



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**

AGENDA

OCTOBER 1, 2019

4:30 P.M. – CLOSED SESSION

5:15 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 - 4:30 P.M.

CALL TO ORDER

ROLL CALL

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:

- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (d)(2) of Section 54956.9:
The facts and circumstances involve issues pertaining a certain developer who
has threatened litigation against the City, although no formal claim has been filed.
- CONFERENCE WITH LABOR NEGOTIATORS**
(Gov. Code Section 54957.6)
Agency designated representatives: Jennifer Mizrahi, City Attorney
Unrepresented employee: City Manager

PRESENTATIONS - 5:15 P.M.

3. **[Coachella Valley Rescue Mission - Cooling Center Presentation](#)**
Coachella Valley Rescue Mission
4. **[Food Now Presentation](#)**
Food Now Executive Director, Dana Johnson
5. **[Desert Trial Academy Presentation](#)**
Desert Trial Academy

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:

6. **[Applications for Implementation of the Tuscan Hills Specific Plan, a Master Planned Residential Subdivision and a Proposed 334 Room Resort Hotel and Spa Located on a Vacant 554 Acre Property Located Along the North Side of Pierson Boulevard East of Foxdale Drive \(Applicant: Walton Development & Management, Southwest USA\)](#)**

Community Development Director, Rebecca Deming

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- Recommendation:**
- 1) Staff Report;
 - 2) Entertain Questions of Staff from City Council;
 - 3) Open the Public Hearing;
 - 4) Take testimony from Applicant;
 - 5) Take public testimony from those in favor;
 - 6) Take public testimony from those opposed;
 - 7) Take public testimony from those in a neutral position;
 - 8) Opportunity for Applicant rebuttal;
 - 9) Close the Public Hearing;
 - 10) City Council discussion and questions to Staff; and
 - 11) Recommendation from the Planning Commission to Certify the Addendum to the Final Environmental Impact Report and Mitigation Monitoring Program and approval of:
 - A) Resolution and Ordinance approving the Specific Plan 02-16, General Plan Amendment 03-16, and Zoning Ordinance Amendment 03-16 to establish development regulations and guidelines for the subject site; and
 - B) Tentative Tract Map Nos. 36774, 37300, 37301, 37302, & 37303 - to subdivide the properties into 585 lots plus streets, open space and detention basins for a vacant 554.8 acre site located on the north side of Pierson Boulevard east of Foxdale Drive on the former Desert Hot Springs Resort Cornerstone Specific Plan project site. APN's 638-340-003, 005, 006, 007, & 638-330-001, 002, 003, & 632-270-006.

7. [An Ordinance Amending the Desert Hot Springs Municipal Code Regarding Sidewalk Vendors and Peddlers](#)

City Attorney, Jennifer Mizrahi

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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 from those in favor;
5) Take public testimony from those opposed;
6) Take public testimony from those in a neutral position;
7) Close the Public Hearing;
8) City Council discussion and questions to Staff; and
9) Introduce and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Section 5.28.010 "Purpose" and Section 5.28.085 "Sidewalk Vendor General Regulations" of Chapter 5.28 "Sidewalk Vendors and Peddlers" of Title 5 "Business Licenses and Regulations" of the Desert Hot Springs Municipal Code.

8. [An Ordinance Amending Chapters 3.20,4.36, 5.04, 5.08, 5.12, 5.28, 5.36, 5.44, 5.50, 15.60, 17.08, 17.12, 17.40, 17.45, 17.76, 17.92, 17.144, 17.152, 17.156, 17.164, and 17.168 of the Municipal Code Providing More Consistent Rules and Procedures for the Denial, Suspension, Modification, and Revocation of Licenses and Permits and Appeals Thereof](#)

City Attorney, Jennifer Mizrahi

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Recommendation: 1) Staff Report;
2) Entertain questions of Staff from the City Council;
3) Open the Public Hearing;
4) Take testimony from those in favor;
5) Take testimony from those opposed;
6) Take testimony from those in a neutral position;
7) Close the Public Hearing;
8) City Council discussion and questions to Staff; and
9) Introduce for First Reading and read by title only, "An Ordinance Amending Chapters 3.20,4.36, 5.04, 5.08, 5.12, 5.28, 5.36, 5.44, 5.50, 15.60, 17.08, 17.12, 17.40, 17.45, 17.76, 17.92, 17.144, 17.152, 17.156, 17.164, and 17.168 of the Municipal Code Providing More Consistent Rules and Procedures for the Denial, Suspension, Modification, and Revocation of Licenses and Permits and Appeals Thereof."

ADMINISTRATIVE CALENDAR:

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

City Clerk, Jerryl Soriano, CMC

Packet Page 1501

Recommendation: Ratify Council Member Betts' appointment to the Planning Commission to fill one (1) vacancy consisting of an unexpired term ending January 2020.

10. [Budget Adjustments for the 2019-2020 Fiscal Year](#)
Acting Finance Director, Geoffrey Buchheim *Packet Page 1519*
Recommendation: Approve budget adjustments for Fiscal Year 2019-2020.
11. [Discussion Item: Placing the Adoption of the City Council Sub-Committee on Policy, Rules and Regulation Recommendations Regarding Changes to the "City Council and Commission Guidelines and Procedures" \("Guidelines"\) as Well as Repealing Two Ordinances Pertaining to the City Council as Recommended by the Sub-Committee](#)
Mayor Pro Tem, Jan Pye; and *Packet Page 1535*
Council Member, Gary Gardner
Recommendation: Consider whether to place the following on a future agenda for action:
1) Adoption of Updated Council and Commission Guidelines, as developed by the Policy, Rules, and Regulations Sub-Committee (Councilmembers Pye and Gardner); and Adoption of Sub-Committee recommendations to Repeal of DHSMC Section 2.20.125 "Disclosure of Campaign Contributions;" and DHSMC Section 2.04.040(B) "Vacancy – Appointment of Temporary Council Member."

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.

12. [City Council Regular Meeting Minutes: September 17, 2019](#)
City Clerk, Jerry Soriano, CMC *Packet Page 1541*
Recommendation: Approve Minutes as submitted; or as corrected.
13. [Supplemental CEQA \(California Environmental Quality Act\) Guidelines](#)
City Attorney, Jennifer Mizrahi *Packet Page 1549*
Recommendation: Adopt the attached Policy, as a condition of settlement in the matter of Robert E. Garcia and Gary Garcia v. City of Desert Hot Springs (Riverside County Superior Court Case No. RIC1903260).

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.*

| | | |
|------------|------------------------------|-----------|
| October 8 | Planning Commission | 6:00 p.m. |
| October 9 | CCAC | 6:00 p.m. |
| October 10 | Public Safety Commission | 6:00 p.m. |
| October 15 | City Council Regular Meeting | 6:00 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.