



## **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**

### **ACTION MINUTES**

**SEPTEMBER 17, 2019**

**5:00 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**

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### **CLOSED SESSION - 5:00 P.M.**

#### **CALL TO ORDER**

Mayor Matas called the Closed Session to order at 5:00 P.M.

#### **ROLL CALL**

**Present:**

Council Members: Russell Betts, Gary Gardner, Robert Griffith

Mayor Pro Tem: Jan Pye

Mayor: Scott Matas

#### **PUBLIC COMMENTS**

None.

Jennifer Mizrahi, City Attorney, announced the Closed Session Items.

## **CLOSED SESSION:**

### **1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

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

Name of case: Garcia v. City of Desert Hot Springs, et al. (Best Development Group, LLC as Real Party in Interest)

Riverside County Superior Court Case No. RIC1903260

### **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.

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

### **3. Recognition of Kihon MMA of Desert Hot Springs**

*Mayor, Scott Matas*

Mayor Matas and the City Council presented Certificates of Recognition to Team Kihon MMA of Desert Hot Springs; presented Commendations to Shaniyah Carlson and Andrea Frisque who competed at the Youth MMA World Championships in Rome, Italy; and presented a Commendation and the Key to the City to Sensei, Eddie Bates.

## **RECESS**

## **REGULAR SESSION - 6:00 P.M.**

### **CALL TO ORDER**

Mayor Matas called the Regular Session to order at 6:01 P.M.

### **ROLL CALL**

Present:

Council Members: Russell Betts, Gary Gardner, Robert Griffith

Mayor Pro Tem: Jan Pye

Mayor: Scott Matas

### **INVOCATION**

A moment of silence was observed to honor the September 11, 2001 anniversary.

Pastor, Kephyan Sheppard, gave the Invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Pye led the Pledge of Allegiance.

## **CITY ATTORNEY REPORT ON CLOSED SESSION**

Jennifer Mizrahi, City Attorney, advised that the City Council approved a Settlement Agreement under Closed Session Item No. 1 by a vote of 5-0.

## **APPROVAL OF THE AGENDA**

Action: Griffith moved to approve the September 17, 2019 Regular Meeting agenda; and approve the Consent Calendar (Item 11 - Minutes, approved as corrected), motion seconded by Gardner, motion carried 5/0 by the following vote:

<u>Vote</u> :	AYES: 5 - Betts, Matas, Pye, Gardner, Griffith
Passed	NOES: 0 - (None)

## **PUBLIC COMMENTS**

Jennifer Cusack, Southern California Edison (SCE), provided information regarding SCE's Wildfire Mitigation Plan.

Dot Reed spoke regarding the Historical Society of Desert Hot Springs.

Eddie Johnson commended the City for the Palm Drive improvements.

Florence Martin, Public Safety Commissioner, expressed thanks to the City Attorney for her presentation regarding the Brown Act.

## **CITY MANAGER REPORT**

Danny Porras, Public Works Director, gave updates regarding the safety improvement projects along Palm Drive.

## **MAYOR AND COUNCIL MEMBER REPORTS**

Mayor Pro Tem Pye reported on the various meetings and events she attended.

Council Member Gardner reported on the various meetings and events he attended.

Council Member Betts reported on the various meetings and events he attended.

Council Member Griffith reported on the various meetings and events he attended.

Mayor Matas reported on the various meetings and events he attended.

## **PUBLIC HEARINGS:**

4. **Creating Special Tax Area 45 (Watermarke Homes, LLC) for Assessor's Parcel Numbers ("APN") 661-550-011 through 661-550-019 and 661-551-001 through 661-551-007 Located North of Mission Lakes Blvd. and East of Little Morongo Rd., to the Desert Hot Springs Special Public Safety Tax Area**

*Acting Finance Director, Geoffrey Buchheim*

**Recommendation:**

- 1) Staff Report;
- 2) Entertain questions of Staff from the City Council;
- 3) Open the Public Hearing;
- 4) Take public 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 45 (Watermarke Holmes, LLC).

*Council Member Betts recused due to a potential conflict of interest (owns real property within 500 feet).*

Geoffrey Buchheim, Acting Finance Director, presented the staff report, and responded to questions.

Mayor Matas opened the Public Hearing.

There was no public testimony.

Mayor Matas closed the Public Hearing.

Jerryl Soriano, City Clerk, canvassed the Election and advised that the property owner voted in favor.

Action: Gardner moved to approve staff recommendation and adopt *Ordinance No. 691*, motion seconded by Griffith, motion carried 4/1 by the following vote:

<u>Vote:</u>	AYES: 4 - Matas, Pye, Gardner, Griffith
Passed	NOES: 0 - (None)
	RECUSED: 1 - Betts

## **ADMINISTRATIVE CALENDAR:**

5. **Approval of Mission Springs Water District Initiating Formation of Assessment District No. 18 of the Mission Springs Water District**

*Public Works Director, Daniel Porras, P.E.*

**Recommendation:** Consider adoption of a Resolution of the City Council that does not object to the Mission Springs Water District initiation of proceedings for the construction of certain work pursuant to the provisions of the Municipal Government Act of 1913 for Assessment District No. 18 and additional Assessment

Districts contained therein.

