



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**

REVISED AGENDA

MARCH 21, 2017

5:30 P.M. – CLOSED SESSION

6:00 P.M. – REGULAR SESSION

**CITY COUNCIL CHAMBERS
Carl May Community Center
11711 West Drive, Desert Hot Springs, California**

CLOSED SESSION - 5:30 P.M.

CALL TO ORDER

ROLL CALL

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

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: South West Corner of Palm Drive and Pierson Boulevard
(APNs: 641-041-049, 050, 051, 020, 023, and 047)

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

Negotiating parties: Umberto Bagnara; Howard Lee; Suresh Shaw; and
Eric Pontius (641-041-023 only)

Under negotiation: Price and Terms

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2. **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.

3. **CONFERENCE WITH LEGAL COUNSEL—PENDING LITIGATION**

(Paragraph (4) of subdivision (d) of Section 54956.9).

The City has received a claim pursuant to the Government Claims Act.

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:

4. [Conditional Use Permit No. 29-16 and Development Agreement DA 18-16, for the Development of Two \(2\) Warehouse Style Cultivation Buildings Approximately 49 Feet 6 Inches in Height and Totaling \(Combined\) Approximately 69,000 Square Feet on a 2.3 Acre Site Located on the Southeast Corner of Little Morongo Road and San Gorgonio Lane in the I-L \(Light Industrial\) Zone](#)

Applicant: Stark Venture, LLC and Pulse Investment Group, LLC (Contact: Michael Torosian)

Acting Community Development Director, Daniel Porras, P.E. Packet Page 15

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 Stark Venture and Pulse Investment Group Cultivation Project; B) Conditional Use Permit No. 29-16; and C) Ordinance approving Development Agreement No. 18-16; for the construction of two (2) two-story cultivation buildings to be constructed on the southeast corner of Little Morongo Road and San Gorgonio Lane in the I-L (Light Industrial) District. (APN 665-040-001)

5. [\(Continued from February 21, 2017\)](#)

Appeal of the Planning Commission's Decision to Deny the Extension of Tentative Tract Map Nos. 35009 and 35448 (Appeal of Planning Case Number AP-1-16)

Acting Community Development Director, Daniel Porras, P.E. Packet Page 213

Recommendation:

- 1) Conduct City Council discussion and questions to staff;
- 2) City Council action to either:
 - A. Uphold the Planning Commission's decision to deny First Extension of Time - Tentative Tract Maps 35009 & 35448: Located West of State Route 62 within the Rancho Royale Specific Plan encompassing most of Section 20, Range 4 East, Township 2 South; San Bernardino Baseline and Meridian; and Adopt the

Resolution upholding the decision and denying the project with the appropriate findings contained therein in the attached Resolution (Exhibit 1), which such findings can be amended as the City Council deems fit;
OR

B. Overturn the Planning Commission's decision to deny the project and adopt appropriate findings as made by the City Council.

ADMINISTRATIVE CALENDAR:

6. **[Appointments to the Health and Wellness Foundation, Board of Directors](#)**

Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 785

Recommendation: 1) Appoint City Manager Charles Maynard to the Desert Hot Springs Health and Wellness Foundation Board of Directors; and
2) Appoint a second Board of Director to the Desert Hot Springs Health and Wellness Foundation board filling the final open position to be appointed by the City Council.

7. **[\(Successor Agency\)](#)**

Resolution Approving Purchase and Sale Agreement and Joint Escrow Instructions with Calvin Chun for Real Property Located at the Southwest Corner of 6th Street and Palm Drive

Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 797

Recommendation: Adopt a Resolution of the Successor Agency approving a Purchase and Sale Agreement and Joint Escrow Instructions between the Successor Agency to the former Desert Hot Springs Redevelopment Agency and Calvin Chun with respect to the Real Property located at the southwest corner of 6th Street and Palm Drive, Desert Hot Springs, California (APNs: 639-211-011, -012, -013, -014, -015) and approving certain related actions.

8. **[\(Successor Agency\)](#)**

Resolution Approving Purchase and Sale Agreement and Joint Escrow Instructions with Jay H. Lee for Real Property Located Between 4th Street and 5th Street along Palm Drive

Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 863

Recommendation: Adopt a Resolution of the Successor Agency approving a Purchase and Sale Agreement and Joint Escrow Instructions between the Successor Agency to the former Desert Hot Springs Redevelopment Agency and Jay H. Lee with respect to the Real Property located between 4th Street and 5th Street along Palm Drive, Desert Hot Springs, California (APNs 639-212-019, -020, -021, -022, and -023) and approving certain related actions.

