



## **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**

### **ACTION MINUTES**

**JANUARY 15, 2019**

**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**

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### **CLOSED SESSION - 5:00 P.M.**

#### **CALL TO ORDER**

Item 1 was withdrawn from the agenda. The City Council convened at 5:30 P.M.

#### **ROLL CALL**

None.

#### **PUBLIC COMMENTS**

None.

#### **CLOSED SESSION:**

1. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Paragraph (1) of subdivision (d) of Government Code section 54956.9)

Name of case: Garcia et al v. City of Desert Hot Springs– Pending Litigation –  
Riverside Superior Court, Case Number PSC 1807458

This item was withdrawn from the agenda.

## PRESENTATIONS - 5:30 P.M.

2. Farmworker Institute of Education and Leadership Development (FIELD) Institute Presentation  
*FIELD Institute, Joe Mota*

Joe Mota provided an overview of the programs and services that the FIELD Institute offers

## RECESS

The City Council recessed at 5:58 P.M.

## REGULAR SESSION - 6:00 P.M.

### CALL TO ORDER

Mayor Matas called the Regular Session to order at 6:07 P.M.

### ROLL CALL

Present:  
Council Members: Russell Betts, Gary Gardner, Anayeli Zavala  
Mayor Pro Tem: Jan Pye  
Mayor: Scott Matas

### INVOCATION

A Moment of Silence was held in memory of Bruce Hebets, Borrego Health; Lyn Elam, resident; and Greg Pettis, Cathedral City Mayor.

### PLEDGE OF ALLEGIANCE

Desert Hot Springs Scouts, Troop 1606, presented the colors and led the Pledge of Allegiance.

### CITY ATTORNEY REPORT ON CLOSED SESSION

Item 1 was withdrawn from the agenda. Therefore, there was no reportable action.

Jennifer Mizrahi, City Attorney, requested to add a Closed Session Urgency item following Open Session regarding potential exposure to litigation.

Action: Gardner moved to approve the addition of an urgency Closed Session item following the Open Session with findings that there was an urgent need to discuss the matter, and that the matter came to the attention of the City subsequent to the posting of the agenda, motion seconded by Zavala, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner  
Passed NOES: 0 - (None)

### **APPROVAL OF THE AGENDA**

Action: Betts moved to approve the January 15, 2019 Regular Meeting agenda; move Item 12 before Item 4; and approve the Consent Calendar in its entirety, motion seconded by Pye, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner  
Passed NOES: 0 - (None)

### **PUBLIC COMMENTS**

Kathy Gavin spoke regarding the Elks Lodge.

Irene Rodriguez gave Cabot's Pueblo Museum updates and announcements.

Eddie Johnson stated that he was recently honored by the City of Grand Terrace, Veteran's Wall of Freedom.

Dottie Wilder expressed concerns regarding safety on Palm Drive.

Chris Cunningham, Desert Valley Disposal, announced the citywide quarterly cleanup during the week of January 21, 2019.

Mike Picardi gave various updates and announcements.

### **CITY MANAGER REPORT**

Charles Maynard, City Manager, reported on new offices at Cabot's Pueblo Museum.

Danny Porras, Public Works Director, provided an update on the status of the Camino Campanero and Palm Drive safety improvements; and reported that the City was recommended for award of the Active Transportation Program (ATP) Cycle 4 Grant.

### **MAYOR AND COUNCIL MEMBER REPORTS**

Council Member Zavala reported on the various meetings and events she attended.

Council Member Gardner reported on the various meetings and events he attended.

Council Member Betts reported on the various meetings and events he attended.

Mayor Pro Tem Pye reported on the various meetings and events she attended.

Mayor Matas reported on the various meetings and events he attended.

Doria Wilms, Assistant to the City Manager, announced a community open house on January 24, 2019 for resident input on a proposed park.

### **PUBLIC HEARINGS:**

3. **[Annexation No. 32 to the City of Desert Hot Springs Community Facilities District No. 2010-1 \(Services\) for APN 639-281-001 Located at 11522 Palm Drive](#)**

*Finance Director, Linda Kelly*

- 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 questions of levying a special tax within the area proposed to be annexed to the Community Facility District No. 2010-1 (Services) (Annexation No. 32);
  - 8) Hold the election;
  - 9) Canvass the election; and
  - 10) Adopt a Resolution declaring the election results for annexation to Community Facilities District No 2010-1 (Services) (Annexation No. 32).

