REGULAR MEETING

OF THE CITY OF COACHELLA

THE COUNCIL SITTING AS THE COACHELLA SANITARY DISTRICT,
COACHELLA FIRE PROTECTION DISTRICT, COACHELLA FINANCING AUTHORITY,
COACHELLA EDUCATIONAL AND GOVERNMENTAL ACCESS CABLE CHANNEL CORPORATION,
COACHELLA WATER AUTHORITY, AND SUCCESSOR AGENCY TO THE COACHELLA REDEVELOPMENT AGENCY

May 26, 2021

5:00 PM Closed Session

6:00 PM Regular Meeting

CALL TO ORDER: - 5:00 P.M.

The Regular Meeting of the City Council of the City of Coachella was called to order at 5:00 p.m. by Mayor Hernandez.

ROLL CALL:

Present: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.

City Treasurer Aviles, City Clerk Zepeda (*arrived at 5:03 p.m.*).

Absent: None.

Pursuant to Executive Order N-29-20 pertaining to the coronavirus/COVID-19, this meeting was conducted entirely by teleconference/electronically with no in-person public access to the meeting location.

APPROVAL OF AGENDA:

There were no modifications to the agenda.

Motion: To approve the agenda as **presented**.
Made by: Mayor Pro Tem Gonzalez
Seconded by: Councilmember Beaman Jacinto
Approved: 5-0, by a unanimous voice vote.

PUBLIC COMMENTS (CLOSED SESSION ITEMS):

None.

ADJOURN TO CLOSED SESSION:

Council adjourned into Closed Session at 5:03 p.m.

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of Litigation, Pursuant to Government Code Section 54956.9(d)(4)
Two (2) potential case
2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
City of Coachella v. Chia Hung Lai, et al.
Riverside County Superior Court, Case No. PSC1805142
3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Dolly Hwang, et al v. City of Coachella
Riverside County Superior Court, Case No. CVPS2100050
4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation, Pursuant to Government Code Section 54956.9(d)(2)/(e)(1)
One (1) potential case
5. PUBLIC EMPLOYEE APPOINTMENT
Title: City Manager
6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Western Growers Association, et al. v. City of Coachella, et al.
Riverside County Superior Court, Case No. CVPS2101162

RECONVENE REGULAR MEETING: - 6:00 P.M.

The City Council reconvened into open session at 6:15 p.m.

PLEDGE OF ALLEGIANCE:

City Attorney Campos led the Pledge of Allegiance.

CLOSED SESSION ANNOUNCEMENTS:

City Attorney Campos stated that Council met in Closed Session, and direction was given, but no reportable action was taken.

APPROVAL OF MINUTES:

7. Regular Meeting Minutes of April 28, 2021, of the City Council, Coachella Fire Protection District, Coachella Sanitary District, Coachella Financing Authority, Coachella Educational and Governmental Access Cable Corporation, Coachella Water Authority, and Successor Agency to the Coachella Redevelopment Agency.

Motion: To approve the minutes as presented.

Made by: Mayor Pro Tem Gonzalez
Seconded by: Councilmember Galarza
Approved: 5-0, by a unanimous voice vote.

PROCLAMATIONS/PRESENTATIONS:

8. Proclamation Recognizing Líderes Campesinas Youth
9. Presentation on Coronavirus (COVID-19) Response Efforts
10. Youth Commission Update
11. Street Sweeping Parking Fine
12. Budget Presentation for Fiscal Year 2021-22

Public Comments were moved up to this portion of the meeting being after the 8:00 hour:

1. Ann Hart, via Zoom
2. James Rodriguez, via Zoom
3. Stephen Henry, via Zoom

(After Public Comments, the City Council returned to the regular agenda at this point.)

