



CITY OF DESERT HOT SPRINGS

**REGULAR MEETING OF THE CITY COUNCIL
And the City Council Serving as the
Successor Agency to the Redevelopment Agency Board and
Housing Authority Board**

AGENDA

JANUARY 16, 2018

5:00 P.M. – CLOSED SESSION

5:30 P.M. – PRESENTATIONS

6:00 P.M. – REGULAR SESSION

**CITY COUNCIL CHAMBERS
Carl May Community Center
11711 West Drive, Desert Hot Springs, California**

CLOSED SESSION - 5:00 P.M.

CALL TO ORDER

ROLL CALL

CLOSED SESSION PUBLIC COMMENTS

At this time, item(s) on the Closed Session agenda may be discussed during Public Comments. PLEASE STATE YOUR NAME FOR THE RECORD.

CLOSED SESSION

1. **REAL PROPERTY NEGOTIATIONS**

Pursuant to Government Code Section 54956.8:

Property: 66098-66108 Pierson Boulevard

Agency Negotiator: Charles L. Maynard, City Manager / Executive Director
Jennifer Mizrahi, City Attorney / General Counsel
Joseph M. Tanner, Administrative Services Director

Negotiating Parties: Richard Feenstra

Under Negotiation: Price and Terms

PRESENTATIONS - 5:30 P.M.

2. **Presentation by California Commission on Peace Officer Standards and Training ("POST") Executive Certificate to the Chief of Police**
3. **Introduction and Swearing In of 5 New Police Officers**
*Chief of Police, Dale Mondary; and
Deputy City Clerk, Roberta Crncic*

RECESS

REGULAR SESSION - 6:00 P.M.

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

CITY ATTORNEY REPORT ON CLOSED SESSION

APPROVAL OF THE AGENDA

At this time the City Council may amend the order of the agenda, approve the Consent Calendar, remove items from the Consent Calendar for separate discussion and action, and add Urgency Items.

Urgency Items ("Added Starters"): The Brown Act, which governs public meetings, permits the City Council to take action on any item that does not appear on the agenda only if 2/3 of the City Council (if all are present) or all members of the City Council (if fewer than all members are present) determine there is a need to take immediate action on the item, and the need to take immediate action came to the City Council's attention after the agenda was posted.

PUBLIC COMMENTS

At this time, pursuant to the Brown Act, any person may comment on matters of general interest within the subject matter jurisdiction of the City Council, NOT listed on the agenda. Under the Brown Act, the City Council should not take action on or discuss matters raised during Public Comment portion of the agenda that are not listed on the agenda.

Comments are limited to the first ten (10) speakers at three (3) minutes per speaker. Speakers may not yield their time to others without consent of the Mayor. All comments are to be directed to the City Council and shall be devoid of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during public comments.

Please complete and submit a "speaker card" to the City Clerk. You will be asked to STATE YOUR NAME AND CITY OF RESIDENCE FOR THE RECORD.

CITY MANAGER REPORT

MAYOR AND COUNCIL MEMBER REPORTS

PUBLIC HEARINGS:

4. **[An Ordinance Amending Chapter 17.60 "Art in Public Places Program" of Title 17 "Zoning" of the Desert Hot Springs Municipal Code](#)**

City Manager, Charles L. Maynard

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Recommendation:

- 1) Staff Report;
- 2) Questions of Staff from the City Council;
- 3) Open the Public Hearing;
- 4) Take Testimony of those in Favor;
- 5) Take Testimony of those Opposed;
- 6) Take Testimony of those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council discussion and questions to Staff; and
- 9) The Planning Commission recommends that the City Council introduce and read by title only "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Chapter 17.60 "Art in Public Places Program" of Title 17 "Zoning" of the Desert Hot Springs Municipal Code," as amended by the Planning Commission.

5. **[Annexation No. 22 to the City of Desert Hot Springs Community Facilities District No. 2010-1 \(Services\) for APN 665-030-037 Located at the Southwest Corner of Cabot Road and San Jacinto Lane \(Tim Guderian\)](#)**

Administrative Services Director, Joseph M. Tanner, Jr.

