



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 6, 2017

3:00 – 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

STUDY SESSION:

1. **[Coachella Valley Association of Governments \(CVAG\) Community Choice Aggregation](#)**
CVAG Executive Director, Tom Kirk
2. **[Homelessness Discussion](#)**

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)

CLOSED SESSION

3. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8:

Property: 1) 66455 First Street (APN: 639-252-017)
 2) 66445 First Street (APN: 639-252-044)
 3) Vacant Parcel on First Street (APN: 639-252-043)

Agency Negotiator: Charles L. Maynard, City Manager
 Jennifer Mizrahi, City Attorney
 Joseph M. Tanner, Administrative Services Director

Negotiating parties: 1) Schultz
 2) O'Campo-Vences
 3) Desert Hot Springs Successor Agency

Under negotiation: Price and Terms

4. **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 to a certain developer who has threatened litigation against the City, although no formal claim has been filed.

5. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION** (Paragraph (1) of subdivision (d) of Section 54956.9) **Name of case: Gough v. City of Desert Hot Springs, County of Riverside Superior Case Number (Small Claims) – INS1700928**

6. **CONFERENCE WITH LEGAL COUNSEL—POTENTIAL INITIATION OF LITIGATION** (Paragraph (4) of subdivision (d) of Section 54956.9)

7. **CONFERENCE WITH LEGAL COUNSEL—POTENTIAL INITIATION OF LITIGATION** (Paragraph (4) of subdivision (d) of Section 54956.9)

PRESENTATIONS - 5:30 P.M.

8. **Certificate of Recognition Presented to Ashley Eckert from Desert Hot Springs High School, Recipient of a Scholarship from the Edison International Scholar Program**

Mayor, Scott Matas

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9. **YMCA/Rose Foundation Poster Presentation from Desert Hot Springs Elementary and YMCA Students**

Mayor, Scott Matas

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RECESS

REGULAR SESSION – 6:00 P.M.

CALL TO ORDER

ROLL CALL

INVOCATION [NAME]

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:

10. Annexation No. 18, Zone 19 to the City of Desert Hot Springs Landscape and Lighting Maintenance District No. 2 and Levying Assessments (Rancho Del Oro)

Acting Community Development Director, Daniel Porras, P.E. Packet Page 11

- 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) City Clerk tabulates the assessment ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment and declares the results;
 - 8) If no majority protest, then adopt the attached Resolution:
 - 1) Declaring that No Majority Protest Exists for the Annexation of the Subject Parcels into the Assessment District; and 2) Ordering the Annexation of property (Annexation No. 18, Zone 19) to the City of Desert Hot Springs Landscape and Lighting Maintenance District No. 2 and Levying Assessments; or
 - 9) If a majority protest exists, it is recommended that the City Council not adopt the attached Resolution.

11. Conditional Use Permit (CUP 02-17) and Development Agreement (DA 08-17) for the Development of an Indoor Marijuana Cultivation Facility with a Total Floor Area of 621,920 Square Feet on a 28.18 Acre Project Site (APN 666-370-012 through 015) Located Northeast of the I-10 Freeway and Indian Avenue in the Light Industrial (I-L) Zone Applicant: BlackStar Financial, Inc. / Ray Dorame

Acting Community Development Director, Daniel Porras, P.E. Packet Page 45

- Recommendation:**
- 1) Staff Report;
 - 2) Questions of Staff from the City Council;
 - 3) Open the Public Hearing;
 - 4) Take Testimony from Applicant;
 - 5) Take Public Testimony;
 - 6) Continue the Public Hearing to a date certain of June 20, 2017.

12. Resolution Ordering Annual Assessments for Desert Valley Disposal Solid Waste Refuse Services of Residential Properties for Fiscal Year 2017-18

Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 47

- 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; and
- 7) Adopt a Resolution of the City Council Ordering Annual Assessment for Desert Valley Disposal Solid Waste Refuse Services of Residential Properties for Fiscal Year 2017-18.

13. [Resolution Placing Desert Valley Disposal Delinquent Disposal Billings on the County Tax Roll for Fiscal Year 2017-18](#)

Administrative Services Director, Joseph M. Tanner, Jr.

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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
 - 5) Close the Public Hearing;
 - 6) City Council discussion and question of Staff; and
 - 7) 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 2017-18 County Tax Roll, after Holding a Public Hearing.

14. [Creating Special Tax Area Zone 20 \(MERJ, LLC\), Located East of Little Morongo Road, South of 14th Ave, and West of Palm Dr. \(APN 665-080-013\), Within the Desert Hot Springs Special Public Safety Tax Area](#)

Administrative Services Director, Joseph M. Tanner, Jr.