13. CIP Budget Presentation for Fiscal Year 2021-22

WRITTEN COMMUNICATIONS:

City Clerk Zepeda announced that one written communication was received in opposition of Item 35 from Michael I. Kehoe with Palmieri, Hennessey & Leifer, LLP. The email was received today at 4:42 p.m. and forwarded to Council.

CONSENT CALENDAR:

14. Voucher Listing — EFT's/Utility Billing Refunds/FY 2020-21 Expenditures as of May 12, 2021, \$1,119,782.16.
15. Voucher Listing — EFT's/Permit Refunds/Utility Billing Refunds/FY 2020-21 Expenditures as of May 26, 2021, \$1,802,567.02.
16. *This item was pulled from the Consent Calendar and voted upon separately. See page 4*
17. Resolution No. 2021-31, setting a July 28, 2021 public hearing date for Municipal Solid Waste Rates for Fiscal Year 2021/2022.
18. Resolution No. 2021-32, a Resolution of the City Council of the City of Coachella to adopt a List of Projects for Fiscal Year 2020/21, funded by SB 1: Road Repair and Accountability Act.

19. Approval of Addendum No. 2 to the Third Amendment and Restatement of the Coachella Valley Association of Governments (“CVAG”) Joint Powers Agreement, which establishes the Twenty-Nine Palms Band of Mission Indians as a formal member.
20. Investment Report – March 2021
21. Award Professional Services Contract to Angenious Engineering Services for the Avenue 50 Bridge over Coachella Valley Storm Water Channel.
22. Award Maintenance Services Agreement to Conserve Landcare LLC for Landscape Maintenance Services for Landscape Lighting and Maintenance Districts 1-38 Project No. 032921.
23. Art in Public Places Program – Dateland Park Art Mural Installation
24. Art in Public Places Program – Coachella Smoke Shop Art Mural Installation

Motion: To approve per staff recommendation, Consent Calendar Items 14 through 24, with the **exception of Item 16**, which was voted upon separately (see below).

Made by: Councilmember Beaman Jacinto
Seconded by: Mayor Pro Tem Gonzalez
Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.
NOES: None.
ABSTAIN: None.
ABSENT: None.

The following item was pulled from the Consent Calendar and voted upon separately (see page 3 and above):

16. Ordinance No. 1178 approving Change of Zone No. 20-04 to add the R-C (Retail Cannabis) Overlay Zone to the existing C-G (General Commercial) Zone on property located at 46-156 Dillon Road. Coachella Can, LLC (Armen Paronyan), Applicant. *(Second Reading)*.

Public Comment: Bruce Bauer
Steven Lubell

Motion: To **continue** item

Made by: Councilmember Galarza
Seconded by: Mayor Pro Tem Gonzalez
Approved: 3-2, by the following roll call vote:

AYES: Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.
NOES: Councilmember Beaman Jacinto and Councilmember Delgado.
ABSTAIN: None.
ABSENT: None.

At this time, the City Council took a five-minute recess and then resumed with the agenda at this point.

NEW BUSINESS CALENDAR (LEGISLATIVE AND ADMINISTRATIVE):

25. Employment Agreement between the City of Coachella and Dr. Gabriel Martin as City Manager for the City of Coachella.

City Attorney Campos announced that the agreement presented will be modified to start on June 4, 2021, with a two-year term with two additional one-year options.

Public Comment: Maria Ruiz, via Zoom

Motion: To approve per staff recommendation

Made by: Mayor Hernandez

Seconded by: Mayor Pro Tem Gonzalez

Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.

NOES: None.

ABSTAIN: None.

ABSENT: None.

26. Ordinance No. 1182, Updates to the Hotel Operations Incentive Program (*First Reading*)

Motion: To approve per staff recommendation and amend the date of 2023 to 2025; and to read title only and pass to second reading.

Made by: Councilmember Delgado

Seconded by: Mayor Hernandez

Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.

NOES: None.

ABSTAIN: None.

ABSENT: None.

