



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

MAY 7, 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:

1. **[CONFERENCE WITH LEGAL COUNSEL — POTENTIAL INITIATION OF LITIGATION](#)** (Paragraph (4) of subdivision (d) of Section 54956.9) (2 Potential Cases)
2. **[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 entity who has threatened litigation against the City, although no formal claim or action has been filed.

PRESENTATIONS - 5:15 P.M.

3. **"Every 15 Minutes" Drunk Driving Awareness Program Presentation**
Desert Hot Springs High School, Public Safety Academy
4. **"Comfort Bag" Project Presentation**
Painted Hills Middle School
5. **Presentation of Gift Checks to Desert Hot Springs Student Groups in Appreciation of Volunteer Hours by DiversityDHS**
DiversityDHS, Sam Messler

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. **[An Appeal of the Planning Commission's Decision \(AP No. 01-19\) to Approve the Proposed Discount Grocery Store \(Grocery Outlet\) Located on the West Side of Palm Drive at Park Lane and Within the C-N \(Commercial Neighborhood\) Land Use District](#)**

Rebecca Deming, Community Development Director

Packet Page 9

Recommendation:

- 1) Staff Report;
- 2) Entertain questions of Staff from the City Council;
- 3) Open the Public Hearing;
- 4) Take public testimony from the Applicant;
- 5) Take public testimony from those in favor of upholding the decision;
- 6) Take public testimony from those opposed to upholding the decision;
- 7) Take public testimony from those in a neutral position;
- 6) Opportunity for Applicant rebuttal;
- 7) Close the Public Hearing;
- 8) City Council discussion and questions to Staff; and
- 9) Consider Staff's recommendation to UPHOLD the decision of the Planning Commission, thereby APPROVING the proposed 20,000 square foot discount grocery store located on the west side of Palm Drive at Park Lane (APN 656-020-034) and within the C-N (Commercial Neighborhood) Zoning District (Case Nos. DR 04-18, DP 06-18, CUP 05-18, TTM 37571, SVAR 03-18) along with a Resolution of Convenience or Necessity, subject to the attached findings of fact, the attached conditions of approval, and the mitigation measures outlined in the mitigated negative declaration.

7. **[Creating Special Tax Area 38 \(Green Bond, LLC\) for APN 663-280-002 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 611

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 38 (Green Bond, LLC).

8. [Creating Special Tax Area 40 \(Quick Quack Development, LLC\) for APN 641-251-018 Located North of 14th Avenue and West of Palm Drive Within the Desert Hot Springs Special Public Safety Tax Area](#)

Finance Director, Linda Kelly

Packet Page 631

- 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 Special Public Safety Tax Area Zone 40 (Quick Quack Development, LLC).

9. [Creating Special Tax Area 41 \(Lenwood Hospitality Center, LLC\) for APN 665-030-051 Located North of San Gorgonio Lane and East of Little Morongo Road Within the Desert Hot Springs Special Public Safety Tax Area](#)

Finance Director, Linda Kelly

Packet Page 651

- 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 Special Public Safety Tax Area Zone 41 (Lenwood Hospitality Center, LLC).

10. [Creating Special Tax Area 42 \(Lenwood Hospitality Center, LLC\) for APN 665-030-052 Located North of San Gorgonio Lane and East of Little Morongo Road Within the Desert Hot Springs Special Public Safety Tax Area](#)

Finance Director, Linda Kelly

Packet Page 671

- 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 Special Public Safety Tax Area Zone 42 (Lenwood Hospitality Center, LLC).

