



## **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**

**MARCH 19, 2019**

**3:30 P.M. – STUDY SESSION**

**CLOSED SESSION**

**(Immediately Following the Study 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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### **STUDY SESSION - 3:30 P.M.**

#### **CALL TO ORDER**

Mayor Matas called the Study Session to order at 3:30 P.M.

#### **ROLL CALL**

Present:

Council Members: Russell Betts, Gary Gardner, Anayeli Zavala

Mayor Pro Tem: Jan Pye

Mayor: Scott Matas

#### **STUDY SESSION:**

1. **Cannabis Strategic Plan**

*Deputy City Manager, Luke Rainey*

**Recommendation:** Review the proposed goals and initiatives and adopt the Cannabis Strategic Plan.

Luke Rainey, Deputy City Manager, presented the staff report.

Greg Bellomo, Government Performance Solutions, facilitated the discussion.

A discussion ensued.

The City Council received public comments from the following:

Greta Carter

Steven Glickman

Katherine Dickerson

Jocelyn Kane

Christopher Martinez

Andrew Milks

Paula Turner

Joe McKee

Corina Young

Jason Pasko

A discussion ensued.

It was unanimously agreed to approve the Cannabis Strategic Plan, with the understanding that certain items would return in the future requiring City Council approval.

### **CLOSED SESSION PUBLIC COMMENTS**

There were no comments.

Jennifer Mizrahi, City Attorney, announced the Closed Session items.

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

#### **CLOSED SESSION:**

2. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**  
(Paragraph (1) of Subdivision (d) of Government Code Section 54956.9)  
In the Matter of the Administration of the D.H.S. Drugs, Inc. Profit Sharing Plan  
Riverside Superior Court Case Number: PRIN1801126

3. **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

**PRESENTATIONS - 5:30 P.M.**

4. **Introduction and Swearing-In of New Police Officer**  
*Chief of Police, Dale Mondary; and City Clerk, Jerryl Soriano*

Dale Mondary, Chief of Police, introduced Officer Danny Garcia.

Jerryl Soriano, City Clerk, administered the Oath.

5. **Desert Blind and Handicapped Association, Inc. Presentation**  
*Desert Blind and Handicapped Association, Barbara Workman*

Barbara Workman, Desert Blind and Handicapped Association, presented an overview of their programs and services.

**RECESS**

The City Council recessed at 5:48 P.M.

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

**CALL TO ORDER**

Mayor Matas called the Regular Session to order at 6:00 P.M.

**ROLL CALL**

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

**INVOCATION**

Pastor Todd Diliberto gave the Invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Pye led the Pledge of Allegiance.

## CITY ATTORNEY REPORT ON CLOSED SESSION

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

## APPROVAL OF THE AGENDA

Action: Zavala moved to approve the March 19, 2019 Regular Meeting agenda; 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

Mike Picardi gave various updates and announcements.

Jarvis Williams spoke regarding the Family Health and Support Network organization.

## CITY MANAGER REPORT

There was no report.

## MAYOR AND COUNCIL MEMBER REPORTS

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

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 Matas reported on the various meetings and events he attended.

## ADMINISTRATIVE CALENDAR:

### 6. Award Construction for New City Hall Project

*Public Works Director, Daniel Porras, P.E.*

**Recommendation:** 1) Award a Construction Contract Agreement to the lowest responsible qualified bidder, Robert Clapper Construction Services Inc; and  
2) Authorize the City Manager to execute the agreement for the New City Hall Project Number 2019-03 with Robert Clapper Construction Services Inc. in an amount not to

exceed \$5,088,000; and approve additional project expenses which include a 10% contingency of \$508,800, as-needed materials testing of \$20,000, as-needed special inspection services of \$10,000, and as-needed certified payroll services of \$30,000, which brings a total project budget of \$5,656,800.00.

Council Member Betts recused due to a potential conflict of interest. Owns property within 500 feet.

Danny Porras, Public Works Director, presented the staff report.