Linda Kelly, Finance Director, presented the staff report.

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

Action: Betts moved to approve staff recommendation and adopt *Resolution No. 2019-001 (Calling the Election)*, motion seconded by Zavala, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner  
Passed NOES: 0 - (None)

Jerryl Soriano, City Clerk, canvassed the election and advised that the property owner voted in favor of the annexation.

Action: Betts moved to approve staff recommendation and adopt *Resolution No. 2019-002 (Declaring Election Results)*, motion seconded by Zavala, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner  
Passed NOES: 0 - (None)

**ADMINISTRATIVE CALENDAR:**

*Item 12 was considered at this time.*

*Item 11 was considered at this time.*

4. **[Resolution in Support of the Memorandum of Understanding Between the County of Imperial and the County of Riverside on the Restoration of the Salton Sea](#)**

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Adopt a Resolution of the City Council in support of the Memorandum of Understanding between the County of Imperial and County of Riverside on the Salton Sea.

Jerryl Soriano, City Clerk, presented the staff report.

Bob Terry requested that language be added to the resolution recitals regarding analysis of ocean water importation as a solution for Salton Sea restoration.

Chuck Parker requested that language be added to the resolution recitals regarding analysis of ocean water importation as a solution for Salton Sea restoration.

A discussion ensued.

Action: Gardner moved to approve recommendation and adopt *Resolution No. 2019-003* with the requested additional language to the Resolution recitals, motion seconded by Zavala, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner  
Passed NOES: 0 - (None)

5. **[General Plan Preferred Alternative Land Use Map](#)**

*Community Development Director, Rebecca Deming*

**Recommendation:** Direct Staff on a preferred alternative for moving forward with the General Plan and Environmental Impact Report (EIR).

Rebecca Deming, Community Development Director, presented the staff report and responded to questions.

Charles Thomas inquired about zoning.

Rich Malacoff, The Altum Group, spoke on behalf of Steve Rosenberg who requested that the land use designation for his property be changed to industrial.

Ted Mayrhofer expressed that there was a missed opportunity for agriculture and hemp.

John Russo, 791, LLC, requested that the parcels owned by 791, LLC, be designated as R-2.

Susan Miller expressed concerns.

A discussion ensued.

Action: Gardner moved to table to a future study session, motion seconded by Zavala, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner  
Passed NOES: 0 - (None)

*The City Council recessed at 8:06 P.M.*

*The City Council reconvened at 8:17 P.M.*

6. [Appointment to the Coachella Valley Mosquito and Vector Control District, Board of Trustees](#)

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Appoint a Trustee to the Coachella Valley Mosquito and Vector Control District (CVMVCD) Board of Trustees, for a fixed term of either two (2) years or four (4) years.

Jerryl Soriano, City Clerk, presented the staff report.

Council Member Gardner stated that he was able to serve on the CVMVCD Board of Trustees.

Action: Zavala moved to appoint Council Member Gardner for a 2-year term, motion seconded by Pye, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner  
Passed NOES: 0 - (None)

7. [Appointment to the Planning Commission to Fill Vacancy for Unexpired Term](#)

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Ratify Mayor Pro Tem Jan Pye's appointment to the Planning Commission to fill one (1) vacancy consisting of an unexpired term ending January 2020.

Jerryl Soriano, City Clerk, presented the staff report.

Action: Pye moved to appoint Richard Duffle to the Planning Commission, motion seconded by Betts, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner  
Passed NOES: 0 - (None)

8. **Mayor's Appointments to Various Intergovernmental Boards and Committees**  
*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Ratify Mayor Matas' appointments to the various intergovernmental Boards and Committees.

Action: Betts moved to approve recommendation, motion seconded by Zavala, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner  
Passed NOES: 0 - (None)

9. **Resolution Adopting a Policy for City Council Members, Including the Mayor, Placing Items on the Agenda**

*City Manager, Charles L. Maynard*

**Recommendation:** Adopt a Resolution of the City Council of the City of Desert Hot Springs adopting a policy for City Council Members, including the Mayor, placing items on the agenda.

