



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

JULY 7, 2020

4:30 P.M. – CLOSED SESSION

6:00 P.M. – REGULAR SESSION

**VIA VIDEOCONFERENCE
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 - 4:30 P.M.

CALL TO ORDER

Mayor Matas called the Closed Session to order at 4:30 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

None.

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

CLOSED SESSION:

1. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**
(Gov. Code section 54956.9(d)(1).)

Name of Case: Coachillin' Holdings, LLC v. City of Desert Hot Springs, et al.;
Riverside Superior Court, Case No. PSC1907920

2. **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

3. **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 meeting to order at 6:00 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)

INVOCATION

A Moment of Silence was held in memory of Patricia "Corky" Larson.

PLEDGE OF ALLEGIANCE

Council Member Gardner led the Pledge of Allegiance.

CITY ATTORNEY REPORT ON CLOSED SESSION

Jennifer Mizrahi, City Attorney, reported that a Judge has ruled that the City would not be liable for attorney's fees regarding Closed Session Item 2; and advised that there was no reportable action from the June 30, 2020 Closed Session.

APPROVAL OF THE AGENDA

Action: Gardner moved to approve the July 7, 2020 Regular Meeting Agenda; and approve the Consent Calendar in its entirety, motion seconded by Griffith, motion carried 5/0 by the following vote:

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

PUBLIC COMMENTS

Jay Hyde expressed concerns regarding his project.

Tina Esmeralda introduced her "Neighbor to Neighbor" project.

Giuseppe Catalanos spoke regarding Item 8 concerning Citation No. 12005D.

CITY MANAGER REPORT

Geoffrey Buchheim, Finance Director, provided an update regarding the City's finances.

Jim Henson, Chief of Police, reported on the COVID testing site and response to illegal fireworks.

Daniel Porras, Public Works Director, provided an update regarding various road and traffic signal projects.

MAYOR AND COUNCIL MEMBER REPORTS

Council Member Pye reported on the various meeting she attended.

Council Member Gardner reported on the various meetings he attended.

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

Council Member Betts reported on the various meetings he attended.

Mayor Matas reported on the various meetings he attended.

PUBLIC HEARINGS:

4. [Landscape and Lighting Maintenance District No. 1 Levy and Collection of Assessments to Fund Improvements 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 public testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions to Staff; and
- 7) Adopt a Resolution of the City Council of the City of Desert Hot Springs, State of California, Approving the Levy and Collection of Assessments to Fund Improvements within 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.

Mayor Matas opened the Public Hearing.

There was no public testimony.

Mayor Matas closed the Public Hearing.

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

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

5. Landscape and Lighting Maintenance District No. 2 Levy and Collection of Assessments to Fund Improvements 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 public testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions to Staff; and
- 7) Adopt a Resolution of the City Council of the City of Desert Hot Springs, State of California, Approving the Levy and Collection of Assessments to Fund Improvements within Landscape and Lighting Maintenance District No. 2 for Fiscal Year 2020-21.

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

Mayor Pro Tem Griffith assumed the Chair.

Geoffrey Buchheim, Finance Director, presented the staff report.

Mayor Pro Tem Griffith opened the Public Hearing.

There was no public testimony.

Mayor Pro Tem Griffith closed the Public Hearing.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2020-038*, 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

6. [Drainage Assessment District No. 1 Levy and Collection of Assessments to Fund Improvements 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 public testimony;
5) Close the Public Hearing;
6) City Council discussion and questions to Staff; and
7) Adopt a Resolution of the City of Desert Hot Springs, County of Riverside, California Approving and Ordering the Levy and Collection of Assessments within 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.

Mayor Pro Tem Griffith opened the Public Hearing.

There was no public testimony.

Mayor Pro Tem Griffith closed the Public Hearing.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2020-039*, 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

7. [Development Agreement No. 20-1: A Development Agreement Between the City of Desert Hot Springs and Marapharm DHS California, LLC](#)

Community Development Director, Rebecca Deming

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) Introduce for First Reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California, Approving the Development Agreement by and Between the City of Desert Hot Springs and Marapharm DHS California LLC.

Rebecca Deming, Community Development Director, presented the staff report.

Mayor Matas opened the Public Hearing.

Chris Brizuela, MSA Consulting, addressed the City Council on behalf of the applicant.

There was no public testimony.

Mayor Matas closed the Public Hearing.

Action: Betts moved to approve staff recommendation, 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)

8. **Resolution Affirming the Report of Public Nuisance Abatement Costs and Placing Them on the Tax Roll**

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; and
- 6) City Council discussion and questions to Staff; and
- 7) Adopt a Resolution of the City Council of the City of Desert Hot Springs, State of California Ordering Confirmation of the Special Assessments Against Parcels of Land within the Public Nuisance Abatement Costs for Fiscal Year 2020-21.

Geoffrey Buchheim, Finance Director, presented the staff report.

Christina Archuleta, Compliance Manager, responded to questions regarding bank owned foreclosed properties.

Mayor Matas opened the Public Hearing.

Chantell Odell spoke regarding 66572 Hacienda Avenue.

Jay Hyde spoke regarding fines.