27. Renewal of the Cooperative Agreement for continued Fire Services between the City of Coachella and the County of Riverside, and shared cost Ladder Truck agreement for continued Fire Services for three additional years.

Motion: To approve per staff recommendation

Made by: Councilmember Beaman Jacinto

Seconded by: Councilmember Delgado

Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

28. Direction on the Advertisement of Utility Users Tax Citizen Oversight Committee.

Motion: To extend the committee application period.
 Made by: Councilmember Delgado
 Seconded by: Councilmember Galarza
 Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

(For the following two Commission appointments and based on Ordinance No. 1172, Members of commissions shall be appointed for four-year terms or less. The term of each commission member shall continue for the term of the nominating council member and automatically terminate when the council member's term ends. If a council member is reelected, that council member is entitled to make all new nominations or may choose to re-nominate the council member's previous nominee):

29. Appointments to the Coachella Parks and Recreation Commission, five new Commissioners and one Alternate Commissioner.

<u>Nominee</u>	<u>Nominated by (Member of Council)</u>	<u>Term Expires</u>
Rosalio Avila	Mayor Pro Tem Gonzalez	November 2022
J. Carlos Ayala	Councilmember Galarza	November 2024
Erza Cadena	Councilmember Delgado	November 2024
Lesly Figueroa	Councilmember Beaman Jacinto	November 2022
Karina Rodriguez	Mayor Hernandez	November 2022
Javier Figueroa	Alternate	November 2024

Motion: To appoint as Parks and Recreation Commissioners.
 Made by: Mayor Hernandez
 Seconded by: Councilmember Beaman Jacinto
 Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

30. Appointments of Five (5) Coachella Residents to the Coachella Cultural and Arts Commission for alternating terms.

<u>Nominee</u>	<u>Nominated by (Member of Council)</u>	<u>Term Expires</u>
Yurema Arvizu	Councilmember Delgado	November 2024
Keila Cupil	Mayor Pro Tem Gonzalez	November 2022
Andrew Gallegos	Mayor Hernandez	November 2022
Armando Lerma	Councilmember Beaman Jacinto	November 2022
Jonathan Rivera	Councilmember Galarza	November 2024
Marisa Aceves	<i>Alternate</i>	November 2024

Motion: To appoint as Cultural and Arts Commissioners.

Made by: Mayor Pro Tem Gonzalez
 Seconded by: Mayor Hernandez
 Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

31. Establishment of a SB 1383 Organics Waste Reduction Ad Hoc Subcommittee.

Motion: To appoint **Councilmember Beaman Jacinto** and **Councilmember Galarza** as to the SB 1383 Organics Waste Reduction Ad Hoc Subcommittee.

Made by: Councilmember Beaman Jacinto
 Seconded by: Councilmember Delgado
 Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.
 NOES: None.
 ABSTAIN: None.
 ABSENT: None.

32. Display of the Pride Flag at City Hall annually during the month of June to commemorate Lesbian, Gay, Bisexual and Transgender Pride Month; and display of the Transgender Flag annually on March 31 commemorating Transgender Day of Visibility.

Public Comment: Frank Figueroa

Motion: To approve with the modification to include monthly heritage flag recognitions and bring back to Council a heritage month calendar.

Made by: Councilmember Delgado

Seconded by: Councilmember Beaman Jacinto

Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.

NOES: None.

ABSTAIN: None.

ABSENT: None.

PUBLIC HEARING CALENDAR (QUASI-JUDICIAL):

33. Pueblo Cannabis Project

a) Resolution 2021-29 approving Conditional Use Permit No. 336 to convert an existing 3,400 square foot commercial building into a 1,500 square foot indoor retail cannabis business and 1,900 square foot coffee shop with art gallery. The project entails façade renovations and a new parking lot/ landscaping with outdoor patio improvements on property located at 85-591 Grapefruit Boulevard.

b) Ordinance No. 1181 approving Change of Zone No. 20-08 to add the R-C (Retail Cannabis Overlay) Zone to the existing M-S (Manufacturing Service) Zone on a 13,000 square foot developed parcel located at the northwest corner of 3rd Street and Grapefruit Boulevard. (*First Reading*)

Mayor Hernandez opened the Public Hearing for Item 33 at 10:48 p.m.

