



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

NOVEMBER 19, 2019

5:00 P.M. – CLOSED 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**

CLOSED SESSION - 5:00 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—EXISTING LITIGATION](#)**

[\(Gov. Code section 54956.9\(d\)\(1\).\)](#)

Name of Case: Garcia, et al. v. City of Desert Hot Springs, et al., Case Number PSC1807458

2. **[CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION](#)**

[\(Gov. Code section 54956.9\(d\)\(1\).\)](#)

Name of Case: Coachillin' Holdings, LLC. V. City of Desert Hot Springs, et al;
Superior Court, County of Riverside, Case Number PSC 1907920

PRESENTATIONS - 5:30 P.M.

3. **Fire Truck Presentation**

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. Zoning Map Amendment (ZMA) 01-19, and General Plan Amendment (GPA) 01-19: Applications to Change the Zoning and General Plan Land Use Designations from R/VS-L (Residential Visitor Serving Low Density) and R-L (Low Density Residential) to V-S-V (Visitor Serving Village) on a 108 Acre Site Located on Both Sides of Yerxa Road North of San Gorgonio Street

Community Development Director, Rebecca Deming

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Recommendation:

- 1) Staff Report;
- 2) Entertain questions of Staff from City Council;
- 3) Open the Public Hearing;
- 4) Take testimony from the Applicant;
- 5) Take testimony from those in favor;
- 6) Take testimony from those opposed;
- 7) Take testimony from those in a neutral position;
- 8) Opportunity for Applicant rebuttal;
- 9) Close the Public Hearing;
- 10) City Council discussion and questions to Staff; and
- 11) A) Find that the Project is exempt from CEQA Under Section 15061(B)(3) of the California Code of Regulations, Title 14, Sections 15000 Et Seq. (The "Guidelines");
B) Approval of the project subject to the proposed Conditions of Approval;
C) Adopt a "Resolution of the City Council of the City of Desert Hot Springs, California, 1) Finding That the Project Described Herein Is Exempt from CEQA Under Section 15061(B)(3) of the California Code of Regulations, Title 14, Sections 15000 Et Seq. (The "Guidelines"), and 2) Approving General Plan Amendment No. 01-19 and Zoning Map Amendment No. 01-19 Amending the General Plan Land Use Designation from R/Vs-L (Residential Visitor Serving Low Density) & R-L (Low Density Residential) to V-S-V (Visitor Serving Village)"; and
D) Introduce for First Reading and read by title only "An Ordinance of the City Council of the City of Desert Hot Springs, California, 1) Finding That the Project Described Herein Is Exempt from CEQA Under Section 15061(B)(3) of the California Code of Regulations, Title 14, Sections 15000 Et Seq. (The "Guidelines"), 2) and Amending the City's Zoning Map 01-19 to Reflect a Change in Zoning Map from R/Vs-L (Residential Visitor Serving Low Density) & R-L (Low Density Residential) to V-S-V (Visitor Serving Village) for the 108 Acre Site Located at the Bubbling Wells Ranch Site on Both Sides of Yerxa Road North of San Gorgonio Street (APN's: 656-140-002, 005, 007, 011, 016, 014, 018 & 656-255-003, 005, 007 and 656-150-011)"

5. [An Ordinance Amending Table 17.08.02 of the Desert Hot Springs Municipal Code Titled "Residential Development Standards"](#)

Community Development Director, Rebecca Deming

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Recommendation:

- 1) Staff Report;
- 2) Entertain questions of Staff from City Council;
- 3) Open the Public Hearing;
- 4) Take testimony from those in favor;
- 5) Take testimony from those opposed;
- 6) Take testimony from those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council discussion and questions to Staff; and
- 9) Introduce for first reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs amending Table 17.08.02 of the Desert Hot Springs Municipal Code Titled "Residential Development Standards" related to setbacks for substandard lots within the R-M (Residential Medium Density), R-MH (Residential Mobile Home), R-H (Residential High Density) and R-VS (Residential Visitor Serving) Zones, and clarifying the notes thereof."

6. [An Ordinance Amending Desert Hot Springs Municipal Code Chapter 12.04 Regarding Camping Restrictions](#)

Code Compliance Manager, Christina Archuleta

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Recommendation:

- 1) Staff Report;
- 2) Entertain questions of Staff from City Council;
- 3) Open the Public Hearing;
- 4) Take testimony from those in favor;
- 5) Take testimony from those opposed;
- 6) Take testimony from those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council discussion and questions to Staff; and
- 9) Introduce and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Chapter 12.04 of the Desert Hot Springs Municipal Code regarding camping restrictions."

7. [An Ordinance Amending Title 6 of the Desert Hot Springs Municipal Code to Prohibit Roosters Within City Limits](#)

Chief of Police, Jim Henson

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Recommendation:

- 1) Staff Report;
- 2) Entertain questions of Staff from City Council;
- 3) Open the Public Hearing;
- 4) Take testimony from those in favor;
- 5) Take testimony from those opposed;
- 6) Take testimony from those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council discussion and questions to Staff; and
- 9) Introduce for First Reading and read by title only, "An

Ordinance of the City Council of the City of Desert Hot Springs, amending Sections 6.04.020, and deleting Chapter 6.05 "Crowing Roosters" of County Code Title 6 "Animals Generally," which is incorporated by reference into the Desert Hot Springs Municipal Code pertaining the banning of roosters within the City.