Danny Porras, Public Works Director, presented the staff report.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2019-041*, motion seconded by Pye, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Betts, Matas, Pye, Gardner, Griffith  
Passed NOES: 0 - (None)

6. **Low Voltage System for the New City Hall Project**

*Deputy City Manager, Luke Rainey*

**Recommendation:** Award the bid and authorize the City Manager to execute a Public Works Construction Agreement with AMS Connect to provide design, construction, equipment, and maintenance of a Low Voltage System for the New City Hall project in an amount of \$653,093.56 plus a 5% contingency for a total not to exceed \$685,748.24.

*Council Member Betts recused due to a potential conflict of interest (owns real property within 500 feet).*

Luke Rainey, Deputy City Manager, presented the staff report.

Tustin Larson and Paul Talley, AMS Connect, introduced themselves; and responded to questions.

Action: Gardner moved to approve staff recommendation, motion seconded by Griffith, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Matas, Pye, Gardner, Griffith  
Passed NOES: 0 - (None)  
RECUSED: 1 - Betts

7. **Award Construction Contract for the Installation of Traffic Signals at Pierson Boulevard at Cholla Drive and Palm Drive at Desert View Avenue (City Project No. 2019-10)**

*Public Works Director, Daniel Porras, P.E.*

**Recommendation:** Award the construction contract agreement to the lowest responsive bidder, Elecnor Belco Electric, Inc. and authorize the City Manager to execute the agreement with Elecnor Belco Electric, Inc. for the Installation of the Traffic Signals at Pierson Boulevard at Cholla Drive and Palm Drive at Desert View Avenue (City Project No. 2019-10) in the amount of \$582,650.00, and approve a contingency amount of \$87,397.50 (15%), as needed inspection services of \$60,000, and as-needed material/equipment testing of \$15,000, which brings the total project budget to \$745,047.50.

Danny Porras, Public Works Director, presented the staff report, and responded to questions.

Action: Gardner moved to approve staff recommendation, motion seconded by Betts, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Betts, Matas, Pye, Gardner, Griffith  
Passed NOES: 0 - (None)

8. [Resolution of Intention to Annex One Parcel \(Annexation No. 35\) Located East of Little Morongo Road, and South of 14th Avenue \(APN 665-030-051\) to the City of Desert Hot Springs Community Facilities District No. 2010-1 \(Services\)](#)

*Acting Finance Director, Geoffrey Buchheim*

**Recommendation:** Adopt a Resolution of the City Council of the City of Desert Hot Springs declaring its intention to annex territory to Community Facilities District No. 2010-1 (Services) of the City of Desert Hot Springs, adopting a map of the area proposed to be annexed (Annexation No. 35) and to authorize the levy of special taxes therein.

Geoffrey Buchheim, Acting Finance Director, presented the staff report for Items 8 and 9.

Action: Pye moved to approve staff recommendation and adopt *Resolution No. 2019-042*, motion seconded by Gardner, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Betts, Matas, Pye, Gardner, Griffith  
Passed NOES: 0 - (None)

9. [Resolution of Intention to Annex One Parcel \(Annexation No. 36\) Located East of Little Morongo Road, and South of 14th Ave. \(APN 665-030-052\) to the City of Desert Hot Springs Community Facilities District No. 2010-1 \(Services\)](#)

*Acting Finance Director, Geoffrey Buchheim*

**Recommendation:** Adopt a Resolution of the City Council of the City of Desert Hot Springs declaring its intention to annex territory to Community Facilities District No. 2010-1 (Services) of the City of Desert Hot Springs, adopting a map of the area proposed to be annexed (Annexation No. 36), and to authorize the levy of special taxes therein.

Action: Griffith moved to approve staff recommendation and adopt *Resolution No. 2019-043*, motion seconded by Gardner, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Betts, Matas, Pye, Gardner, Griffith  
Passed NOES: 0 - (None)

10. [DHS Bike Lanes and ADA Improvement Project - Riverside County Transportation Commission \(RCTC\) Agreement for Funding Under Senate Bill \(SB\) 821 Bicycle Pedestrian Facilities Program](#)

*Public Works Director, Daniel Porras, P.E.*

**Recommendation:** Authorize the City Manager to execute a funding agreement between Riverside County Transportation Commission (RCTC) and the City of Desert Hot Springs, to receive SB 821 funding totaling \$300,000 for the DHS Bike Lanes and ADA Improvements Project.

*Council Member Betts recused due to a potential conflict of interest (owns real property within 500 feet).*

Danny Porras, Public Works Director, presented the staff report, and responded to questions.

Action: Griffith moved to approve staff recommendation, motion seconded by Pye, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Matas, Pye, Gardner, Griffith  
Passed NOES: 0 - (None)

**CONSENT CALENDAR:**

11. [City Council Regular Meeting Minutes: September 3, 2019](#)

*City Clerk, Jerryl Soriano, CMC*

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

The Minutes were approved as corrected.

12. [Second Reading and Adoption of an Ordinance Amending Chapter 3.44 \(Purchasing\) of the Desert Hot Springs Municipal Code, Clarifying and Amending Procurement Procedures; and Amending Chapter 3.45 \(Public Works Projects\), Increasing Competitive Bidding Threshold Amounts in Accordance with State Law](#)

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Approve for Second Reading, read by title only and adopt: "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Chapter 3.44 (Purchasing) of the Desert Hot Springs Municipal Code, clarifying and amending procurement procedures; and amending Chapter 3.45 (Public Works Projects), increasing competitive bidding threshold amounts in accordance with State law.

*Ordinance No. 692*

**PUBLIC COMMENTS**

None.

## ADJOURN

Mayor Matas adjourned the meeting at 7:36 P.M.

  
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Jerryl Soriano, CMC, City Clerk