



## **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**

**JUNE 5, 2018**

**3:00 P.M. – STUDY SESSION**

**CLOSED SESSION**

**(Immediately Following the Study 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**

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### **STUDY SESSION – 3:00 P.M.**

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **PUBLIC COMMENTS**

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

#### **STUDY SESSION:**

1. **[Cannabis Study Session Discussion Points](#)**

*Deputy City Manager, Luke Rainey*

*Packet Page 11*

**Recommendation:** Discuss and provide direction to Staff in its discretion.

**CLOSED SESSION**  
**(Immediately Following the Study Session)**

**CLOSED SESSION:**

**2. REAL PROPERTY NEGOTIATIONS**

Pursuant to Government Code Section 54956.8:

Property: 66071-66079 Pierson Boulevard

Agency Negotiator: Charles L. Maynard, City Manager / Executive Director  
Jennifer Mizrahi, City Attorney / General Counsel  
Linda Kelly, Finance Director

Negotiating Parties: Richard Feenstra

Under Negotiation: Price and Terms

**3. REAL PROPERTY NEGOTIATIONS**

Pursuant to Government Code Section 54956.8:

Property: 66146 Pierson Boulevard

Agency Negotiator: Charles L. Maynard, City Manager / Executive Director  
Jennifer Mizrahi, City Attorney / General Counsel  
Linda Kelly, Finance Director

Negotiating Parties: Richard Feenstra

Under Negotiation: Price and Terms

**4. REAL PROPERTY NEGOTIATIONS**

Pursuant to Government Code Section 54956.8:

Property: APN 641-191-008 Vacant Lot

Agency Negotiator: Charles L. Maynard, City Manager / Executive Director  
Jennifer Mizrahi, City Attorney / General Counsel  
Linda Kelly, Finance Director

Negotiating Parties: Richard M. Johnson, Jr.

Under Negotiation: Price and Terms

**5. REAL PROPERTY NEGOTIATIONS**

Pursuant to Government Code Section 54956.8:

Property: APN 641-191-009 Vacant Lot

Agency Negotiator: Charles L. Maynard, City Manager / Executive Director  
Jennifer Mizrahi, City Attorney / General Counsel  
Linda Kelly, Finance Director

Negotiating Parties: Richard M. Johnson, Jr.

Under Negotiation: Price and Terms

**6. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(2) of Section 54956.9: (1 case). The facts and circumstances involve issues pertaining a certain developer who has threatened litigation against the City, although no formal claim has been filed.

**PRESENTATIONS - 5:15 P.M.**

7. **Certificate of Recognition to Desert Hot Springs High School Tennis Player Eduardo Contreras, Winner of the Individual League Championship**  
*Mayor, Scott Matas*
  
8. **Recognition of Service for Council Member Yvonne Parks**  
*City Council*

**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**

**ADMINISTRATIVE CALENDAR:**

9. **Appointment to Fill City Council Vacancy Created by the Resignation of Yvonne Parks**

*City Clerk, Jerryl Soriano, CMC*

*Packet Page 13*

**Recommendation:** Adopt a Resolution of the City Council appointing an individual to fill the City Council vacancy created by the resignation of Council Member Yvonne Parks.

**SWEARING-IN OF APPOINTED COUNCIL MEMBER**

**RECESS**

10. **City of Desert Hot Springs Two Year Budget and Capital Improvement Projects for Fiscal Years 2018-2019 and 2019-2020 and the Appropriations Limit for Fiscal Years 2018-2019**

*Finance Director, Linda Kelly*

*Packet Page 29*

**Recommendation:** 1) Receive Staff Presentation of the City of Desert Hot Springs Draft Two Year Budget for all Funds Including Capital Improvement Projects for Fiscal Year 2018-2019 and 2019-2020; and  
2) Adopt a Resolution of the City Council of the City of Desert Hot Springs Approving the Fiscal Year 2018-2019 and 2019-2020 Budget and Fiscal Year 2018-2019 Appropriations Limit.

