



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

MAY 2, 2017

4:00 P.M. – STUDY SESSION

CLOSED SESSION

(Immediately Following the Study Session)

5:30 P.M. – PRESENTATIONS

6:00 P.M. – REGULAR SESSION

**MISSION SPRINGS WATER DISTRICT
Board Room
66575 2nd Street, Desert Hot Springs, CA 92240**

STUDY SESSION - 4:00 P.M.

CALL TO ORDER

ROLL CALL

1. **[Crime Free Housing and Absentee Landlords](#)**

City Attorney, Jennifer A. Mizrahi

Packet Page 11

Recommendation: Provide Staff with direction as City Council deems appropriate.

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

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—POTENTIAL INITIATION OF LITIGATION (Paragraph (4) of subdivision (d) of Section 54956.9)**

PRESENTATIONS - 5:30 P.M.

4. **Proclamation for "Elks National Youth Week"**

Mayor, Scott Matas

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:

5. [Conditional Use Permit No. 06-17 and Development Agreement DA 04-17 for the Development of Two \(2\) Attached Two-Story Cultivation Buildings Totaling Approximately 86,700 Square Feet on a 2.53 Acre Site \(APN 665-030-018 and 665-030-019\) Located on San Jacinto Lane between Little Morongo Road and Cabot Road in the I-L \(Light Industrial\) Zone \(Applicant: Cannodescent \(Contact: Tom DiGiovanni\)](#)

Acting Community Development Director, Daniel Porras, P.E. Packet Page 65

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) Approve (1) adoption of Mitigated Negative Declaration for the Cannodescent II Cultivation project; (2) approval of Conditional Use Permit No. 06-17; and (3) Development Agreement No. 04-17 for the construction of two (2) attached two-story cultivation buildings located on San Jacinto Lane between Little Morongo Road and Cabot Road in the I-L (Light Industrial) District. (APNs 665-030-018 and 665-030-019)

6. Conditional Use Permits (CUP Nos. 16-16 and 17-16) and Development Agreements (DA 11-16 and 12-16) for the Development of Two Adjacent 2.31 Acres Lots (APNs 663-280-003, and 004) Each of One Main Building and Two Greenhouse Structures Totaling 51,968 Square Feet on Each Site and Associated Parking and Other Improvements, Located East of Little Morongo Road and North of Two Bunch Palms Trail Within the Light Industrial (I-L) Zoning District (Applicant: Brian Maddox)

Acting Community Development Director, Daniel Porras, P.E. Packet Page 245

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) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) City Council discussion and questions to Staff; and
- 9) Approve: (1) a Mitigated Negative Declaration for the Maddox Cultivation Project; (2) two Conditional Use Permits (CUP's 16-16 and 17-16); and (3) Development Agreements (DA 11-16 and 12-16), for the construction of two adjacent medical marijuana cultivation projects located east of Little Morongo Road and North of Two Bunch Palms Trail in the Light Industrial (I-L) zoning district. (APNs: 663-280-003 and 004)

7. Annexation No. 9 to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) (DHS Property Investments, LLC)

Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 459

Recommendation:

- 1) Staff Report;
- 2) Entertain Questions of Staff from the City Council;
- 3) Open the Public Hearing;
- 4) Take testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions of Staff;
- 7) Adopt a Resolution of the City Council 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. 9);
- 8) Hold the election;
- 9) Canvass the election; and
- 10) Adopt a Resolution of the City Council declaring election results for annexation to Community Facilities District No. 2010-1 (Services) (Annexation No. 9).

8. [Creating Special Tax Area 19 \(DHS Property Investments, LLC\) Within the Desert Hot Springs Special Public Safety Tax Area](#)

Administrative Services Director, Joseph M. Tanner, Jr.

Packet Page 501

- Recommendation:**
- 1) Staff Report;
 - 2) Entertain Questions of Staff from the City Council;
 - 3) Open the Public Hearing;
 - 4) Take 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 19 (DHS Property Investments, LLC).

ADMINISTRATIVE CALENDAR:

9. [Resolution Designating an Official Representative and an Alternate Representative to the Public Agency Coalition Enterprise \(PACE\) JPA Board of Directors and to Change the Employee Benefits Program from CalChoice to the PACE Program](#)

Administrative Services Director, Joseph M. Tanner, Jr.

Packet Page 529

- Recommendation:**
- 1) Adopt a Resolution of the City Council of the City of Desert Hot Springs designating an Official Representative and an Alternate Representative to the PACE JPA Board of Directors; and
 - 2) Authorize the City Manager to execute JPA membership documents and change the City employee medical benefits coverage from CalChoice to PACE, effective July 1, 2017.

10. [Agreement with HdL Companies to Provide Economic Development Services](#)

Administrative Services Director, Joseph M. Tanner, Jr.

Packet Page 571

- Recommendation:** Authorize the City Manager to execute a contract amendment to the existing Professional Services Agreement with EconSolutions by HdL Companies so to provide Economic Development Services in the amount of \$20,000, plus a 15% share for a 3 year period of any sales tax revenue that they recruit to the City.

