



## **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**

**MARCH 7, 2017**

**3:30 P.M. – STUDY SESSION**

**CLOSED SESSION  
(Immediately Following the Study Session)**

**6:00 P.M. – REGULAR SESSION**

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

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### **STUDY SESSION - 3:30 P.M.**

1. **[Greater Palm Springs Convention and Visitors Bureau](#)**  
*President and Chief Executive Officer, Scott White*

### **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  
(Immediately Following the Study Session)**

### **CLOSED SESSION**

2. **[CONFERENCE WITH REAL PROPERTY NEGOTIATORS](#)**  
*Pursuant to Government Code Section 54956.8:*  
Property: West Drive and Ironwood (APN: 641-191-008)

Agency Negotiator: Charles L. Maynard, City Manager/Executive Director  
Jennifer Mizrahi, City Attorney/General Counsel  
Joseph M. Tanner, Administrative Services Director  
Negotiating parties: Nuno  
Under negotiation: Price and Terms

**3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

*Pursuant to Government Code Section 54956.8:*

Property: Vacant Property on Palm Drive (APN: 641-113-004)  
Agency Negotiator: Charles L. Maynard, City Manager/Executive Director  
Jennifer Mizrahi, City Attorney/General Counsel  
Joseph M. Tanner, Administrative Services Director  
Negotiating parties: Jeffrey Eugene Ridge; Chris Baik; and Suresh Shah  
Under negotiation: Price and Terms

**4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

*Pursuant to Government Code Section 54956.8:*

Property: 66620 and 66550 Pierson Blvd. (APNs: 639-293-023, 024, 025, 026, 027, 028)  
Agency Negotiator: Charles L. Maynard, City Manager/Executive Director  
Jennifer Mizrahi, City Attorney/General Counsel  
Joseph M. Tanner, Administrative Services Director  
Negotiating parties: Lorenzo Brooks and Meridian Devco; Chris Miller; Dan Watson; Chris Chun; and Halferty Devco  
Under negotiation: Price and Terms

**5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

*Pursuant to Government Code Section 54956.8:*

Property: Vacant Property on Palm Drive (APNs: 639-212-019, 020, 021, 022, 023)  
Agency Negotiator: Charles L. Maynard, City Manager/Executive Director  
Jennifer Mizrahi, City Attorney/General Counsel  
Joseph M. Tanner, Administrative Services Director  
Negotiating parties: Suresh Shah and Calvin Chun  
Under negotiation: Price and Terms

**6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

*Pursuant to Government Code Section 54956.8:*

Property: Vacant Property at 6th Street and Palm Drive (APNs 639-211-011, 012, 013, 015)  
Agency Negotiator: Charles L. Maynard, City Manager/Executive Director  
Jennifer Mizrahi, City Attorney/General Counsel  
Joseph M. Tanner, Administrative Services Director  
Negotiating parties: Suresh Shah  
Under negotiation: Price and Terms

7. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**  
*(Paragraph (1) of subdivision (d) of Section 54956.9)*  
Name of Case: Kirk Clymer v. City of Desert Hot Springs, United States District  
Court, Central District of California  
Case No.: 5:16-cv-02055-BRO-JCx.
  
8. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**  
*(Paragraph (1) of subdivision (d) of Section 54956.9)*  
Name of case: City of Desert Hot Springs v John Van Beek, et al.,  
Riverside County Superior Court  
Case No.: PSC1602949
  
9. **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) – INS1700077
  
10. **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.
  
11. **CONFERENCE WITH LEGAL COUNSEL—POTENTIAL INITIATION OF  
LITIGATION**  
*(Paragraph (4) of subdivision (d) of Section 54956.9)*  
The facts and circumstances related to this matter are possible breach of contract.

**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:**

12. [Conditional Use Permit \(CUP No. 26-16\) and Development Agreement No. \(DA 17-16\) for the Yucca Mesa Cultivation Project for development of an Approximate 50,210 Square Foot Medical Marijuana Cultivation Facility on a 2.52 Acre Site Located on the Northwest Corner of Cabot Road and Palomar Lane](#)

**Applicant: Yucca Mesa Holdings**

*Acting Community Development Director, Daniel Porras, P.E.*

*Packet Page 9*

- 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) Approval: 1) a Mitigated Negative Declaration for the Yucca Mesa (Lot 21) cultivation project; 2) a Conditional Use Permit (CUP 26-16) for the construction of two cultivation buildings (totaling 50,212 square feet) and, (3) an Ordinance approving a Development Agreement (DA 17-16) for the project located at the northwest corner of Cabot Road and Palomar Lane in the I-L (Light Industrial) District. APN: 665-060-006.