**PUBLIC HEARINGS:**

11. **Resolution Ordering Annual Assessments for the Desert Valley Disposal Solid Waste Refuse Services of Residential Properties for Fiscal Year 2018-19**

*Finance Director, Linda Kelly*

*Packet Page 181*

**Recommendation:** 1) Staff report;  
2) Entertain Questions of staff from the City Council;  
3) Open the Public Hearing  
4) Take testimony;  
5) Close the public Hearing;  
6) Adopt a Resolution Ordering Annual Assessment for the Desert Valley Solid Waste Refuse Services of Residential Properties for Fiscal Year 2018-2019.

12. [Desert Valley Disposal Placing Delinquent Disposal Billings on the County Tax Roll, Fiscal Year 2018-2019](#)

*Finance Director, Linda Kelly*

*Packet Page 417*

**Recommendation:** 1) Staff report;  
2) Entertain questions of City Council to staff;  
3) Open the public hearing;  
4) Take testimony;  
5) Close the public hearing;  
6) Adopt a Resolution of the City Council of the City of Desert Hot Springs, California, placing the delinquent Desert Valley Disposal billings on the Fiscal Year 2018-2019 County Tax Roll, after holding a public hearing.

13. [Annexation No. 31 to the City of Desert Hot Springs Community Facilities District No 2010-1 \(Services\) for APN 663-280-005 Located North of 14th Avenue and East of Little Morongo Road](#)

*Finance Director, Linda Kelly*

*Packet Page 431*

**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 Community Facility District No 2010-1 (Services) Annexation No. 31);  
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. 31).

14. [Creating Special Tax Area 34 \(The Watermarke at DHS, LLC\) for Assessor's Parcel Numbers \("APN"\) 661-410-119, 661-420-001 Through -004, 661-440-001 Through -003, 641-440-043 Through -045 and 661-470-013, Located North of Mission Lakes Boulevard and East of Indian Canyon Drive, to the Desert Hot Springs Special Public Safety Tax Area](#)

*Finance Director, Linda Kelly*

*Packet Page 463*

**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 34 (The Watermarke at DHS, LLC).

15. [Creating Special Tax Area 37 \(Hot Desert Springs, LLC\) for APN 666-280-005 Located North of 14th Avenue and East of Little Morongo Road Within the Desert Hot Springs Special Public Safety Tax Area](#)

*Finance Director, Linda Kelly*

*Packet Page 485*

- Recommendation:**
- 1) Staff report;
  - 2) Entertain questions of Staff from the City Council;
  - 3) Open the Public Hearing;
  - 4) Take public testimony;
  - 5) Close he 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 37 (Hot Desert Springs, LLC).

16. [Ordinance Amending Chapter 17.180 Allowing for Certain Administrative Approvals for Certain Entitlements, Creating a More Streamlined Process for Already Approved Entitlements Which Are in Good Standing With the City](#)

*Community Development Director, Daniel Porras, P.E.*

*Packet Page 509*

- Recommendation:**
- 1) Staff Report;
  - 2) Questions of Staff from City Council;
  - 3) Open the Public Hearing;
  - 4) Take Public Testimony;
  - 5) Close the Public Hearing;
  - 6) City Council discussion and questions to Staff; and
  - 7) Consider a recommendation from the Planning Commission to: Approve for First Reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, amending Chapter 17.180 allowing certain administrative approvals for certain entitlements, creating a more streamlined process for already approved entitlements in good standing with the City.

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

*Community Development Director, Daniel Porras, P.E.*

*Packet Page 525*

- Recommendation:**
- 1) Staff Report;
  - 2) Entertain 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
  - 9) Consider a recommendation from the Planning Commission: Approve First Reading, and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs 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.