ADMINISTRATIVE CALENDAR:

8. **[Award Construction Contract for the Palm Drive Street Lighting and Safety Improvement Project \(City Project No. 2017-14\)](#)**

Public Works Director, Daniel Porras

Packet Page 151

Recommendation: 1) Reject the apparent lowest bid from Onyx Paving Inc. as non-responsive;
2) Award the Construction Agreement to the lowest responsible bidder, All American Asphalt; and
3) Authorize the City Manager to execute the agreement by and between All American Asphalt and the City of Desert Hot Springs for the construction of the Palm Drive Street Lighting and Safety Improvement Project City Project No. 2017-14 in the amount of \$2,099,222, and approve a contingency amount of \$209,922.20 (10%), as-needed Inspection Services of \$60,000, as-needed Material/Equipment Testing of \$15,000, and SCE Street Light Fee of \$100,000 which brings the total construction budget to \$2,484,144.20.

9. **[Resolution of Initiation and Resolution of Intention to Annex 259 Assessable Parcels Commonly Known as Rancho Del Oro to the City of Desert Hot Springs Landscape and Lighting Maintenance District No. 2](#)**

Public Works Director, Daniel Porras

Packet Page 213

Recommendation: 1) Adopt a Resolution Initiating Proceedings to Annex Property to Landscape and Lighting Maintenance District No. 2 (Annexation No. 18, Zone 19) for Fiscal Year 2020-21, including ordering the Engineer's Report.
2) Adopt a Resolution of Intention to Annex property to Landscape and Lighting Maintenance District No. 2 (Annexation No. 18, Zone 19) and to levy assessments on such property for Fiscal Year 2020-21, approve the Engineer's Report and set the date, time and place of a public hearing on the proposed annexation and assessments.

10. **[Purchase of Public Works Heavy Equipment](#)**

Public Works Director, Daniel Porras

Packet Page 251

Recommendation: 1) Authorize the purchase of new public works heavy equipment, replacing noncompliant diesel heavy equipment in an amount not to exceed \$ 482,334.07; and

- 2) Appropriate \$482,334.07 in spending authority from the General Fund Balance Reserve for Future Operational and Capital Uses for the one-time purchase of new heavy equipment.

11. [Resolution Authorizing Application for California Senate Bill 2 \(SB 2\) Planning Grants Program Fund](#)

Community Development Director, Rebecca Deming

Packet Page 289

Recommendation: Adopt a Resolution of the City Council of the City of Desert Hot Springs authorizing application for, and receipt of, SB 2 Planning Grant Program Funds.

12. [Recommendation from the "Policy, Rules, and Regulations City Council Sub-Committee" Regarding Adoption of the "City Council and Commission Guidelines and Procedures" \("Guidelines"\) and Two Ordinances Pertaining to the City Council](#)

*Council Member, Gary Gardner; and
Mayor Pro Tem, Jan Pye*

Packet Page 293

Recommendation:

- 1) Adopt a Resolution of the City Council adopting the Meeting Guidelines and Procedures Policy;
- 2) Introduce for First Reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California amending Section 2.20.125 "Disclosure of Campaign Contributions" of the Desert Hot Springs Municipal Code to provide that all persons accepting and/or providing campaign contributions must comply with all applicable state law and fair political practices commission's regulations; AND
- 3) Introduce for First Reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California amending Section 2.04.040 of the Desert Hot Springs Municipal Code pertaining to vacancies and the appointment of a temporary city councilmember.

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.

13. [City Council Regular Meeting Minutes: November 5, 2019](#)

City Clerk, Jerryl Soriano, CMC

Packet Page 325

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

14. [Second Reading and Adoption of An Ordinance Amending Chapter 17.108 \(Home Occupancy Permits\) of Title 17 \(Zoning\) of the Desert Hot Springs Municipal Code to Adopt Regulations for Microenterprise Home Kitchen Operations](#)
City Clerk, Jerryl Soriano *Packet Page 335*
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 17.108 (Home Occupancy Permits) of Title 17 (Zoning) of the Desert Hot Springs Municipal Code to adopt regulations for Microenterprise Home Kitchen Operations.
15. [Second Reading and Adoption of Ordinances Amending Various Chapters of Desert Hot Springs Municipal Code Title 15 "Buildings and Construction" to Adopt the 2019 Editions of Various State and Uniform Codes"](#)
City Clerk, Jerryl Soriano, CMC *Packet Page 347*
Recommendation: Approve Second Reading, read by title only and adopt the following Ordinances:
A) "An Ordinance of the City Council of the City of Desert Hot Springs amending Title 15 "Buildings and Construction" of the Desert Hot Springs Municipal Code to repeal Chapter 15.24 and to add Chapter 15.22 "California Fire Code" to adopt the 2019 edition of the California Fire Code with selected appendices and amendments;" AND
B) "An Ordinance of the City Council of the City of Desert Hot Springs, California amending Chapter 4.08 "Enforcement Authority" and adding, repealing, amending, and renumbering various Chapters of Title 15 "Buildings and Construction" of the Desert Hot Springs Municipal Code in order to adopt by reference the 2019 editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Building Code, California Existing Building Code, California Green Building Standards Code, California Referenced Standards Code, International Property Maintenance Code, and to adopt local revisions to those Codes."
16. [Payment Register and City Council Expenditures Report for the Month of September 2019](#)
Finance Director, Geoffrey Buchheim *Packet Page 403*
Recommendation: Receive and file.
17. [Treasurer's Report for the Month of September 2019](#)
Finance Director, Geoffrey Buchheim *Packet Page 471*
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.*

December 3	City Council Regular Meeting	6:00 p.m.
December 10	Planning Commission	6:00 p.m.
December 11	CCAC	6:00 p.m.
December 12	Public Safety Commission	6:00 p.m.
December 17	City Council Regular Meeting	DARK

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.