



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

SEPTEMBER 5, 2017

3:00 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**

STUDY SESSION - 3:00 P.M.

CALL TO ORDER

ROLL CALL

1. [**Coachella Valley Association of Governments \("CVAG"\) Discussion**](#)
City Council

CLOSED SESSION 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

(Immediately Following the Study Session)

2. [**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**](#)

Pursuant to Government Code Section 54956.8:

Property: Vacant Parcel on Palm Drive (APN: 641-113-004)

Agency Negotiator: Charles L. Maynard, City Manager / Executive Director

Jennifer Mizrahi, City Attorney / General Counsel
Joseph M. Tanner, Administrative Services Director
Negotiating parties: 1) Nick Krespis; 2) Jeffrey Ridge; and 3) Thuy Kao
Under negotiation: Price and Terms

3. **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.

4. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Suresh Shah, as Trustee of the Shah Family Trust dated 7/31/200 v. City of Desert Hot Springs, County of Riverside Superior Case Number PSC1703427**

PRESENTATIONS - 5:30 P.M.

5. **Recognition Presented to Andres Gutierrez-Wilms for his Selfless and Courageous Actions During an Incident that Occurred on May 8, 2017**

Chief of Police, Dale R. Mondary

6. **Recognition of Officer Yesenia Barriola, Inaugural Recipient of the "Vega-Zerebney Award" from Christopher's Clubhouse**

Chief of Police, Dale R. Mondary

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:

7. [Annexation No. 15 to the City of Desert Hot Springs Community Facilities District No. 2010-1 \(Services\) for APN 665-030-058 Located South of 14th Avenue, East of Little Morongo Road and West of Palm Drive \(Bunch Palms Trail LLC\)](#)

Administrative Services Director, Joseph M. Tanner, Jr.

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 question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2010-1 (Services) (Annexation No. 15)
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. 15)

8. [Appeal of the Planning Commission's decision to DENY Conditional Use Permit No. 20-17 and Variance No. 01-17 - A Request for Development of a Single-Story Bed and Breakfast Establishment and a Reduction in the Required Side Yard Setbacks on a Vacant 7,743 Square Foot Lot in the V-S-C \(Visitor Serving Commercial\) District \(APN 642-143-005\) \(Applicant: Elyon Development\)](#)

Community Development Director, Daniel Porras, P.E.

- Recommendation:**
- 1) Staff Report;
 - 2) Entertain Questions of Staff from the City Council;
 - 3) Open the Public Hearing;
 - 4) Take Testimony from Applicant;
 - 5) Take Public Testimony;
 - 6) Opportunity for Applicant Rebuttal;
 - 7) Close the Public Hearing;
 - 8) City Council discussion and questions to Staff; and
 - 9) That the City Council either:

Conditional Use Permit:

A) Overturn the decision of the Planning Commission thereby APPROVING Conditional Use Permit No. 20-17, for the development of a Bed and Breakfast facility at 12900 Inaja Street; OR

B) Uphold the decision of the Planning Commission thereby DENYING Conditional Use Permit No. 20-17, for the development of a Bed and Breakfast facility at 12900 Inaja Street

Variance:

A) Overturn the decision of the Planning Commission, thereby APPROVING the request for a Variance for the proposed Bed and Breakfast at 12900 Inaja Street; OR

B) Uphold the decision of the Planning Commission, thereby DENYING the request for a Variance for the proposed Bed and Breakfast at 12900 Inaja Street.

9. [Conditional Use Permit No. 28-16 and Development Agreement 19-16 for the Development of an Indoor Marijuana Cultivation Facility with a Total Floor Area of 16,288 Square Feet on a 1.26 Gross Acre Site Located on the North Side of Palomar Lane, Approximately 400 Feet East of Little Morongo Road in the Light Industrial \(I-L\) Zone \(Applicant: Palomar DHS LLC / Lior Stolin\)](#)

Community Development Director, Daniel Porras, P.E.

