



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

JUNE 2, 2020

5:00 P.M. – CLOSED SESSION

6:00 P.M. – REGULAR SESSION

**CITY COUNCIL CHAMBERS
Carl May Community Center
11711 West Drive, Desert Hot Springs, California**

This meeting was held pursuant to Executive Orders N-25-20 and N-29-20 issued by Governor Newsom. The City Council and Staff participated remotely.

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 Member: Russell Betts (via videoconference)
Council Member: Gary Gardner (via videoconference)
Council Member: Jan Pye (via videoconference)
Mayor Pro Tem: Robert Griffith (via videoconference)
Mayor: Scott Matas (via videoconference)

PUBLIC COMMENTS

Jennifer Mizrahi, City Attorney, requested to add a Closed Session Urgency Item regarding "Threat to Public Services or Facilities Pursuant to California Government Code Section 54957(a)."

Action: Matas moved to approve the addition of an urgency Closed Session item with findings that there was an urgent need to discuss the matter, and that the matter came to the attention of the City subsequent to the posting of the agenda, motion seconded by Gardner, motion carried 5/0 by the following vote:

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

CLOSED SESSION:

1. **REAL PROPERTY NEGOTIATIONS (Successor Agency)**

Pursuant to Government Code Section 54956.8:

Property: 66146 Pierson Boulevard (APN: 639-232-040)
Agency Negotiator: Charles L. Maynard, City Manager/Executive Director
Jennifer Mizrahi, City Attorney/General Counsel
Negotiating Parties: Mlou Guzman Villanueva
Under Negotiation: Price and Terms

Urgency Item:

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

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

ROLL CALL

Present:
Council Member: Russell Betts (via videoconference)
Council Member: Gary Gardner (via videoconference)
Council Member: Jan Pye (via videoconference)
Mayor Pro Tem: Robert Griffith (via videoconference)
Mayor: Scott Matas (via videoconference)

INVOCATION

Pastor Matt Dudley gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Griffith led the Pledge of Allegiance.

CITY ATTORNEY REPORT ON CLOSED SESSION

Jennifer Mizrahi, City Attorney, advised that the City Council voted 5-0 in Closed Session to adopt Resolution 2020-019 extending the moratorium on evictions to June 30, 2020.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, PLACING AN IMMEDIATE MORATORIUM ON RESIDENTIAL AND COMMERCIAL EVICTIONS IN LIGHT OF THE FEDERAL, STATE, COUNTY AND CITY-DECLARED EMERGENCIES PERTAINING TO COVID-19 (TIME EXTENSION).

APPROVAL OF THE AGENDA

Action: Pye moved to approve the June 2, 2020 Regular Meeting agenda, and approve the Consent Calendar in its entirety, motion seconded by Griffith, motion carried 5/0 by the following vote:

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

PUBLIC COMMENTS

Brad Anderson spoke regarding registration for virtual City Council meetings during the COVID-19 pandemic; public input on face mask requirement; and the Coachella Valley Mosquito and Vector Control District.

CITY MANAGER REPORT

Doria Wilms, Assistant City Manager, provided an update regarding COVID-19.

Jim Henson, Chief of Police, provided an update regarding COVID-19 testing site at the Lozano Community Center.

Geoffrey Buchheim, Finance Director, provided an update regarding the status of the City's financial forecast as a result of the COVID-19 pandemic.

Daniel Porras, Public Works Director, provided an update regarding Phase II of the Palm Drive Lighting and Safety Improvements project; and the traffic signal projects.

MAYOR AND COUNCIL MEMBER REPORTS

Council Member Gardner reported on the various meetings he attended.

Council Member Pye reported on the various meetings she attended.

Council Member Betts reported on the various meetings he attended.

Mayor Pro Tem Griffith reported on the various meetings he attended.

Mayor Matas reported on the various meetings he attended.

PUBLIC HEARINGS:

2. [Development Permit No. 20-3: An Application to Develop 15 Single-Family Homes Within the Eagle Pointe Specific Plan Residential Development Tract Map No. 30540](#)

Community Development Director, Rebecca Deming

Recommendation:

- 1) Staff Report
- 2) Entertain questions of Staff from the City Council;
- 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) City Council discussion and questions to Staff; and
- 11) Recommendation for approval of Development Permit No. 20-3 to develop 15 single family homes within the Eagle Pointe Residential Development Tract Map No. 30540.

Patricia Villagomez, Assistant Planner, presented the staff report.

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

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

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

3. [Desert Valley Disposal Placing Delinquent Disposal Billings on the County Tax Roll, Fiscal Year 2020-21](#)

Finance Director, Geoffrey Buchheim

Recommendation: 1) Staff Report;
2) Entertain questions of Staff from the City Council;
3) Open the Public Hearing;
4) Take testimony from those in favor;
5) Take testimony from those opposed;
6) Take testimony from those in a neutral position;
7) Close the Public Hearing;
8) City Council discussion and questions to Staff; and
9) Adopt a Resolution of the City Council of the City of Desert Hot Springs, California, Placing the Delinquent Desert Valley Disposal Billings on the Fiscal Year 2020-21 County Tax Roll, after Holding a Public Hearing.

