

MINUTES
CITY COUNCIL
CITY OF IMPERIAL
MAY 6, 2020

**THIS MEETING WAS CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S
EXECUTIVE ORDER N-29-20**

Pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020 and to the extent applicable Government Code Section 54953(b), this City Council Meeting included teleconference participation by the City Council Members and City staff. Consistent with Executive Order N-29-20 teleconference locations utilized by City Council Members were not be accessible to the public.

A. CITY COUNCIL CONVENED TO CLOSED SESSION

**A-1. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 One Case (No. 18-2)

**A-2. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION (Section 54956.9 (c))**

One Potential Case

A-3. SUBJECT: PUBLIC EMPLOYEE APPOINTMENT (54957 (b) (1))
TITLE: City Manager

CITY COUNCIL ADJOURNED CLOSED SESSION

B. CITY COUNCIL CONVENED TO OPEN SESSION AT 7:18 PM

**COUNCIL MEMBERS PRESENT: AMPARANO, DALE, EUGENIO, TUCKER
(REMOTE), AND PECHTL**

**OTHER OFFICIALS PRESENT: CITY ATTORNEY MORITA, ASSISTANT CITY
MANAGER BROWN, PUBLIC SERVICES DIRECTOR
LOPER*, FIRE CHIEF ESTRADA*, POLICE CHIEF
BARRA*, PARKS SUPERINTENDENT LOPEZ*,
COMMUNITY SERVICES DIRECTOR HALLER*, IT
DIRECTR ESTRADA, CITY CLERK JACKSON, AND SGT
SHEFFIELD*.**

*denotes remote participation.

Council member DALE led the Pledge of Allegiance.

ADJUSTMENTS TO THIS AGENDA

City Clerk Jackson requested that minutes be tabled.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

There was no reportable action taken.

C. PUBLIC APPEARANCES:

C-1. Matters not appearing on the agenda.

Susan Paradis, Imperial Chamber of Commerce CEO, would like clarification on the type of businesses that are allowed to open and feels that Chambers of Commerce should be able to open in order to assist the business community.

C-2. Matters appearing on the agenda.

None.

D. CONSENT AGENDA:

D-1. Approval of claims/warrants report.

D-2. Approval of Treasurers' Report for month of March 2020.

D-3. Approval of minutes for regular meetings of April 1, 2020 and April 15, 2020 and special meeting of March 24, 2020. (item tabled).

D-4. Approval of MOU between the City of San Diego Police Department Internet Crimes Against Children Task Force and Imperial Police Department for the period January 1, 2020 to December 31, 2025.

Motion by AMPARANO, second by DALE to approve items D-1, D-2, and D-4.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

E. PUBLIC HEARINGS:

MAYOR PECHTL passed the gavel the Mayor Pro-tem EUGENIO for this item as he offered comments at the Planning Commission meeting.

E-1. SUBJECT: APPEAL OF PLANNING COMMISSION DECISION DENYING A TIME EXTENSION, AMENDMENTS TO CONDITIONS OF APPROVAL AND REVOCATION OF CUP 19-06 LOCATED AT 2475 CLARK ROAD, IMPERIAL, CA AS REQUESTED BY JUSTO FELIX.

The Public Hearing is a continuance from the April 15, 2020 meeting.

Ralph Cordova, attorney for Justo Felix provided a history/timeline of the project addressing issues with non-compliance of the conditions of approval as required. Stated that Mr. Felix is working with a local contractor to complete the work and feels that the work can be done in 6-7 weeks. Mr. Cordova asked that the following be made a part of the record:

E-mail letter from Ralph Cordova to Dennis Morita dated May 6, 2020; Letter to J. Carlos Fox, Esq from Dennis Morita dated March 25, 2020; and initial study dated April 2016 for Mitigated Negative Declaration.

Community Development Director MORA presented the staff report to Council that includes the violations of the Conditional Use Permit that led to the Planning Commission revoking the CUP and denial of Mr. Felix's request for time extension to comply.

Cory Van Driessche, Imperial resident addressed the Council of concerns with Mr. Felix operating outside of hours specified in the permit. Mr. Van Driessche provided documentation both written and videos. Mr. Van Driessche informed the Council that signatures from residents in the area of the business were collected in 2017 in opposition to the business at this location. Other concerns raised were the school bus stop to the east of the business and traffic.

Gabriel Lemus, truck driver for Mr. Felix for approximately 7 years spoke and was under the impression that he is losing his job because of noise issues. Mr. Lemus is not aware of non-compliance with CUP requirements.

Justo Felix, Owner of business spoke to council via his daughter Paulette Felix acting as translator. Stated he worked with Jesus Villegas, the city's project manager to assist with the process of obtaining water and sewer services to the property. An easement was granted to the city for infrastructure improvements. Mr. Felix stated that he has never had a fine or ticket from the police or sheriff departments or any vandalism of the property and has been supporter of Imperial schools and events. Mr. Felix requested the opportunity to comply with the CUP by obtaining an extension of an additional 3 months.