Mike Picardi requested art work to be displayed in the new Council Chamber.

Action: Zavala moved to approve staff recommendation, motion seconded by Gardner, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Zavala, Matas, Pye, Gardner  
Passed NOES: 0 - (None)  
RECUSED: 1 - Betts

7. [\(Continued from March 5, 2019\) Appointment to the Community and Cultural Affairs Commission \(CCAC\) to Fill Vacancy for Unexpired Term](#)

*City Clerk, Jerryl Soriano, CMC*

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

Action: Betts moved to ratify Council Member Betts' appointment of Donna Wardean to the CCAC, motion seconded by Pye, motion carried 5/0 by the following vote:

Donna Wardean expressed thanks.

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

8. [Resolution of Intention to Create a Special Tax Area Zone 38 for Property, APN 663-280-002 Located North of 14th Avenue and East of Little Morongo Road, to the Desert Hot Springs Special Public Safety Tax Area](#)

*Finance Director, Linda Kelly*

**Recommendation:** Adopt a Resolution of Intention which establishes the time and place of the Public Hearing to establish Zone 38 within the Special Public Safety Tax Area for Police and Fire Protection Services and authorizing an election.

Geoffrey Buchheim, Finance Manager, presented the staff report.

Action: Pye moved to approve staff recommendation and adopt *Resolution No. 2019-007*, motion seconded by Zavala, motion carried 4/1 by the following vote:

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

9. [Resolution of Intention to Create a Special Tax Area Zone 40 for Property, APN 641-251-018 Located North of 14th Avenue and West of Palm Drive, to the Desert Hot Springs Special Public Safety Tax Area](#)

*Finance Director, Linda Kelly*

**Recommendation:** Adopt a Resolution of Intention which establishes the time and place of the Public Hearing to establish Zone 40 within the Special Public Safety Tax Area for Police and Fire Protection Services and authorizing an election.

Geoffrey Buchheim, Finance Manager, presented the staff report.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2019-008*, motion seconded by Pye, motion carried 4/1 by the following vote:

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

10. [Resolution of Intention to Create a Special Tax Area Zone 41 for Property, APN 665-030-051 Located South of 14th Avenue and East of Little Morongo Road, to the Desert Hot Springs Special Public Safety Tax Area](#)

*Finance Director, Linda Kelly*

**Recommendation:** Adopt a Resolution of Intention which establishes the time and place of the Public hearing to establish Zone 41 within the Special Public Safety Tax Area for Police and Fire Protection Services and authorizing an election.

Geoffrey Buchheim, Finance Manager, presented the staff report.

Action: Pye moved to approve staff recommendation and adopt *Resolution No. 2019-009*, motion seconded by Zavala, motion carried 4/0 by the following vote:

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

11. [Resolution of Intention to Create a Special Tax Area Zone 42 for Property, APN 665-030-052 Located South of 14th Avenue and East of Little Morongo Road, to the Desert Hot Springs Special Public Safety Tax Area](#)

*Finance Director, Linda Kelly*

**Recommendation:** Adopt a Resolution of Intention which establishes the time and place for the Public Hearing to establish Zone 42 within the Special Public Safety Tax Area for Police and Fire Protection Services and authorizing an election.

Geoffrey Buchheim, Finance Manager, presented the staff report.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2019-010*, motion seconded by Pye, motion carried 4/1 by the following vote:

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

12. [Award Contract for Zone 1 and Zone 2 - Landscape Maintenance and Operations Services](#)

*Public Works Director, Daniel Porras, P.E.*

**Recommendation:** 1) Award the Landscape Maintenance and Operation Services Contract for Zone 1 - Desert View, and Zone 2 – West Desert Hot Springs, to the most qualified bidder, Mariposa Landscaping Inc.; and  
2) Authorize the City Manager to execute an agreement between Mariposa Landscaping Inc. and the City of Desert Hot Springs in an amount not to exceed \$71,184.00 plus a 10% contingency of \$7,184.00 for Zone 1, and an amount not to exceed \$116,952.00 plus a 10% contingency of \$11,695.20 for Zone 2, for landscaping and lighting, drainage and community facilities districts and other site maintenance.