Packet Page 27

Recommendation:

- 1) Staff Report;
- 2) Entertain questions of staff from the City Council;
- 3) Open the Public Hearing;
- 4) Take public testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions of Staff;
- 7) Adopt a Resolution calling an election to submit to the qualified electors the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2010-1 (Services) (Annexation No. 22)
- 8) Hold the election;
- 9) Canvass the election; and
- 10) Adopt a Resolution declaring election results for annexation to Community Facilities District No. 2010-1 (Services) (Annexation No. 22)

6. [Annexation No. 25 to the City of Desert Hot Springs Community Facilities District No. 2010-1 \(Services\) for APN 665-040-017 Located East of Little Morongo Road and North of Palomar Lane \(Desert Grow, LLC\)](#)

Administrative Services Director, Joseph M. Tanner, Jr.

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- Recommendation:**
- 1) Staff Report;
 - 2) Entertain questions of staff from the City Council;
 - 3) Open the Public Hearing;
 - 4) Take public testimony;
 - 5) Close the Public Hearing;
 - 6) City Council discussion and questions of Staff;
 - 7) Adopt a Resolution calling an election to submit to the qualified electors the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2010-1 (Services) (Annexation No. 25)
 - 8) Hold the election;
 - 9) Canvass the election; and
 - 10) Adopt a Resolution declaring election results for annexation to Community Facilities District No. 2010-1 (Services) (Annexation No. 25)

7. [Annexation No. 26 to the City of Desert Hot Springs Community Facilities District No. 2010-1 \(Services\) for APN 665-110-004 Located East of Little Morongo Road, and North of Dillon Road \(Oxford Properties\)](#)

Administrative Services Director, Joseph M. Tanner, Jr.

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- Recommendation:**
- 1) Staff Report;
 - 2) Entertain questions of staff from the City Council;
 - 3) Open the Public Hearing;
 - 4) Take public testimony;
 - 5) Close the Public Hearing;
 - 6) City Council discussion and questions of Staff;
 - 7) Adopt a Resolution calling an election to submit to the qualified electors the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2010-1 (Services) (Annexation No. 26)
 - 8) Hold the election;
 - 9) Canvass the election; and
 - 10) Adopt a Resolution declaring election results for annexation to Community Facilities District No. 2010-1 (Services) (Annexation No. 26)

8. [Creating Special Tax Area 27 \(Tim Guderian\) for APN 665-030-037 Located on the Southwest Corner of Cabot Road and San Jacinto Lane, within the Desert Springs Special Public Safety Tax Area](#)

Administrative Services Director, Joseph M. Tanner, Jr.

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- Recommendation:**
- 1) Staff Report;
 - 2) Entertain questions of Staff from the City Council;
 - 3) Open the Public Hearing;

- 4) Take public testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions of Staff;
- 7) Hold the election;
- 8) Canvass the election; and
- 9) Adopt an Ordinance Establishing a Special Public Safety Tax Area Zone 27 (Tim Guderian)

9. [Creating Special Tax Area 30 \(Desert Grow LLC\) for APN 665-040-017 Located North of Palomar Lane and East of Little Morongo Road, within the Desert Springs Special Public Safety Tax Area](#)

Administrative Services Director, Joseph M. Tanner, Jr.

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- Recommendation:**
- 1) Staff Report;
 - 2) Entertain questions of Staff from the City Council;
 - 3) Open the Public Hearing;
 - 4) Take public testimony;
 - 5) Close the Public Hearing;
 - 6) City Council discussion and questions of Staff;
 - 7) Hold the election;
 - 8) Canvass the election; and
 - 9) Adopt an Ordinance Establishing a Special Public Safety Tax Area Zone 30 (Desert Grow LLC)

10. [Creating Special Tax Area 31 \(Oxford Properties LLC\) for APN 665-110-004 Located North of Dillon Road and East of Little Morongo Road, within the Desert Springs Special Public Safety Tax Area](#)

Administrative Services Director, Joseph M. Tanner, Jr.