- 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;
 - 6) Opportunity for Applicant Rebuttal
 - 7) Close the Public Hearing;
 - 8) City Council discussion and questions to Staff; and
 - 9) Approve Conditional Use Permit No. 28-16 and Development Agreement 19-16 for the development of an

indoor marijuana cultivation facility for a total area of 16,288 square feet on 1.26 gross acres located on the north side of Palomar Lane, approximately 400 feet east of Little Morongo Road in the Light Industrial (I-L) Zone (APN: 665-040-015).

10. [Conditional Use Permit No. 01-17 and Development Agreement 15-17 for the Development of an Indoor Marijuana Cultivation Facility with a Total Floor Area of 20,664 Square Feet on a 1.26 Gross Acre Site Located on the North Side of 15th Avenue, Approximately 1,400 feet East of Little Morongo Road in the Light Industrial \(I-L\) Zone \(Applicant: D-9 Farms / Timothy Santos\)](#)

Community Development Director, Daniel Porras, P.E.

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;
6) Opportunity for Applicant Rebuttal
7) Close the Public Hearing;
8) City Council discussion and questions to Staff; and
9) Continue the Public Hearing to September 19, 2017 so the Applicant can complete their revisions to the Development Agreement.

11. [Conditional Use Permit No. 05-17 and Development Agreement No. 03-17 for the Development of a Two-Story Cultivation Building Totaling Approximately 35,320 Square Feet on a 1.26 Acre Site Located on San Gorgonio Lane Between Little Morongo Road and Cabot Road in the I-L \(Light Industrial\) Zone \(Applicant: MIRO, LLC\)](#)

Community Development Director, Daniel Porras, P.E.

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;
6) Opportunity for Applicant Rebuttal;
7) Close the Public Hearing;
8) City Council discussion and questions to Staff; and
9) Approve: (A) a Mitigated Negative Declaration for the Desert Springs Cultivation project; (B) Conditional Use Permit 05-17; and (C) Development Agreement 03-17 for the development of a 35,320 square foot cultivation facility on a vacant 1.26 acre site located within the I-L (light industrial) zoning district. (APN 665-040-010).

12. [Conditional Use Permit No. 09-17 and Development Agreement 07-17 for Development of an 8,389 Square Foot Two-Story Building for Medical Marijuana Cultivation and Associated Parking and Other Improvements on a Vacant Parcel Totaling 0.37 Gross Acres Located on the North Side of Palomar Lane, Approximately 1,200 Feet East of Little Morongo Road and Within the General Plan Light Industrial \(I-L\) Zone \(Applicant: Yang Guang\)](#)

Community Development Director, Daniel Porras, P.E.

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;
6) Opportunity for Applicant Rebuttal
7) Close the Public Hearing;
8) City Council discussion and questions to Staff; and
9) Approve Conditional Use Permit No. 09-17 and Development Agreement 07-17 for the development of an 8,389 square foot two-story building for medical marijuana cultivation as well as associated parking and other improvements on a vacant parcel totaling 0.37 gross acres located on the north side of Palomar Lane, approximately 1200 feet east of Little Morongo Road and within the General Plan Light Industrial (I-L) Zone. (APN 665-040-022)

13. [Conditional Use Permit No. 11-17 and Development Agreement 09-17 for the Development of a 35,435 Square Foot Two-Story Building for Medical Marijuana Cultivation and Associated Parking and Other Improvements on a Vacant Parcel Totaling 1.26 Gross Acres Located on the North Side of San Gorgonio Lane, Approximately 500 Feet East of Little Morongo Road and Within the General Plan Light Industrial \(I-L\) Zone \(Applicant: NR Trading / Feliks Akopyan\)](#)

Community Development Director, Daniel Porras, P.E.

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;
6) Opportunity for Applicant Rebuttal
7) Close the Public Hearing;
8) City Council discussion and questions to Staff; and
9) Approve Conditional Use Permit No. 11-17 and Development Agreements 09-17; for the development of a 35,435 square foot two-story building for medical marijuana cultivation as well as associated parking and other improvements on a vacant parcel totaling 1.26 gross acres located on the north side of San Gorgonio Lane, approximately 500 feet east of Little Morongo Road and within the General Plan Light Industrial (I-L) Zone (APN: 665-040-022).