11. [\(Successor Agency\) Resolution Approving Purchase and Sale Agreement and Joint Escrow Instructions with Howard Lee for Real Property Located at 66459-66463 and 66467- 66483 Pierson Boulevard and 12021-12055 and 12065-12105 Palm Drive \(APN's 641-041-020, -023, -047, -049, -050 -051\)](#)

Administrative Services Director, Joseph M. Tanner, Jr.

Packet Page 579

- 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 Howard Lee with respect to the Real Property located at 66459-66463 and 66467-66483 Pierson Boulevard and 12021-12055 and 12065-12105 Palm Drive, Desert Hot Springs, California (APN's 641-041-020, -023, -047, -049, -050, -051) and approving certain related actions.

12. [Resolution Authorizing Fingerprinting for Federal Criminal Background Checks for the Marijuana Industry](#)
Chief of Police, Dale Mondary *Packet Page 655*
Recommendation: Adopt a Resolution of the City Council authorizing fingerprinting for federal criminal background checks and authorizing the Police Department to access the FBI fingerprint data base for employment purpose of the marijuana industry.

13. [Final Approval of Settlement of Matter of City of Desert Hot Springs v John Van Beek, et al., Riverside Superior Court Case No. PSC1602949](#)
City Attorney, Jennifer A. Mizrahi *Packet Page 687*
Recommendation: Approve the Settlement Agreement, and authorize execution by the City Manager subject to approval as to form by the City Attorney.

14. [Coachella Valley Association of Governments \(CVAG\) Alan Seman Bus Pass Program](#)
City Manager, Charles L. Maynard *Packet Page 707*
Recommendation: Consider a request from CVAG to contribute \$3,000.00 towards the Alan Seman Bus Pass Program for FY 2017-18.

15. [Resolution to Retain Qualified Public Health and Safety Inspector Regarding Marijuana Facilities](#)
Council Member, Russell Betts; and *Packet Page 715*
Council Member, Joe McKee
Recommendation: Adopt a Resolution of the City Council authorizing the City Manager to retain a qualified professional or technician who has the ability, expertise and credentials to assist the City with administering and/or implementing the requirements essential for public health and fire safety regarding proposed approved marijuana facilities in the City.

16. [Consideration of a Revised City Council Meeting Schedule for Summer/Winter 2017](#)
Mayor, Scott Matas *Packet Page 729*
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.

17. **Resolution of Intention to Create a Special Tax Area Zone for Property, (MERJ, LLC), to the Desert Hot Springs Special Public Safety Tax Area (Zone 20)**

Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 731

Recommendation: Adopt a Resolution of Intention which establishes the time and place of the Public Hearing (June 6, 2017) to establish Zone 20 within the Special Public Safety Tax Area for Police and Fire Protection Services, and authorizing an election.

18. **Resolution of Intention to Create a Special Tax Area Zone for Property (La Plaza Center, LLC), to the Desert Hot Springs Special Public Safety Tax Area (Zone 21)**

Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 747

Recommendation: Adopt a Resolution of Intention which establishes the time and place of the Public Hearing (June 6, 2017) to establish Zone 21 within the Special Public Safety Tax Area for Police and Fire Protection Services, and authorizing an election.

19. **Resolution of Intention to Create a Special Tax Area Zone for Property, (Bunch Palms Trail, LLC), to the Desert Hot Springs Special Public Safety Tax Area (Zone 22)**

Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 763

Recommendation: Adopt a Resolution of Intention which establishes the time and place of the Public Hearing (June 6, 2017) to establish Zone 22 within the Special Public Safety Tax Area for Police and Fire Protection Services, and authorizing an election.

20. **Resolution of Intention for Placing Desert Valley Disposal Annual Billings for Services of Residential Properties on the County Tax Rolls, Fiscal Year 2017-18**

Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 779

Recommendation: 1) Adopt a Resolution of the City Council Declaring the Intention to Levy Annual Billing for Desert Valley Disposal Inc., Solid Waste Refuse Services of residential properties on the County Tax Roll for the Fiscal Year 2017-18 and setting a time and place for the Public Hearing (June 6, 2017); and
2) Approving the Attachment F Rate Schedule for the July 1, 2017 Rate Year.

21. [Second Reading and Adoption of an Ordinance Adding Car Wash Establishments as an Allowed Use in Commercial-General Districts](#)

City Clerk, Jerryl Soriano, CMC

Packet Page 1013

Recommendation: Approve Second Reading, read by title only and adopt: "An Ordinance of the City Council 1) Amending Table 17.12.01 "Permitted, Development Permitted, and Conditionally Permitted Uses" as found in Section 17.12.020 "Development Permitted and Conditionally Permitted Uses," and 2) Amending Section 17.04.050 "Definitions" of Title 17 "Zoning" of the Desert Hot Springs Municipal Code to add car wash establishments as an allowed use in Commercial-General Districts.

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.*

May 9	Planning Commission	6:00 p.m.
May 10	RDA Oversight Board Meeting	8.00 a.m.
May 10	CCAC	6:00 p.m.
May 11	Public Safety Commission	6:00 p.m.
May 16	City Council Regular Meeting	6:00 p.m.
May 23	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.