Geoffrey Buchheim, Finance Director, presented the staff report.

Chris Cunningham, Desert Valley Disposal, stated that customers wishing to discuss, dispute, or reconcile, can contact Desert Valley Disposal.

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

Action: Pye moved to approve staff recommendation and adopt *Resolution No. 2020-020*, 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)

4. [Resolution Ordering Annual Assessments for Desert Valley Disposal Solid Waste Refuse Services of Residential Properties for Fiscal Year 2020-21](#)

Finance Director, Geoffrey Buchheim

Recommendation: 1) Staff Report;
2) Entertain questions of Staff from the City Council;
3) Open the Public Hearing;
4) Take testimony from those in favor;
5) Take testimony from those opposed;
6) Take testimony from those in a neutral position;
7) Close the Public hearing;
8) City Council discussion and questions to Staff; and
9) Adopt a Resolution Ordering Annual Assessment for Desert Valley Disposal Solid Waste Refuse Services of Residential Properties for Fiscal Year 2020-21.

Geoffrey Buchheim, Finance Director, presented the staff report.

Chris Cunningham, Desert Valley Disposal, responded to questions.

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2020-021*, motion seconded by Pye, motion carried 5/0 by the following vote:

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

ADMINISTRATIVE CALENDAR:

5. **[City of Desert Hot Springs Preliminary One Year Budget for All Funds and Capital Improvement Projects for Fiscal Year 2020-2021](#)**

Finance Director, Geoffrey Buchheim

Recommendation: 1) Receive Staff Presentation of the City of Desert Hot Springs Preliminary One Year Budget for All Funds and Capital Improvement Projects for Fiscal Year 2020-2021;
2) Entertain questions from City Council;
3) City Council to provide any changes, recommendations, or directions to be included in the final budget document; and
4) Adopt a Resolution of the City Council of the City of Desert Hot Springs Approving the Fiscal Year 2020-2021 Budget and Fiscal Year 2020-2021 Appropriations Limit.

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

A discussion ensued.

Jerryl Soriano, City Clerk, advised that written comments were received from Nicholas Leon; a copy of which was distributed to the City Council and made a part of the record.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2020-022*, motion seconded by Pye, motion carried 4/1 by the following vote:

<u>Vote:</u>	AYES: 4 - Matas, Pye, Gardner, Griffith
Passed	NOES: 1 - Betts

General Public Comments (Non-Agenda Items) were re-opened at this time.

Dottie Wilder spoke regarding the face mask requirement.

6. [Landscape and Lighting Maintenance District No. 1 Intention Proceedings for the Levy and Collection of Assessments](#)

Finance Director, Geoffrey Buchheim

Recommendation: 1) Adopt a Resolution of the City Council, declaring its intention for the levy and collection of assessments for the Citywide Landscape and Lighting Maintenance District No. 1, Zone A and Zone B, for Fiscal Year 2020-21; and
2) Adopt a Resolution of the City Council, approving the Annual Engineer's Report regarding the proposed levy and collection of assessments for the Landscape and Lighting Maintenance District No. 1 for Fiscal Year 2020-21.

Council Member Betts recused due to a potential conflict of interest.

Geoffrey Buchheim, Finance Director, presented the staff report.

Action: Pye moved to approve staff recommendation and adopt *Resolution No. 2020-023 (Intention)* and *Resolution No. 2020-024 (Engineer's Report)*, 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. [Landscape and Lighting Maintenance District No. 2 Intention Proceedings for the Levy and Collection of Assessments](#)

Finance Director, Geoffrey Buchheim

Recommendation: 1) Adopt a Resolution of the City Council declaring its intention for the levy and collection of assessments for Landscape and Lighting Maintenance District No. 2, Zones 1 through 15 and 17 through 19, for Fiscal Year 2020-21; and
2) Adopt a Resolution of the City Council approving the Annual Engineer's Report regarding the proposed levy and collection of assessments for Landscape and Lighting Maintenance District No. 2, Zones 1 through 15 and 17 through 19, for Fiscal Year 2020-21.

Council Member Betts and Mayor Matas recused due to a potential conflict of interest.

Geoffrey Buchheim, Finance Director, presented the staff report.

Action: Pye moved to approve staff recommendation and adopt *Resolution No. 2020-025 (Intention)* and *Resolution No. 2020-026 (Engineer's Report)*, motion seconded by Gardner, motion carried 3/0 by the following vote:

Vote: AYES: 3 - Pye, Gardner, Griffith
Passed NOES: 0 - (None)
RECUSED: 2 - Betts, Matas

The City Council recessed at 8:00 P.M.

The City Council reconvened at 8:15 P.M.