14. [URGENCY Ordinance Amending Chapter 17.180 \(Medical Marijuana Facilities Operation and Location\) to Eliminate the Requirement for Developers to Enter into Development Agreements in Certain Circumstances](#)

Community Development Director, Daniel Porras, P.E.

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 to Staff; and
7) Adopt an Urgency Ordinance of the City Council, amending Chapter 17.180 (Medical Marijuana Facilities Operation and Location) to eliminate the requirement for developers to enter into Development Agreements in certain circumstances (requires a 4/5 vote of the entire City Council to pass).

15. [An Ordinance of the City Council of the City of Desert Hot Springs, Amending Chapter 17.180 \(Medical Marijuana Facilities Operation and Location\) to Eliminate the Requirement for Developers to Enter into Development Agreements in Certain Circumstances.](#)

Community Development Director, Daniel Porras, P.E.

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 to Staff; and
7) A recommendation from the Planning Commission to the City Council to introduce and approve for First Reading: An Ordinance of the City Council of the City of Desert Hot Springs, amending Chapter 17.180 (Medical Marijuana Facilities Operation and Location) to eliminate the requirement for developers to enter into development agreements in certain circumstances.

ADMINISTRATIVE CALENDAR:

16. [\(Continued from July 5, 2017\) Appointment to the Planning Commission to Fill Vacancy for Unexpired Term](#)

City Clerk, Jerryl Soriano, CMC

Recommendation: Ratify Council Member Anayeli Zavala's appointment to the Planning Commission to fill one (1) vacancy consisting of an unexpired term ending January 2018.

17. [Limited Obligation Improvement Bonds, City of Desert Hot Springs, Assessment District No. 92-1 \(Arroyo Vista\) Surplus Funds After Maturity](#)
Administrative Services Director, Joseph M. Tanner, Jr.
Recommendation: Adopt a Resolution of the City Council authorizing refunding the remaining surplus funds for Assessment District No. 92-1 (Arroyo Vista) Limited Obligation Improvement Bonds to properties within Tract Map 23866 that have paid the assessments securing the Bonds, based on the original assessment amount.

18. [Limited Obligation Improvement Bonds, City of Desert Hot Springs, Assessment District No. 93-2 \(Arroyo Vista\) Surplus Funds After Maturity](#)
Administrative Services Director, Joseph M. Tanner, Jr.
Recommendation: Adopt a Resolution of the City Council authorizing refunding the remaining surplus funds for Assessment District No. 93-2 (Arroyo Vista) Limited Obligation Improvement Bonds to properties within Tract Map 23866 that have paid the assessments securing the bonds, based on the original assessment amount.

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.

19. [Resolution of Intention to Annex One Parcel \(Annexation No. 23\) Located at the Northeast Corner of 14th Ave and Little Morongo Rd. \(APN 663-280-025\) to the City of Desert Hot Springs Community Facilities District No. 2010-1 \(Services\)](#)
Administrative Services Director, Joseph M. Tanner, Jr.
Recommendation: Adopt a Resolution of the City Council of the City of Desert Hot Springs declaring its intention to annex territory to Community Facilities District No. 2010-1(Services) of the City of Desert Hot Springs, adopting a map of the area proposed to be annexed (Annexation No. 23), and to authorize the levy of special taxes therein.

20. [Resolution of Intention to Create a Special Tax Area Zone for Property, APN 660-160-010 Located Northeast of Interstate 10 and West of Palm Drive, to the Desert Hot Springs Special Public Safety Tax Area](#)
Administrative Services Director, Joseph M. Tanner, Jr.
Recommendation: Adopt a Resolution of Intention which establishes the time and place of the Public Hearing to establish Zone 23 within the Special Public Safety Tax Area for Police and Fire Protection Services, and authorizing an election.

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

September 12	Planning Commission	6:00 p.m.
September 13	RDA Oversight Board Meeting	8.00 a.m.
September 13	CCAC	6:00 p.m.
September 14	Public Safety Commission	6:00 p.m.
September 19	City Council Regular Meeting	6:00 p.m.
September 26	Economic Development Committee	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.