Packet Page 189

- Recommendation:**
- 1) Staff Report;
 - 2) Entertain questions of Staff from the City Council;
 - 3) Open the Public Hearing;
 - 4) Take public testimony;
 - 5) Close the Public Hearing;
 - 6) City Council discussion and questions of Staff;
 - 7) Hold the election;
 - 8) Canvass the election; and
 - 9) Adopt an Ordinance Establishing a Special Public Safety Tax Area Zone 31 (Oxford Properties LLC)

ADMINISTRATIVE CALENDAR:

11. [Audited Financial Statements for Fiscal Year 2016-2017](#)

Administrative Services Director, Joseph M. Tanner, Jr.

Packet Page 215

- Recommendation:** Receive and file.

12. [City Council Appointments to City Commissions](#)
City Clerk, Jerryl Soriano, CMC *Packet Page 367*
Recommendation: City Council appoint to the following:
1) Community and Cultural Affairs Commission (5 Members);
2) Planning Commission (5 Members); and
3) Public Safety Commission (5 Members).
13. [Resolution Setting Forth Certain Regulations Pertaining to Dispensaries](#)
City Attorney, Jennifer A. Mizrahi *Packet Page 429*
Recommendation: Adopt a Resolution of the City Council of the City of Desert Hot Springs setting forth certain regulations pertaining to dispensaries.
14. [New Library Facility](#)
Deputy City Manager, Luke Rainey *Packet Page 437*
Recommendation: Approve continued exploration with Riverside County EDA for a replacement library facility on a County owned parcel located at Park Lane and Palm Drive.
15. [New City Hall Parking Lot Improvement Project](#)
Community Development Director, Daniel Porras, P.E. *Packet Page 461*
Recommendation: Authorize the City Manager to execute an Agreement with Valley Pipeline Incorporated to perform grading and parking lot construction services for the New City Hall Parking Lot Improvement Project in the amount of \$344,800.00 with a contingency amount of \$34,480.00 for a total amount of \$379,280.00; with approval as to form by the City Attorney.
16. [\(Successor Agency\) Resolution Approving the Establishment of Recognized Obligation Payment Schedule 2018-2019 A and B for the Period of July 2018 through June 2019 and Approving Certain Related Actions](#)
Administrative Services Director, Joseph M. Tanner, Jr. *Packet Page 483*
Recommendation: Adopt a Resolution of the Successor Agency to the former Redevelopment Agency of the City of Desert Hot Springs approving the establishment of Recognized Obligation Payment Schedule 18-19 A & B for the period of July 2018 through June 2019 and approving certain related actions
17. [\(City Council and Housing Authority\) Disposition of City Property to Housing Authority and Housing Authority Sale to Private Developer](#)
Administrative Services Director, Joseph M. Tanner, Jr. *Packet Page 571*
Recommendation: 1) *City Council:* Approve the disposition of real property, located at 66369 6th Street in the City of Desert Hot Springs, via quitclaim deed from the City of Desert Hot Springs to the City of Desert Hot Springs Housing Authority, and authorize the City Manager to execute all documents for the accomplishment of same;
2) *Housing Authority:* Accept title to said property, approve and adopt the Certificate of Acceptance, authorize the

Executive Director of the Housing Authority to execute the Certificate of Acceptance and all documents for the accomplishment of same, and authorize recording of the duly executed Certificate of Acceptance;

- 3) *Housing Authority*: Approve the sale of said property to Lynne Byrnes pursuant to a Purchase and Sale Agreement and Joint Escrow Instructions and any amendments thereto, as all are finalized by the General Counsel, and authorize the Executive Director of the Housing Authority to negotiate and make any amendments thereto, execute same and to execute any and all documents for the accomplishment of same, including the execution of the Grant Deed conveying the property; and
- 4) *City Council and Housing Authority*: Each authorize its staff and the City Attorney/General Counsel, respectively, to take all necessary actions to effectuate the recommendations above.