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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;
 - 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 20 (MERJ, LLC)

15. [Creating Special Tax Area Zone 21 \(La Plaza Center, LLC\), APN 641-101-005 located at 12106 Palm Drive, and APN 641-101-006 Located East of Palm Drive and South of Pierson Boulevard, Within the Desert Hot Springs Special Public Safety Tax Area](#)

Administrative Services Director, Joseph M. Tanner, Jr.

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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;

- 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 21 (La Plaza Center, LLC)

16. **Creating Special Tax Area Zone 22 (Bunch Palms Trail, LLC), Located on the Southwest Corner of Cabot Road and 14th Avenue (APN 665-030-058), within the Desert Hot Springs Special Public Safety Tax Area**

Administrative Services Director, Joseph M. Tanner, Jr.

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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;
 - 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 22 (Bunch Palms Trail, LLC).

ADMINISTRATIVE CALENDAR:

17. **Public Art for the Medmen Cultivation Project (CUP 04-16) Located at the Southeast Corner of Little Morongo Road and Hacienda Avenue**

Applicant: Chris Ganan, Desert Hot Springs Green Horizons, Inc.

Acting Community Development Director, Daniel Porras, P.E. Packet Page 371

- Recommendation:** Consider a recommendation from the Community and Cultural Affairs Commission (CCAC) for approval of the two proposed public art pieces (red origami penguins) at the Medmen/DHS Green Horizons (CUP 04-16) project site located at the southeast corner of Little Morongo Road and Hacienda Avenue, in the Light Industrial (I-L) Zone (APN 663-270-001).

18. **Approval of Mission Springs Water District Initiating Formation of Assessment District No. 15 of the Mission Springs Water District**

Administrative Services Director, Joseph M. Tanner, Jr.

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- Recommendation:** Consider adoption of a Resolution of the City Council that does not object to the Mission Springs Water District initiation of proceedings for the construction of certain work pursuant to the provisions of the Municipal Government Act of 1913 for Assessment District No. 15 and additional Assessment Districts contained therein.

19. [Appointment to the Planning Commission to Fill Vacancy for Unexpired Term](#)
City Clerk, Jerryl Soriano, CMC *Packet Page 399*
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.
20. [Appointment to the Public Safety Commission to Fill Vacancy for Unexpired Term](#)
City Clerk, Jerryl Soriano, CMC *Packet Page 409*
Recommendation: Ratify Council Member Anayeli Zavala's appointment to the Public Safety Commission to fill one (1) vacancy consisting of an unexpired term ending January 2018.
21. [Rezoning of the 207-Acre Study Area Located Northwest of the Interstate 10 and Palm Drive Freeway Interchange](#)
Acting Community Development Director, Daniel Porras, P.E. *Packet Page 433*
Recommendation: 1) Approve proceeding with the City-Wide General Plan Update incorporating the rezoning the 207-acre study area; and
2) Authorize the City Manager to execute a contract with MIG to resume and complete the City-Wide General Plan Update, with approval as to form by the City Attorney.
22. [\(Continued from May 16, 2017\)](#)
Approval of Second Amendment to the Joint Exercise of Powers Agreement of the Eastern Riverside County Interoperable Communications Authority (ERICA)
Chief of Police, Dale R. Mondary *Packet Page 463*
Recommendation: Approve a Second Amendment to the Joint Exercise of Powers Agreement of the Eastern Riverside County Interoperable Communications Authority (ERICA).

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.

23. [City-Wide Landscape Maintenance District No. 1 Intention Proceedings for the Levy and Collection of Assessments](#)
Administrative Services Director, Joseph M. Tanner, Jr. *Packet Page 513*
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 2017-18; 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 2017-18.

24. [Landscape and Lighting Maintenance District No. 2 Intention Proceedings for the Levy and Collection of Assessments](#)

Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 643

- 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 2017-18; 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 2017-18

25. [Drainage Assessment District No. 1 Intention Proceedings for the Levy and Collection of Assessments](#)

Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 735

- 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 Fiscal Year 2017-18; 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 2017-18.

26. [Resolution of Intention to Annex One Parcel \(Annexation No. 15\) Located South of 14th Avenue, East of Little Morongo Road, and West of Palm Drive \(APN No. 665-030-058\) to the City of Desert Hot Springs Community Facilities District No. 2010-1 \(Services\)](#)

Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 817

- Recommendation:** Adopt a Resolution of Intention to annex one parcel to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services)

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.*

June 8	Public Safety Commission	6:00 p.m.
June 13	Planning Commission	6:00 p.m.
June 14	RDA Oversight Board Meeting	8.00 a.m.
June 14	CCAC	6:00 p.m.
June 20	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.