Public Comment: None.

Mayor Hernandez closed the Public Hearing for Item 33 at 10:49 p.m.

Motion: To adopt Resolution No. 2021-29; and read title only and pass to second reading Ordinance No. 1178.

Made by: Councilmember Beaman Jacinto

Seconded by: Councilmember Galarza

Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.
NOES: None.
ABSTAIN: None.
ABSENT: None.

34. Appeal of Planning Commission’s Revocation of Conditional Use Permit (CUP 312) that allowed a 3,250 sq. ft. Retail Cannabis Microbusiness on 20,000 square feet of land located at 84-161 Avenue 48 for “The Coachella Lighthouse, LLC”. City- Initiated Revocation.

Mayor Hernandez re-opened the Public Hearing for Item 34 at 10:50 p.m.

Public Comment: None

Motion: To continue item to July 14, 2021

Made by: Mayor Hernandez
Seconded by: Councilmember Galarza
Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.
NOES: None.
ABSTAIN: None.
ABSENT: None.

35. Resolution No. 2021-33, Public Hearing to Consider the Adoption of a Resolution of Necessity to Acquire by Eminent Domain a Fee Interest in Certain Real Property Identified as APN 763-020-021 located at Avenue 50 West of SR-86 in Coachella, California for the SR-86 / Avenue 50 Interchange Project.

Written Communication: Michael I. Kehoe with Palmieri, Hennessey & Leifer, LLP – in opposition - received 05/26/2021 at 4:42 p.m. and forwarded to Council.

Emily Chaidez with Best Best & Krieger confirmed that the notice of the hearing was mailed out to the affected property owners.

Mayor Hernandez opened the Public Hearing for Item 35 at 10:52 p.m.

Public Comment: Joshua Marx, attorney with Palmieri, Hennessey & Leifer, LLP, representing the applicant

Mayor Hernandez closed the Public Hearing for Item 35 at 11:05 p.m.

Motion: To approve per staff recommendation

Made by: Mayor Hernandez
Seconded by: Councilmember Galarza
Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.
NOES: None.
ABSTAIN: None.
ABSENT: None.

36. Agreement with Flock Group, Inc. for the purchase of 65 cameras and a subscription for Automated License Plate Recognition (ALPR) software system for Coachella neighborhoods, in the amount of \$162,500 annually plus a one-time 10% installation charge.

Mayor Hernandez opened the Public Hearing for Item 36 at 11:49 p.m.

Public Comment: Mohammad Tajsar with the American Civil Liberties Union (ACLU)
James Rodriguez
Jesse Mund

Mayor Hernandez closed the Public Hearing for Item 36 at 12:34 p.m.

Motion: To continue item and send back to the Public Safety Subcommittee

Made by: Councilmember Galarza
Seconded by: Councilmember Beaman Jacinto
Approved: 5-0, by the following roll call vote:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.
NOES: None.
ABSTAIN: None.
ABSENT: None.

PUBLIC COMMENTS (NON-AGENDA ITEMS):

With the time being after the 8:00 hour and per Resolution No. 2019-34, Public Comments were moved up (see page 3). There were no further comments at this time.

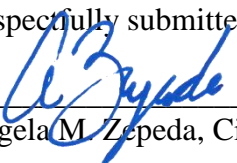
REPORTS AND REQUESTS:

Council Comments/Report of Miscellaneous Committees.
City Manager's Comments.

ADJOURNMENT:

There being no further business to come before the City Council and the Agencies, Mayor Hernandez adjourned the meeting at 12:39 a.m.

Respectfully submitted,



Angela M. Zepeda, City Clerk