Jennifer Mizrahi, City Attorney, presented the staff report.

Action: Gardner moved to approve recommendation as written, and adopt *Resolution No. 2019-004*, motion seconded by Zavala, motion carried 4/1 by the following vote:

Vote: AYES: 4 - Zavala, Betts, Matas, Gardner  
Passed NOES: 1 - Pye

10. **Special Event Permit Application – Tour De Palm Springs**

*Chief of Police, Dale Mondary*

**Recommendation:** Due to the unanticipated and unbudgeted financial impact, the number of Public Safety Officers that would be needed to ensure safety on the route (which would remove them from their normal patrol function), and the narrow road widths and main corridor route that would significantly impact the community, staff is recommending denial of the Tour De Palm Springs Special Event Permit Application.

Michael Sterns, Executive Director for Tour de Palm Springs, addressed the City Council.

Ted Mayrhofer, Public Safety Commissioner, expressed that the Public Safety Commission should have reviewed the matter.

A discussion ensued.

Action: Zavala moved to approve the Special Event Permit Application using the 2018 route, motion seconded by Matas, motion carried 3/2 by the following vote:

Vote: AYES: 3 - Zavala, Betts, Matas  
Passed NOES: 2 - Pye, Gardner

11. [Agreement for Litigation Legal Services with Stream, Kim, Hicks, Wrage and Alvaro](#)

*City Attorney, Jennifer A. Mizrahi*

**Recommendation:** Authorize the City Manager to execute an Agreement with Stream, Kim, Hicks, Wrage and Alvaro for Legal Litigation Services in an amount not to exceed of \$200,000.

*Item 11 was considered prior to Item 4, following Item 12.*

Jennifer Mizrahi, City Attorney, presented the staff report and responded to questions.

Action: Zavala moved to approve staff recommendation, motion seconded by Gardner, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner  
Passed NOES: 0 - (None)

12. [Building Department Plan Check Contract](#)

*Community Development Director, Rebecca Deming*

**Recommendation:** Authorize the City Manager to execute a Professional Services Agreement with Scott Fazekas & Associates, Inc. for Building and Safety Plan Check services on an as-needed and as-directed basis; with approval as to form by the City Attorney.

*Item 12 was considered prior to Item 4.*

Rebecca Deming, Community Development Director, presented the staff report and responded to questions.

Action: Zavala moved to approve staff recommendation, motion seconded by Betts, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner  
Passed NOES: 0 - (None)



## **CONSENT CALENDAR:**

13. **City Council Regular Meeting Minutes: December 12, 2018**

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Approve the Minutes as presented; or as corrected.

14. **Second Reading and Adoption of an Ordinance Amending Chapter 10.52 "Abandoned, Wrecked, Dismantled, or Inoperative Vehicles" of the Desert Hot Springs Municipal Code Relating to Abandoned Vehicle Abatement**

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Approve Second Reading, read by title and adopt: "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Chapter 10.52 "Abandoned, Wrecked, Dismantled, or Inoperative Vehicles" of Title 10 "Vehicles and Traffic" of the Desert Hot Springs Municipal Code relating to abandoned vehicle abatement."

15. **Treasurer's Report for November 2018**

*Finance Director, Linda Kelly*

**Recommendation:** Receive and file.

16. **Payment Register and City Council Expenditures Report for the Month of November 2018**

*Finance Director, Linda Kelly*

**Recommendation:** Receive and file.

## **PUBLIC COMMENTS**

Christopher Ralph, Rubicon Outreach, spoke regarding cannabis non-storefront retail sales.

Ian Christensen, Rubicon Outreach, spoke regarding cannabis non-storefront retail sales.

## **ADJOURN**

The City Council adjourned to Closed Session at 9:35 P.M.

## **CLOSED SESSION:**

### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (e)(1) of Section 54956.9: (1 case)

The City Council reconvened in Open Session at 9:47 P.M.

Jennifer Mizrahi, City Attorney, advised that there was no reportable action.

The City Council adjourned at 9:47 P.M.

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Jerryl Soriano, CMC, City Clerk