**ADMINISTRATIVE CALENDAR:**

18. **Traffic Signal Synchronization Project - Participation Agreement**  
*Community Development Director, Daniel Porras, P.E. Packet Page 547*  
**Recommendation:** Receive and file.
19. **Community Development On-Call Services**  
*Community Development Director, Daniel Porras, P.E. Packet Page 595*  
**Recommendation:** Authorize the City Manager to execute a Community Development On-call Services Agreement with PPM Group in an amount not to exceed \$200,000, for On-call Development Services.
20. **Landscape Maintenance District No. 1 Intention Proceedings for the Levy and Collection of Assessments**  
*Finance Director, Linda Kelly Packet Page 639*  
**Recommendation:** 1) Adopt a Resolution of the City Council declaring its intention for the levy and collection of assessments for the Citywide Landscape and Lighting Maintenance District No. 1, Zone A and Zone B, for Fiscal Year 2018-2019; and  
2) Adopt a Resolution of the City Council approving the Annual Engineer's Report regarding the proposed levy and collection of assessments for the Landscape Maintenance District No. 1 for Fiscal Year 2018-2019.
21. **Landscape and Lighting Maintenance District No. 2 Intention Proceedings for the Levy and Collection of Assessments**  
*Finance Director, Linda Kelly Packet Page 783*  
**Recommendation:** 1) Adopt a Resolution of the City Council declaring its intention for the levy and collection of assessments for Landscape and Lighting Maintenance District No. 2, Zones 1 through 15, 17 and 18, for Fiscal Year 2018-2019; and  
2) Adopt a Resolution of the City Council approving the Annual Engineer's Report regarding the proposed levy and collection of assessments for Landscape and Lighting Maintenance District No. 2, Zones 1 through 15, 17 and 18, for Fiscal Year 2018-2019.
22. **Drainage Assessment District No. 1 Intention Proceedings for the Levy and Collection of Assessments**  
*Finance Director, Linda Kelly Packet Page 883*  
**Recommendation:** 1) Adopt a Resolution of the City Council, declaring its intention for the levy and collection of assessments for the Drainage Assessment District No 1 for the Fiscal Year

2018-2019; and

- 2) Adopt a resolution of the City Council for approval of the Annual Engineer's Report regarding the proposed levy and collection of assessments for the Drainage Assessment District No. 1 for Fiscal Year 2018-2019.

23. [Ordinance Adding Chapter 12.24 to the Desert Hot Springs Municipal Code to Establish a Safety Enhancement Zone](#)

*Chief of Police, Dale R. Mondary*

*Packet Page 967*

- Recommendation:**
- 1) Approve First Reading, read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California, adding Chapter 12.24 "Safety Enhancement Zones" of Title 12 "Streets, Sidewalks, and Public Places" of the Desert Hot Springs Municipal Code to establish Safety Enhancement Zones and increase fines and penalties for Municipal Code violations in areas designated as a Safety Enhancement Zone; and
  - 2) Adopt a Resolution of the City Council approving the Palm Drive Corridor between Pierson Boulevard and Camino Aventura as a Safety Enhancement Zone, which would take effect upon the effective date of the Ordinance.

24. [Consideration of a Revised City Council Meeting Schedule for Summer/Winter 2018](#)

*Mayor, Scott Matas*

*Packet Page 981*

- Recommendation:** Take whatever action the City Council deems appropriate.

**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.*

25. [City Council Regular Meeting Minutes: May 15, 2018](#)

*City Clerk, Jerryl Soriano, CMC*

*Packet Page 983*

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

26. [Approval of Repayment Agreement Between the City and S.C. Shah Management Company, The Shah Family Trust Dated July 31, 2000, and Morningstarplaza, LLC](#)

*City Attorney, Jennifer A. Mizrahi*

*Packet Page 995*

- Recommendation:** Approve the Repayment Agreement between the City and S.C. Shah Management Company, the Shah Family Trust Dated July, 31, 2000, and Morningstarplaza, LLC.



27. [Delegation of Investment Authority to the City Treasurer](#)

Linda Kelly, Finance Director

Packet Page 1015

**Recommendation:** Adopt a Resolution of the City Council approving delegation of investment authority and other related duties to the City Treasurer, as authorized by the City's Investment Policy, and approve and adopt the attached Investment Policy for Fiscal Year 2018-2019.

28. [Treasurer's Report for the month of March 2018](#)

Linda Kelly, Finance Director

Packet Page 1025

**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](http://www.cityofdhs.org) for meeting locations and the most up to date information.*

June 12	Planning Commission	6:00 p.m.
June 13	RDA Oversight Board Meeting	8:00 a.m.
June 13	CCAC	6:00 p.m.
June 14	Public Safety Commission	6:00 p.m.
June 19	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.