13. [Ordinance Amending the Desert Hot Springs Municipal Code Regarding Fences, Walls and Hedges](#)

*City Manager, Charles L. Maynard;*

*Packet Page 179*

*Presented by City Attorney, Jennifer Mizrahi*

**Recommendation:** Introduce and read by title only, "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."

14. [Election to Become Subject to the Uniform Public Construction Cost Accounting Act \(UPCCAA\) and Adoption of Informal and Formal Bidding Procedures under the Uniform Public Construction Cost Accounting Act](#)

*City Manager, Charles L. Maynard;*

*Packet Page 189*

*Presented by City Attorney, Jennifer Mizrahi*

**Recommendation:** 1) Adopt a Resolution of the City Council electing to become subject to the Uniform Public Construction Cost Accounting Procedure; and  
2) Introduce for first reading and read by title only, "An Ordinance Adding Sections 3.45.110 through 3.45.200 to Chapter 3.45 ("Public Works Projects") of Title 3 ("Revenue & Finance") of the Desert Hot Springs Municipal Code to Provide Informal and Formal Bidding Procedures under the Uniform Public Construction Cost Accounting Act.

**ADMINISTRATIVE CALENDAR:**

15. [Appointment to the Community and Cultural Affairs Commission to Fill Vacancy for Unexpired Term](#)

*City Clerk, Jerryl Soriano, CMC*

*Packet Page 205*

**Recommendation:** Ratify Mayor Pro Tem Yvonne Parks' appointment to the Community and Cultural Affairs Commission (CCAC) to fill one (1) vacancy consisting of an unexpired term ending January 2018.

16. [I-10 Corridor Study](#)  
*Acting Community Development Director, Daniel Porras, P.E. Packet Page 217*  
**Recommendation:** Provide Staff with direction on how the City Council would like to proceed with its vision for the land abutting or near the I-10 Freeway.
17. [Mid-Year Financial Review and Budget Adjustments](#)  
*Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 233*  
**Recommendation:** Authorize the City Manager to increase the budget by \$325,000 for the Fiscal Year 2016-2017 budget.
18. [Ordinance Increasing the Salary for Planning Commissioners and Adding a Salary for City Commissioners and Committee Members](#)  
*Council Member, Russell Betts; and Packet Page 259*  
*Council Member, Joe McKee*  
**Recommendation:** Introduce for First Reading, read by title only, "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.

**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.*

19. [Receiverships, Code Enforcement Legal Actions, and Public Nuisance Abatement Warrants](#)  
*City Council Packet Page 267*  
**Recommendation:** Receive and file; or provide further direction as the City Council deems fit.
20. [Second Reading and Adoption of an Ordinance to Change the City's General Municipal Election Dates to Coincide with Statewide General Elections in November of Even-Numbered Years Pursuant to the Provisions of Senate Bill 415 \("California Voter Participation Rights Act"\)](#)  
*City Clerk, Jeryl Soriano, CMC Packet Page 271*  
**Recommendation:** Approve Second Reading, read by title only and adopt: "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Section 2.04.060 ("Change of Election Day") of Article II ("Elections") of Chapter 2.04 ("City

Council") of the Desert Hot Springs Municipal Code relating to moving the City's General Municipal Elections to the first Tuesday after the first Monday in November of each even-numbered year, which General Municipal Election shall commence November of 2018.

21. [Second Reading and Adoption of Ordinances Approving Two \(2\) Development Agreements \(DA 08-15 and DA 01-16\) with Cabot Building Partners and AB & D Holdings](#)

**(Contacts: Rob Allen/Allen Cooper & Amanda Bui)**

*Acting Community Development Director, Daniel Porras, P.E. Packet Page 305*

**Recommendation:** 1) Approve Second Reading, read by title and adopt "An Ordinance of the City Council approving Development Agreement No. 08-15 with Cabot Building Partners;" and 2) Approve Second Reading, read by title and adopt "An Ordinance of the City Council approving a Development Agreements No. 01-16 with AB & D Holdings."

Establishing a medical marijuana building complex on four 1.49 acre vacant lots located approximately 670 feet south of Two Bunch Palms Trail in the Light Industrial (L-I) zoning district.

**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](http://www.cityofdhs.org) for meeting locations and the most up to date information.*

|          |                                |           |
|----------|--------------------------------|-----------|
| March 8  | RDA Oversight Board Meeting    | 8:00 a.m. |
| March 8  | CCAC                           | 6:00 p.m. |
| March 9  | Public Safety Commission       | 6:00 p.m. |
| March 14 | Planning Commission            | 6:00 p.m. |
| March 21 | City Council Regular Meeting   | 6:00 p.m. |
| March 28 | 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.