



## 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 5, 2020

3:00 P.M. – CLOSED SESSION

6:00 P.M. – REGULAR SESSION

VIA VIDEOCONFERENCE  
Desert Hot Springs, California

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#### Notice Regarding COVID-19 and Public Participation at City Council Meetings

Pursuant to California Governor Newsom's Executive Orders N-25-20 issued on March 4, 2020 and N-29-20 issued on March 18, 2020, the City Council regular meeting will be conducted remotely through Zoom and broadcast live on the City's YouTube channel.

Pursuant to the Executive Orders, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Carl May Center/Council Chamber will not be open for the meeting. The City Council and Staff will be participating remotely and will not be physically present in the Council Chamber.

#### Watch the Meeting Live

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- [City of Desert Hot Springs YouTube Channel](#)

#### For Public Comment

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If you wish to speak under general public comment, or speak on an agenda item, you can access the meeting remotely through ONE of the following options:

- **Participate via Zoom**  
[CLICK HERE](#) to register  
(URL: [https://us02web.zoom.us/webinar/register/WN\\_Up4-i8oRQCadiQBc7B6dLA](https://us02web.zoom.us/webinar/register/WN_Up4-i8oRQCadiQBc7B6dLA))
- **Submit Comments in Writing**  
You may also submit your comments in writing via email to the City Clerk at [cityclerk@cityofdhs.org](mailto:cityclerk@cityofdhs.org). **To give the City Clerk adequate time to compile, please submit no later than 4:00 P.M. on May 5, 2020.** All written public comments will be distributed to the City Council and included as part of the record.

In the subject line, please indicate:

“Public Comment – Non-Agenda Item” OR

“Public Comment – Item #” (insert the agenda item number(s) relevant to your comment(s))

The City of Desert Hot Springs thanks you in advance for taking all precautions to prevent the spreading of the COVID-19 virus.

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**CLOSED SESSION - 3:00 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. **THREAT TO PUBLIC SERVICES OR FACILITIES**

*(Gov. Code section 54957(a).)*

Consultation with: Desert Hot Springs Police Department - Chief Henson, or his designee

**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:**

3. **[Development Permit No. 20-5: An Application to Develop 11 Single-Family Homes Within the Sunset Springs Residential Development Tract Map No. 31235](#)**

*Community Development Director, Rebecca Deming*

*Packet Page 7*

- Recommendation:**
- 1) Staff Report
  - 2) Entertain questions of Staff from the Planning Commission;
  - 3) Open Public Hearing;
  - 4) Take testimony from Applicant;
  - 5) Take public testimony for those in favor;
  - 6) Take public testimony from those opposed;
  - 7) Take public testimony from those in a neutral position;
  - 8) Opportunity for Applicant rebuttal;
  - 9) Close the Public Hearing;

- 10) Planning Commission discussion and questions to Staff;  
and
- 11) Recommendation for approval of Development Permit  
No. 20-5 to develop 11 single family homes within the  
Sunset Springs Residential Development Tract Map No.  
31235.

4. [An Ordinance Amending Desert Hot Springs Municipal Code Section 17.40.110 Fences, Walls and Hedges](#)

*Community Development Director, Rebecca Deming*

*Packet Page 131*

- Recommendation:**
- 1) Staff Report;
  - 2) Entertain questions of Staff from the City Council
  - 3) Open Public Hearing;
  - 4) Take public testimony from those favor;
  - 5) Take public testimony from those opposed;
  - 6) Take public 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, California Amending Desert Hot Springs Municipal Code Section 17.40.110 Fences, Walls and Hedges"

5. [An Ordinance Amending Chapter 17.180 "Definitions" of Testing Facility, to Allow for Cannabis Facilities That are Licensed by the Federal Government Itself or by the State Government Itself](#)

*Community Development Director, Rebecca Deming*

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- Recommendation:**
- 1) Staff Report;
  - 2) Entertain questions of Staff from the City Council
  - 3) Open Public Hearing;
  - 4) Take public testimony from those favor;
  - 5) Take public testimony from those opposed;
  - 6) Take public 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 Chapter 17.180 "Definitions" of Testing Facility, To Allow for Cannabis Facilities That are Licensed by the Federal Government Itself or by the State Government Itself."

6. [An Ordinance Amending Sections 17.12.080 \(Convenience Stores - Commercial Districts\) And 17.16.060 \(Convenience Stores- Industrial Districts\) of the Desert Hot Springs Municipal Code Regarding Convenience Stores](#)

*Community Development Director, Rebecca Deming*

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- Recommendation:**
- 1) Staff Report;
  - 2) Entertain questions of Staff from the City Council
  - 3) Open Public Hearing;
  - 4) Take public testimony from those favor;
  - 5) Take public testimony from those opposed;
  - 6) Take public 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 17.12.080 (Convenience Stores - Commercial Districts) And 17.16.060 (Convenience Stores- Industrial Districts) of the Desert Hot Springs Municipal Code Regarding Convenience Stores"

**ADMINISTRATIVE CALENDAR:**

7. [An Ordinance Amending the Desert Hot Springs Municipal Code in Order to Establish a Board to Hear Appeals Involving California Building Code Issues](#)  
*Community Development Director, Rebecca Deming* *Packet Page 157*

**Recommendation:** Introduce and read by title only: "An Ordinance of the City Council of the City of Desert Hot Springs, California 1) Adding Chapter 2.72 "Appeals Board" to Title 2 "Administration and Personnel,"; 2) Amending Section 4.16.085 "Public Nuisance Hearing"; 3) Amending Various Sections of Chapter 4.16.110 "Procedures for Appeal of a Notice of Public Nuisance and Order to Abate" of Title 4 "Public Nuisances" 4) and Adding Section 15.03.040 to Chapter 15.03 "Administration" of Title 15 "Buildings and Construction" of the Desert Hot Springs Municipal Code in order to establish a board to hear appeals involving California Building Code issues.

8. [Disbandment of the Community and Cultural Affairs Commission](#)  
*Assistant City Manager, Doria Wilms* *Packet Page 173*

**Recommendation:** Introduce for First Reading and read by title only: "An Ordinance of the City Council amending Chapter 2.44 of the Desert Hot Springs Municipal Code, disbanding the City's Community and Cultural Affairs Commission and granting certain authority to the City Manager or his/her designee."

**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.*

9. [City Council Regular Meeting Minutes: April 21, 2020](#)

City Clerk, Jerryl Soriano, CMC

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

**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.*

May 7	Public Safety Commission	6:00 p.m.
May 12	Planning Commission	6:00 p.m.
May 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.