



## **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 20, 2018**

**4:00 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 - 4:00 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 — POTENTIAL INITIATION OF LITIGATION](#)**

Pursuant to Government Code Section 54956.9: (one potential case)

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

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Sungrow Consulting v. City of Desert Hot Springs, et al., Riverside County Superior Court Case No. PSC1800747.

3. **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 a certain developer who has threatened litigation against the City, although no formal claim has been filed.
4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**  
Pursuant to Government Code Section 54954.5(e)  
City Manager
5. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**  
Pursuant to Government Code Section 54954.5(e)  
City Attorney

**PRESENTATIONS - 5:30 P.M.**

6. **Heroic Efforts Recognition**  
*Mayor, Scott Matas*
7. **Human Rights Committee Presentation**  
*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:

8. [Amendment to Conditional Use Permit \(CUP 04-16\) to: 1\) Allow Cannabis Manufacturing Within the Previously Approved Building; and 2\) An Amendment to Development Agreement \(DA 02-16\) to Also Include Cannabis Manufacturing, Distribution, and Testing - For The 2.52](#)

**Acre Site Located on the Southwest Corner of Cabot Road and San Jacinto Lane (Applicant: Vets Leaf Inc.)**

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

*Packet Page 7*

**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) Consider a recommendation from the Planning Commission for approval of the Amendment to Conditional Use Permit (CUP 04-16) to also allow for cannabis manufacturing, distribution, and testing and an amendment to the Development Agreement (DA 02-16) to allow the additional ancillary uses for the project located at the southwest corner of Cabot Road and San Jacinto Lane in the I-L (Light Industrial) District. APN: 665-030-037.

9. [An Ordinance Amending Chapter 17.180 to Include Special Dispensary Entitlements in Certain Circumstances](#)

*City Attorney, Jennifer A. Mizrahi*

*Packet Page 67*

**Recommendation:** 1) Staff Report;  
2) Entertain Questions from the City Council to Staff;  
3) Open the Public Hearing;  
4) Take Testimony of those in Favor;  
5) Take Testimony of those Opposed;  
6) Take Testimony of those in a neutral position;  
7) Close the Public Hearing;  
8) City Council discussion; and  
9) The Planning Commission unanimously recommends to City Council that the City Council introduce and read by title only, An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Chapter 17.180 to include special dispensary entitlements in certain circumstances.

**ADMINISTRATIVE CALENDAR:**

10. [\(Successor Agency\) Resolution Approving Purchase and Sale Agreement and Joint Escrow Instructions With The Richard Feenstra and Sue Feenstra Joint Living Trust With Respect to the Real Property Located at 66098 and 66108 Pierson Boulevard \(APNs 639-232-035, -036, -037, -038\)](#)

*Deputy City Manager, Luke Rainey*

*Packet Page 89*

**Recommendation:** Adopt a Resolution of the Successor Agency to the former Redevelopment Agency of the City of Desert Hot Springs approving Purchase and Sale Agreement and Joint Escrow Instructions ("Purchase and Sale Agreement") between the Successor Agency to the former Desert Hot Springs Redevelopment Agency and The Richard Feenstra and Sue Feenstra Joint Living Trust with respect to the real property located at 66098 and 66108 Pierson Boulevard, Desert Hot Springs, California (APNs 639-232-035, -036, -037, -038) and approving certain related actions.

11. [Policy Regarding Use of Compliance Plan \(With Associated Form\)](#)

*City Attorney, Jennifer A. Mizrahi*

*Packet Page 113*

**Recommendation:** 1) Review and adopt the proposed amended "Policy for Use of Code Compliance Plan" ("Policy"); and  
2) Review and approve for use the form "Conditions of Compliance and Compliance Plan" ("Compliance Plan") attached to the Policy, with authorization to the City Manager and the City Attorney to make such amendments to the Policy and the Compliance Plan/Form as they may deem necessary from time to time in their discretion.

12. [Palm Springs International Airport Commission Nomination](#)

City Clerk, Jerryl Soriano, CMC

Packet Page 125

**Recommendation:** Consider a nomination to the Palm Springs International Airport Commission for a two year term.

**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: February 6, 2018](#)

City Clerk, Jerryl Soriano, CMC

Packet Page 129

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

14. [Second Reading and Adoption of an Ordinance Regulating the Use and Operation of Dog Parks](#)

City Clerk, Jerryl Soriano, CMC

Packet Page 137

**Recommendation:** Approve Second Reading, read by title only and adopt: "An Ordinance of the City Council of the City of Desert Hot Springs, California, adding Chapter 12.24 "Dog Park Regulations" to Title 12 "Streets, Sidewalks And Public Places" and amending Section 9.04.040 ("Animals In Public Parks") of Chapter 9.04 ("General Offenses") of Title 9 ("Public Peace and Welfare") of the Desert Hot Springs Municipal Code ("DHSMC") to regulate the use and operation of public dog parks.

15. [Payment Register and City Council Expenditures Report for the Month of December 2017](#)

Deputy City Manager, Luke Rainey

Packet Page 147

**Recommendation:** Receive and file.

16. [Contracts Management Report as of February 20, 2018](#)

Deputy City Manager, Luke Rainey

Packet Page 181

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

March 6	City Council Regular Meeting	6:00 p.m.
March 8	Public Safety Commission	6:00 p.m.
March 13	Planning Commission	6:00 p.m.
March 14	RDA Oversight Board	8.00 a.m.
March 14	Community and Cultural Affairs Commission	6:00 p.m.
March 20	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.