ADMINISTRATIVE CALENDAR:

11. **Approve Interfund Reimbursement Agreements Between the General Fund and Two Development Impact Fee Funds**
Finance Director, Linda Kelly *Packet Page 691*
Recommendation: Approve Interfund Reimbursement Agreements between: 1) the General Fund (001) and the General Facilities Development Impact Fee Fund (104); and 2) the General Fund (001) and the Public Use Facilities Development Impact Fee Fund (106); and authorize the City Manager to execute the agreements subject to finalization by the City Attorney.
12. **Resolution of Intention for Placing Desert Valley Disposal Annual Billings for Services of Residential Properties on the County Tax Rolls, Fiscal Year 2019-2020**
Finance Director, Linda Kelly *Packet Page 717*
Recommendation: 1) Adopt a Resolution of the City Council Declaring the Intention to Levy Annual Billing for Desert Valley Disposal Inc., Solid Waste Refuse Services for Residential Properties on the County Tax Roll for the Fiscal Year 2019-2020;
2) Approving the Attachment F Rate Schedule for the July 1, 2019 Rate Year; and
3) Setting a Time and a Place for the Public Hearing (June 4, 2019).
13. **Request from Assemblymembers Chad Mayes and Eduardo Garcia for State Funding to Combat Homelessness in Coachella Valley**
City Manager, Charles L. Maynard *Packet Page 921*
Recommendation: Consider authorizing a letter in support of Assemblymembers Mayes and Garcia's request for State funding to combat homelessness in the Coachella Valley.
14. **Award Architectural Design Contract for Corporate Yard Park**
Public Works Director, Daniel Porras, P.E. *Packet Page 931*
Recommendation: Authorize the City Manager to execute an agreement between Hermann Design Group and the City of Desert Hot Springs in an amount not to exceed \$219,615 for Architectural Design Services for the Design of Corporate Yard Park.

15. [Appointment to the Community and Cultural Affairs Commission \(CCAC\) to Fill Vacancy for Unexpired Term](#)
City Clerk, Jerryl Soriano, CMC *Packet Page 953*
Recommendation: Ratify Council Member Zavala's appointment to the CCAC to fill one (1) vacancy consisting of an unexpired term ending January 2020.
16. [Lighting and Landscape Maintenance Districts and Drainage Assessment Districts Initiate Proceedings for the FY 2019-20 Levy and Collection of Assessments](#)
Finance Director, Linda Kelly *Packet Page 995*
Recommendation: 1) Adopt a Resolution of the City Council initiating proceedings for the levy and the collection of assessments for the Citywide Landscape and Lighting Maintenance District No. 1 Zone A and Zone B for Fiscal Year 2019-2020;
2) Adopt a Resolution of the City Council initiating proceedings for the levy and the collection of assessments for the Landscape and Lighting Maintenance District No. 2 for Fiscal Year 2019-20; and
3) Adopt a Resolution of the City Council initiating proceedings for the levy and collection of assessments for the Drainage Assessment District No. 1 for the Fiscal Year 2019-20.
17. [Resolution Amending the Fiscal Year 2019-2020 Budget to Include Projects to be Funded by Senate Bill 1 \(SB1\)](#)
Public Works Director, Daniel Porras, P.E. *Packet Page 1017*
Recommendation: Adopt a Resolution of the City Council amending the budget for Fiscal Year 2019-2020 to incorporate the list of projects to be funded by Senate Bill 1 (SB 1) - Road Maintenance Rehabilitation Account (RMRA) Funds with an estimated amount of \$492,279.
18. [An Ordinance Amending Chapter 4.24 of the Desert Hot Springs Municipal Code to Revise the Procedures for the Issuance of Administrative Citations](#)
City Attorney, Jennifer A. Mizrahi *Packet Page 1035*
Recommendation: Introduce for First Reading, and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Chapter 4.24 "Administrative Citation Procedure" of Title 4 "Code Enforcement" of the Desert Hot Springs Municipal Code to revise the procedures for the issuance of administrative citations."
19. [Discussion Item: Consideration of Support for the Proposed Eagle Mountain Pumped Storage Project](#)
Mayor, Scott Matas *Packet Page 1053*
Recommendation: Consider whether to direct Staff to place the item on a future agenda for action.

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.

20. City Council Regular Meeting Minutes: April 16, 2019

City Clerk, Jerryl Soriano, CMC

Packet Page 1059

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

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.*

May 8	CCAC	6:00 p.m.
May 9	Public Safety Commission	6:00 p.m.
May 14	Planning Commission	6:00 p.m.
May 21	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.