Council Member Betts recused due to a potential conflict of interest. Owns property within 500 feet.

Nick Haecker, Public Works Manager, presented the staff report.

Action: Pye moved to approve staff recommendation, motion seconded by Zavala, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Zavala, Matas, Pye, Gardner  
Passed NOES: 0 - (None)  
RECUSED: 1 - Betts

13. [Award Contract for Zone 3 and Zone 4 - Landscape Maintenance and Operations Services](#)

*Public Works Director, Daniel Porras, P.E.*

**Recommendation:** 1) Award the Landscape Maintenance and Operation Services Contract for Zone 3 - Midtown, and Zone 4 – East Desert Hot Springs, to the most qualified bidder, Desert Concepts; and  
2) Authorize the City Manager to execute an agreement between Desert Concepts and the City of Desert Hot Springs in an amount not to exceed \$166,092.00 plus a 10% contingency of \$16,609.20 for Zone 3, and an amount not to exceed \$46,392.00 plus a 10% contingency of \$4,639.20 for Zone 4, for landscaping and lighting, drainage and community facilities districts and other site maintenance.

Council Member Betts recused due to a potential conflict of interest. Owns property within 500 feet.

Nick Haecker, Public Works Manager, presented the staff report.

Action: Zavala moved to approve staff recommendation, motion seconded by Pye, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Zavala, Matas, Pye, Gardner  
Passed NOES: 0 - (None)  
RECUSED: 1 - Betts

**14. Annual Housing Element Progress Report**

*Community Development Director, Rebecca Deming*

**Recommendation:** Approve the 2018 Annual Housing Element Progress Report and direct Staff to submit the Report to the Governor's Office of Planning and Research.

Rebecca Deming, Community Development Director, presented the staff report.

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)

**15. Appointment of a Delegate and Alternate Delegate for the 2019 Southern California Association of Governments (SCAG) General Assembly**

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Appoint a Delegate and Alternate Delegate for the 2019 SCAG General Assembly to be held on May 1-3, 2019 in Palm Desert, California.

Action: Zavala moved to appoint Council Member Betts as the Delegate, and Mayor Pro Tem Pye as the Alternate Delegate, motion seconded by Matas, motion carried 5/0 by the following vote:

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

**CONSENT CALENDAR:**

**16. City Council Regular Meeting Minutes: March 5, 2019**

*City Clerk, Jerryl Soriano, CMC*

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



17. [County Service Area 152 \(CSA 152\) Budget and Proposed Assessment For Fiscal Year 2019-20](#)

*Public Works Director, Daniel Porras, P.E.*

**Recommendation:** 1) Review the budget and assessment for County Service Area 152; and  
2) Adopt a Resolution of the City Council making its findings and establishing the rates for County Service Area 152 to fund the City's National Pollutant Discharge Elimination System (NPDES) Permit.

*Resolution No. 2019-011*

18. [Second Reading and Adoption of an Ordinance Amending Chapter 17.180 Allowing and Setting Parameters for Marijuana Non-Storefront Retail as a Use](#)

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Approve Second Reading, read by title only and adopt: "An Ordinance of the City Council of the City of Desert Hot Springs, amending Chapter 17.180 of the Desert Hot Springs Municipal Code allowing and setting parameters for Marijuana Non-Storefront Retail as a use and harmonizing certain definitions and uses with State law.

*Ordinance No. 683*

19. [Payment Register and City Council Expenditures Report for the Month of February 2019](#)

*Finance Director, Linda Kelly*

**Recommendation:** Receive and file.

20. [Treasurer's Report for the Month of February 2019](#)

*Finance Director, Linda Kelly*

**Recommendation:** Receive and file.

**PUBLIC COMMENTS**

There were no comments.

**ADJOURN**

Mayor Matas adjourned the meeting at 7:15 P.M.

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Jeryl Soriano, CMC, City Clerk