9. [\(Successor Agency\)](#)
Resolution Approving Purchase and Sale Agreement and Joint Escrow Instructions with Scott Parker for Real Property Located at 66550 and 66620 Pierson Boulevard
Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 931
Recommendation: Adopt a Resolution of the Successor Agency to the Redevelopment Agency of the City of Desert Hot Springs approving Purchase and Sale Agreement and Joint Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of Desert Hot Springs and Scott Parker with respect to the real property located at 66550 and 66620 Pierson Boulevard, Desert Hot Springs, California (APNs 639-293-023, -024, -025, -026, -027, -028) and approving certain related actions.
10. [Funding Request from Coachella Valley Association of Governments \(CVAG\) to Support Regional Homelessness Efforts](#)
Council Member, Russell Betts; and Packet Page 995
Council Member, Joe McKee
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.

11. [City Council Regular Meeting Minutes: February 7, 2017](#)
City Clerk, Jerryl Soriano, CMC Packet Page 1001
Recommendation: Approve Minutes as submitted; or as corrected.
12. [Approve Second Reading and Adopt an Ordinance of the City Council Approving Development Agreement No. 17-16 with Yucca Mesa Holdings, LLC \(Contacts: Terra Nova Planning\)](#)
Acting Community Development Director, Daniel Porras, P.E. Packet Page 1015
Recommendation: Approve Second Reading, read by title only and adopt "An Ordinance of the City Council approving Development Agreement No.17-16 with Yucca Mesa Holdings" establishing a medical marijuana building complex on a 2.52 acre lot located on the northwest corner of Palomar Lane and Cabot Road in the Light Industrial (I-L) zoning district.

13. [Resolution of Intention to Annex One \(1\) Parcel \(DHS Property Investments\) to the City of Desert Hot Springs Community Facilities District No. 2010-1 \(Services\) \(Annexation No. 9\)](#)
Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 1095
Recommendation: Adopt a Resolution of Intention to annex one parcel to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services)
14. [Resolution of Intention to Annex One \(1\) Parcel \(CV Wellness\) to the City of Desert Hot Springs Community Facilities District No. 2010-1 \(Services\) \(Annexation No. 10\)](#)
Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 1135
Recommendation: Adopt a Resolution of Intention to annex one parcel to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services)
15. [Resolution of Intention to Create a Special Tax Area Zone for Property, \(DHS Property Investments\) to the Desert Hot Springs Special Public Safety Tax Area](#)
Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 1173
Recommendation: Adopt a Resolution of Intention, which establishes the time and place of the Public Hearing to establish Zone 19 within the Special Public Safety Tax Area for Police and Fire Protection Services, and authorizing an election
16. [Second Reading and Adoption of an Ordinance Amending the Desert Hot Springs Municipal Code Regarding Fences, Walls and Hedges](#)
City Clerk, Jerryl Soriano, CMC Packet Page 1191
Recommendation: Approve Second Reading, read by title only and adopt: "An Ordinance of the City Council of the City of Desert Hot Springs amending Desert Hot Springs Municipal Code Section 17.40.110 "Fences, Walls and Hedges."
17. [Second Reading and Adoption of an Ordinance Increasing the Salary for Planning Commissioners and Adding a Salary for City Commissioners and Committee Members](#)
City Clerk, Jerryl Soriano, CMC Packet Page 1203
Recommendation: Approve Second Reading, read by title only and adopt: "An Ordinance of the City Council of the City of Desert Hot Springs: 1) Amending Section 2.32.050 of Chapter 2.32 of the Desert Hot Springs Municipal Code increasing the salary of City Planning Commissioners; 2) Adding Section 2.36.050 to Chapter 2.36, Section 2.40.050 to Chapter 2.40, and Section 2.44.060 to Chapter 2.44 of the City's Municipal Code adding a salary for City Commissioners and Committee Members.

18. [Payment Register and City Council Expenditures Report for the Month of January 2017](#)
Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 1213
Recommendation: Receive and File.

19. [Contracts Management Report as of March 21, 2017](#)
Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 1229
Recommendation: Receive and File.

20. [Treasurer's Report as of January 31, 2017](#)
Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 1233
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](http://www.cityofdhs.org) at www.cityofdhs.org for meeting locations and the most up to date information.*

March 23	RDA Oversight Board Special Meeting	8:00a.m.
March 28	Economic Development Committee	6:00 p.m.
April 4	City Council Regular Meeting	6:00 p.m.
April 11	Planning Commission	6:00 p.m.
April 12	RDA Oversight Board Meeting	8.00 a.m.
April 12	CCAC	6:00 p.m.
April 13	Public Safety Commission	6:00 p.m.
April 18	City Council Regular Meeting	6:00 p.m.
April 25	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.