18. [Resolution Authorizing the City Manager to Settle Claims or Pending Actions Against or Brought by the City that do not Exceed Fifty Thousand Dollars \(\\$50,000.00\)](#)

City Attorney, Jennifer A. Mizrahi

Packet Page 593

Recommendation: Adopt Resolution of the City Council authorizing the City Manager, in consultation with the City Attorney, to allow, compromise or settle claims against the City and to compromise any pending lawsuit against or brought by the City. This authorization is limited to claims and actions involving up to fifty thousand dollars (\$50,000.00), and negotiate and execute all documentation for same.

CONSENT CALENDAR:

Matters on the "Consent Calendar" are considered routine and may be acted upon by one motion under "Approval of the Agenda." Individual items may also be removed by the City Council for separate discussion under "Approval of the Agenda." The title is deemed to be read and further reading waived on any ordinance listed on the Consent Calendar for second reading and adoption.

19. [City Council Regular Meeting Minutes: December 5, 2017](#)

City Clerk, Jerryl Soriano, CMC

Packet Page 599

Recommendation: Approve Minutes as presented; or as corrected.

20. [Second Reading and Adoption of an Ordinance Amending All Validly Approved Medical Marijuana Cultivation, Manufacturing, Testing, Distribution and Dispensary Development Agreements, Entitlements, Permits and Licenses That Are in Good Standing With the City to Include Recreational/Adult Marijuana Use](#)

City Clerk, Jerryl Soriano, CMC

Packet Page 611

Recommendation: Approve Second Reading, read by title only and adopt, "an Ordinance of the City Council of the City of Desert Hot Springs, California, amending all validly approved Medical Marijuana Cultivation, Manufacturing, Testing, Distribution and Dispensary Development Agreements, Entitlements, Permits and Licenses that are in good standing with the City to include Recreational/Adult Marijuana Use.

21. **Contracts Management Report as of January 16, 2018**

Administrative Services Director, Joseph M. Tanner, Jr.

Packet Page 619

Recommendation: Receive and file.

22. **Payment Register and City Council Expenditures Report for the Month of October 2017**

Administrative Services Director, Joseph M. Tanner, Jr.

Packet Page 623

Recommendation: Receive and file.

23. **Payment Register and City Council Expenditures Report for the Month of November 2017**

Administrative Services Director, Joseph M. Tanner, Jr.

Packet Page 653

Recommendation: Receive and file.

FUTURE AGENDA ITEMS

PUBLIC COMMENTS

Opportunity is given to those members of the public who have NOT addressed the City Council on an item which is NOT on the agenda. Comments are limited to three (3) minutes per speaker. PLEASE STATE YOUR NAME AND CITY OF RESIDENCE FOR THE RECORD.

ADJOURN

UPCOMING DATES

**Please refer to the City website [calendar](#) at www.cityofdhs.org for meeting locations and the most up to date information.*

January 23	Economic Development Committee	2:00 p.m.
February 6	City Council Regular Meeting	6:00 p.m.
February 13	Planning Commission	6:00 p.m.
February 8	Public Safety Commission	6:00 p.m.
February 14	RDA Oversight Board Meeting	8:00 a.m.
February 14	CCAC	6:00 p.m.
February 20	City Council Regular Meeting	6:00 p.m.
February 27	Economic Development Committee	2:00 p.m.

NOTICES

Americans with Disabilities Act

In an effort to comply with the requirements of Title 2 of the Americans with Disabilities Act of 1990, the City of Desert Hot Springs requires that any person in need of any type of special equipment, assistance, or accommodation(s) in order to communicate at a City public meeting, must inform the City Clerk a minimum of 72 hours prior to the scheduled meeting to enable the City to make reasonable arrangements.

SB 343

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item, and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the Office of the City Clerk at City Hall during normal business hours at 65950 Pierson Boulevard, Desert Hot Springs, CA 92240.

If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 11711 West Drive, Desert Hot Springs, CA 92240.