8. **Drainage Assessment District No. 1 Intention Proceedings for the Levy and Collection of Assessments**

Finance Director, Geoffrey Buchheim

Recommendation: 1) Adopt a Resolution of the City Council, declaring its intention for the levy and collection of assessments for the Drainage Assessment District No. 1 for Fiscal Year 2020-21; and
2) Adopt a Resolution of the City Council, for approval of the Annual Engineer's Report regarding the proposed levy and collection of assessments for the Drainage Assessment District No. 1 for Fiscal Year 2020-21.

Council Member Betts and Mayor Matas recused due to a potential conflict of interest.

Geoffrey Buchheim, Finance Director, presented the staff report.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2020-027 (Intention)* and *Resolution No. 2020-028 (Engineer's Report)*, motion seconded by Pye, motion carried 3/0 by the following vote:

Vote: AYES: 3 - Pye, Gardner, Griffith
Passed NOES: 0 - (None)
RECUSED: 2 - Betts, Matas

9. **Fireworks Permits**

Community Development Director, Rebecca Deming

Recommendation: The Fireworks Committee is recommending that the City Council:
1) Make an exception to the Ordinance and approve all five (5) applications; or
2) Approve four (4) applications which are in compliance.

Patricia Villagomez, Assistant Planner, presented the staff report.

Action: Betts moved to make an exception to the Ordinance and approve all five (5) applications, motion seconded by Pye, motion carried 5/0 by the following vote:

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

10. [\(Continued from May 19, 2020\) Appointment to the Planning Commission to Fill Vacancy for Unexpired Term](#)

City Clerk, Jerryl Soriano, CMC

Recommendation: Ratify Council Member Betts' appointment to the Planning Commission to fill one (1) vacancy consisting of an unexpired term ending January 2022.

Council Member Betts moved to appoint Ted Mayrhofer to the Planning Commission, motion seconded by Mayor Matas.

A discussion ensued.

Council Member Betts withdrew his motion with consent of the second (Mayor Matas).

The item was tabled to the June 16, 2020 meeting.

11. [A Resolution of the City Council Amending the Meeting Guidelines and Procedures Policy Regarding Appointments to City Boards and Commissions](#)

Council Member, Gary Gardner; and Council Member, Jan Pye

Recommendation: The City Council Policies and Procedures Subcommittee (Council Members Gardner and Pye) recommend that the City Council adopt a Resolution of the City Council amending the Meeting and Guidelines and Procedures Policy regarding appointments to City Boards and Commissions.

Council Member Gardner and Council Member Pye presented the report.

A discussion ensued.

Action: Pye moved to approve the recommendation and adopt *Resolution No. 2020-029*, motion seconded by Gardner, motion carried / by the following vote:

Vote: AYES: 4 - Matas, Pye, Gardner, Griffith
Passed NOES: 1 - Betts

CONSENT CALENDAR:

12. [City Council Regular Meeting Minutes: May 19, 2020](#)

City Clerk, Jerryl Soriano, CMC

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

13. [Desert Valley Disposal Re-Investment Payment and Extension of Term of the Franchise Agreement](#)

Finance Director, Geoffrey Buchheim

Recommendation: Approve a Minute Motion to accept a request from the Desert Valley Disposal for Re-Investment Payment and Extension of Term of the Franchise Agreement.

14. [Second Reading and Adoption of an Ordinance Amending or Adding the Following Chapters of the Desert Hot Springs Municipal Code: A\) 17.04.050 "Definitions"; B\) 17.08 "Residential Districts"; 4\) 17.12 "Commercial Districts"; D\) 17.14 "Mixed Use Districts"; E\) 17.16 "Industrial Districts"; F\) 17.64 "Administration"; G\) 17.74 "Administrative Conditional Use Permits" and 2\) Amending The Zoning Map In Accordance With Zoning Amendment No. ZA-20-1](#)

Community Development Director, Rebecca Deming

Recommendation: Approve Second Reading, read by title only and adopt: " An Ordinance of the City Council of the City of Desert Hot Springs 1) Amending or Adding the Following Chapters of the Desert Hot Springs Municipal Code: A) 17.04.050 "Definitions"; B) 17.08 "Residential Districts"; 4) 17.12 "Commercial Districts"; D) 17.14 "Mixed Use Districts"; E) 17.16 "Industrial Districts"; F) 17.64 "Administration"; G) 17.74 "Administrative Conditional Use Permits" and 2) Amending The Zoning Map In Accordance With Zoning Amendment No. ZA-20-1."

Ordinance No. 712.

15. [Second Reading and Adoption of An Ordinance Amending the Desert Hot Springs Municipal Code to Clarify and Solidify the Intent of the City Council for Recovery of Attorney's Fees for Nuisance Abatement](#)

City Clerk, Jerryl Soriano, CMC

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 4.04.070 of the Desert Hot Springs Municipal Code to clarify and solidify the intent of the City Council for recovery of attorney's fees for nuisance abatement.

Ordinance No. 713.

16. [Contracts Management Report as of May 15, 2020](#)

Finance Director, Geoffrey Buchheim

Recommendation: Receive and file.

PUBLIC COMMENTS

None.

ADJOURN

Mayor Matas adjourned the meeting at 8:52 P.M.

Jerryl Soriano, CMC, City Clerk