



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

FEBRUARY 5, 2019

4:00 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 - 4:00 P.M.

CALL TO ORDER

ROLL CALL

STUDY SESSION:

1. [\(Continued from January 15, 2019\) General Plan Preferred Alternative Land Use Map](#)

Community Development Director, Rebecca Deming

Packet Page ---

Recommendation: Direct Staff on a preferred alternative General Plan Land Use Map for moving forward with the General Plan and Environmental Impact Report (EIR).

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:

2. **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
3. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9) In the Matter of the
Administration of the D.H.S. Drugs, Inc. Profit Sharing Plan, Riverside Superior
Court Case No. PRIN1801126
4. **CONFERENCE WITH LEGAL COUNSEL—POTENTIAL INITIATION OF
LITIGATION** (Paragraph (4) of subdivision (d) of Section 54956.9) (One Potential
Case)

PRESENTATIONS - 5:30 P.M.

5. **One Future Coachella Valley Presentation**
One Future Coachella Valley
6. **Helping Hands, Open Hearts Presentation**
Lucas Stiede, Boy Scouts Troop 262

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. [An Ordinance Amending Title 17 to Amend Various Sections of the Desert Hot Springs Municipal Code Related to Housing, Including Supportive and Transitional Housing, Emergency Shelters, Accessory Dwelling Units, and Other Amendments to Harmonize With State Law](#)

City Attorney, Jennifer A. Mizrahi

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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) The Planning Commission recommends to the City Council to introduce and read by title only, "An Ordinance of the City council of the City of Desert Hot Springs, amending Title 17 to amend various sections of the Desert Hot Springs Municipal Code related to housing, including supportive and transitional housing, emergency shelters, accessory dwelling units, and other amendments to harmonize with state law."

ADMINISTRATIVE CALENDAR:

8. **[Joint Nondisclosure, Indemnity and Litigation Defense Agreement with Adkison Engineers, Inc., Et Al](#)**
City Attorney, Jennifer A. Mizrahi *Packet Page 69*
Recommendation: Approve a Joint Nondisclosure, Indemnity and Litigation Defense Agreement by and between the City of Desert Hot Springs, the City Council of the City of Desert Hot Springs, and Adkison Engineers, Inc., Et al.
9. **[Discussion on Cannabis Storefront and Non-Storefront Retail](#)**
Deputy City Manager, Luke Rainey *Packet Page 85*
Recommendation: Provide Staff direction.
Should the City Council desire to move forward with allowing Non-storefront Retail use as presented, City Staff can be directed to prepare an Ordinance to amend Chapter 17.180 of the Desert Hot Springs Municipal Code (“DHSMC”) to:
1) Replace “dispensaries” with “Storefront Retail,” without changes to permit requirements, including the limit of 16 currently approved applicants.
2) Add “Non-storefront Retail” as a permitted conditional use in the Industrial zone, with sales/delivery only to recipients outside of the City, and uses to include manufacturing, distribution, and cultivation limited to 99 plants.
10. **[Building Department Plan Check Contracts](#)**
Community Development Director, Rebecca Deming *Packet Page 89*
Recommendation: Authorize the City Manager to execute a Professional Services Agreement with Willdan and Interwest for Building and Safety Plan Check services on an as-needed and as-directed basis; with approval as to form by the City Attorney.
11. **[General Plan Update Contract Extension](#)**
Community Development Director, Rebecca Deming *Packet Page 157*
Recommendation: Authorize the City Manager to execute a First Amendment to the Professional Services Agreement by and Between the City of Desert Hot Springs and MIG for the 2018 Comprehensive General Plan Update; with approval as to form by the City Attorney.
12. **[Award of Construction Contract for the Desert View Avenue Sidewalk Project Number 2017-19](#)**
Public Works Director, Daniel Porras, P.E. *Packet Page 217*
Recommendation: Award a Construction Contract Agreement to the lowest responsible qualified bidder, Onyx Paving Company Inc.; authorize the City Manager to execute the Agreement for the Desert View Avenue Sidewalk Project - SB 821 with Onyx Paving Company Inc. in an amount not to exceed \$696,000.00; and approve additional project expenses which

include a 10% contingency of \$69,600, as-needed materials testing of \$10,000, as-needed inspection services of \$45,000, and cluster mailboxes of \$13,000, which brings a total project budget of \$833,600.

13. [Retail Facility Allowance for Select Specific Plans](#)

Deputy City Manager, Luke Rainey

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Recommendation: Adopt a Resolution of the City Council allowing one (1) marijuana storefront retail facility (aka "dispensary") in specific plans greater than fifty (50) acres in size, where such marijuana storefront retail facility is allowed in such specific plan.

14. [First Amendment to the Professional Services Agreement with HdL Companies for Cannabis Facilities Auditing and Compliance Services](#)

Finance Director, Linda Kelly

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Recommendation: Authorize the City Manager to execute a First Amendment to the Professional Services Agreement with HDL Companies in the amount of \$53,500 through June 30, 2021 and to execute all necessary agreements; with approval as to form by the City Attorney.

15. [Ordinance Establishing Speed Limits on Various Streets Based on Engineering and Traffic Survey](#)

Public Works Director, Daniel Porras, P.E.

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Recommendation: Adopt an Ordinance by four-fifths vote of the City Council adopting an Engineering and Traffic Speed Limit Study, establishing maximum speed limits on Streets within the city of Desert Hot Springs, and amending section 10.32.010 of the Desert Hot Springs Municipal Code; waive the reading of the Ordinance its entirety and read by title only.

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.

16. [City Council Regular Meeting Minutes: January 15, 2019](#)

Successor Agency Special Meeting Minutes: January 29, 2018

City Clerk, Jerryl Soriano, CMC

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

17. [Payment Register and City Council Expenditures Report for the Month of December 2018](#)

Finance Director, Linda Kelly

Packet Page 341

Recommendation: Receive and file.

18. [Treasurer's Report for the Month of December 2018](#)

Finance Director, Linda Kelly

Packet Page 391

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

February 12	Planning Commission	6:00 p.m.
February 13	CCAC	6:00 p.m.
February 14	Public Safety Commission	6:00 p.m.
February 19	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.