Darrell Pechtl speaking for the record, that at the time of the project approval he was a member of the Planning Commission. All elements for approval were outlined in 2015 even though the CUP was not issued until 2019. Mr. Felix needs to answer for non-compliance.

Hearing closed at 9:10 pm

Council discussion was held addressing citizen complaints brought forward and improvements not completed as required by the CUP.

1. DECISION ON APPELLANT'S REQUEST TO OVERTURN PLANNING COMMISSION DECISION AND ADOPT RESOLUTION GRANTING OR DENYING APPEAL.

Motion by DALE, second by TUCKER to deny appellants request for time extension.

AYES: AMPARANO, DALE, TUCKER, AND EUGENIO

NOES: NONE

ABSTAIN: PECHTL

ABSENT: NONE MOTION CARRIED 4-0

Motion by AMPARANO, second by DALE to deny amendments to conditions of approval.

AYES: AMPARANO, DALE, TUCKER, AND EUGENIO

NOES: NONE

ABSTAIN: PECHTL

ABSENT: NONE MOTION CARRIED 4-0

Motion by TUCKER, second by DALE to uphold the Planning Commission decision.

AYES: AMPARANO, DALE, TUCKER, AND EUGENIO

NOES: NONE

ABSTAIN: PECHTL

ABSENT: NONE

MOTION CARRIED 4-0

Motion by AMPARANO, second by TUCKER to approve Resolution No. 2020-17, Resolution of the City Council Denying an Appeal and Upholding the Planning Commission Decision for Denying a Time Extension Request and Amendments to Conditions of Approval for CUP 19-06 - Justo Felix Trucking Facility and Revocation of the Existing Conditional Use Permit Located at 2475 Clark Road, Imperial, CA.

AYES: AMPARANO, DALE, TUCKER, EUGENIO

NOES: NONE

ABSTAIN: PECHTL

ABSENT: NONE

MOTION CARRIED 4-0

Mayor Pechtl returned to chair the remainder of the meeting.

F. ACTION ITEMS:

F-1. SUBJECT: IMPERIAL HIGH SCHOOL SENIOR CLASS OF 2020.

1. APPROVE DONATION OF STAFF TIME TO HANG DOWNTOWN BANNERS TO HONOR IMPERIAL HIGH SCHOOL SENIOR CLASS OF 2020.

Motion by AMPARANO, second by DALE to approve staff time to hang the banners.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

F-2. SUBJECT: CONSTRUCTION OF STORM DRAIN SYSTEM AND ASPHALT RUBBER COMPOSITE LAYER OVERLAY ALONG 11TH STREET FROM NORTH "D" STREET TO OLD SR-86 (BID NO. 2019-10).

1. APPROVE CONTRACT WITH GRANITE CONSTRUCTION FOR ASPHALT REPAIRS AT INTERSECTION OF "F" & 11TH STREETS IN THE AMOUNT OF \$48,901.00. (BROKEN WATER LINE)

Motion by DALE, second by AMPARANO to approve the contract with Granite Construction for asphalt repairs.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

F-3. SUBJECT: SALE OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF HIGHWAY 86 AND 15TH STREET – APN 063-040-035 AND 063-040-036.

1. APPROVE RESOLUTION NO. 2020-16, AUTHORIZING CITY MANAGER TO ENTER INTO APPROPRIATE AGREEMENTS TO EFFECTUATE PREVIOUSLY APPROVED SALE, ACKNOWLEDGING FINAL SALE PRICE AND TRANSACTION TIMING.

Motion by AMPARANO, second by DALE to approve Resolution No. 2020-16.

AYES: AMPARANO, DALE, EUGENIO, TUCKER, AND PECHTL

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION CARRIED 5-0

G. REPORTS:

G-1. SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.

AMPARANO commented on traffic issues at the intersection of Barioni and "P" Streets. There is nothing there to slow west bound traffic upon entering the city.

EUGENIO thanked county officials for their presentation this evening.

PECHTL reminded everyone about a special meeting on Thursday, May 7, 2020 to address the city's plan going forward to allow businesses to operate.

G-2. SUBJECT: CITY MANAGER REPORT

MORITA informed the Council the League of California Cities is requesting cities to submit letters to Governor Newsom addressing the projected 7 billion dollar shortfall to cities state-wide over the next two years due to COVID-19.

G-3. SUBJECT: DEPARTMENT REPORTS.

PARKS SUPERINTENDENT LOPEZ reported on the Sky Ranch block wall project currently underway.

CHIEF BARRA recognized Mike Lankford for his work to keep city hall clean and patrol units disinfected.

CITY COUNCIL MEETING ADJOURNED AT 9:31 PM UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, MAY 20, 2020, AT 7:00 P.M.