Mayor Matas closed the Public Hearing.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2020-040*, 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)

9. (Continued from June 16, 2020) Resolution Adopting User Fee Study

Finance Director, Geoffrey Buchheim

Recommendation:

- 1) Staff Report;
- 2) Entertain questions of Staff by the City Council;
- 3) Open the Public Hearing;
- 4) Take public testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions to Staff; and
- 7) Adopt a Resolution of the City Council adopting the User Fee Study prepared by Revenue & Cost Specialists, LLC, dated April 2020.

Geoffrey Buchheim, Finance Director, introduced Eric Johnson, Revenue and Cost Specialists.

Eric Johnson, Revenue and Cost Specialists, presented an overview of the User Fee Study.

Mayor Matas opened the Public Hearing.

Jocelyn Kane spoke in a neutral position and requested clarification regarding quarterly inspections.

Katherine Dickerson spoke opposed.

Kenny Dickerson spoke opposed.

Paula Turner spoke opposed.

Jay Hyde spoke opposed.

Mayor Matas closed the Public Hearing.

A discussion ensued. Staff responded to questions.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2020-041*, motion seconded by Griffith, motion carried 4/1 by the following vote:

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

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

The City Council reconvened at 8:19 P.M.

10. [An Ordinance Amending Section 17.08.120 "Manufactured Homes" of Chapter 17.08 "Residential Districts" of Title 17 "Zoning" of the Desert Hot Springs Municipal Code Regarding Regulations for the Installation of Manufactured Homes](#)

Community Development Director, Rebecca Deming

Recommendation: 1) Staff Report;
2) Entertain questions of Staff from the City Council
3) Open Public Hearing;
4) Take public testimony;
5) Close the Public Hearing;
6) City Council discussion and questions to Staff; and
7) Introduce for First Reading and read by title only "An Ordinance of the City Council of the City of Desert Hot Springs, California Amending Section 17.08.120 "Manufactured Homes" Of Chapter 17.08 "Residential Districts" of Title 17 "Zoning" of the Desert Hot Springs Municipal Code Regarding Regulations for the Installation of Manufactured Homes."

Rebecca Deming, Community Development 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.

A discussion ensued.

Action: Betts moved to approve staff recommendation, 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)

11. [An Ordinance Amending Section 17.40.200 "Projections/Construction and Equipment Permitted into Setbacks" of Title 17 "Zoning" of the Desert Hot Springs Municipal Code to Clarify What Projections Can Encroach into Setback Areas](#)

Rebecca Deming, Community Development Director

Recommendation: 1) Staff Report;
2) Entertain questions of Staff from the City Council
3) Open Public Hearing;

- 4) Take public testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions to Staff; and
- 7) Introduce for First Reading and read by title only "An Ordinance of the City Council of the City of Desert Hot Springs Amending Section 17.40.200 "Projections/Construction and Equipment Permitted into Setbacks" of Title 17 "Zoning" of the Desert Hot Springs Municipal Code to Clarify What Projections Can Encroach into Setback Areas"

Rebecca Deming, Community Development 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.

Action: Griffith 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)

12. [An Ordinance Amending Section 17.12.030 "Land Use District Development Standards" of the Desert Hot Springs Municipal Code to Reflect Development Standards for Its New Zoning Designations Pursuant to the New General Plan Update](#)

Community Development Director, Rebecca Deming

Recommendation:

- 1) Staff Report;
- 2) Entertain questions of Staff from the City Council;
- 3) Open Public Hearing;
- 4) Take public testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions to Staff; and
- 7) Introduce for First Reading and read by title only "An Ordinance of the City Council of the City of Desert Hot Springs Amending Section 17.12.030 "Land Use District Development Standards" of the Desert Hot Springs Municipal Code to Reflect Development Standards for Its New Zoning Designations Pursuant to the New General Plan Update."

Rebecca Deming, Community Development 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.

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

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

13. Environmental Findings, General Plan GPA-20-1 Housing Element Technical Corrections

Community Development Director, Rebecca Deming

Recommendation: 1) Staff Report;
2) Entertain questions of Staff from the City Council
3) Open Public Hearing;
4) Take public testimony;
5) Close the Public Hearing;
6) City Council discussion and questions to Staff; and
7) Adopt a Resolution of the City Council of the City of Desert Hot Springs, California, Amending General Plan Amendment GPA 20-1 to Make Technical Corrections to the Housing Element to Reflect Requirements of the Housing Rollover Requirement Numbers In State Law, Including Correcting the Sites Inventory Table and Other Areas to Reflect The Proper Rollover Numbers.

Rebecca Deming, Community Development 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.

Action: Pye moved to approve staff recommendation and adopt *Resolution No. 2020-042*, motion seconded by Griffith, motion carried / by the following vote:

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

ADMINISTRATIVE CALENDAR:

14. Desert Valley Disposal Agreement for Trash Abatement Program

Finance Director, Geoffrey Buchheim

Recommendation: Authorize the City Manager to negotiate and execute an agreement with Desert Valley Disposal (DVD) for abatement of illegal dumping and roadside litter for an amount not to exceed \$185,000.

Geoffrey Buchheim, Finance Director, presented the staff report.

A discussion ensued.

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)

15. Proposed Refinancing of the California Communities Transportation Revenue (Installment Sale) Certificates of Participation, Series 2012A (TRIP - Total Road Improvement Program)

Finance Director, Geoffrey Buchheim

Recommendation: Adopt a Resolution of the City Council Approving the Execution and Delivery of California Statewide Communities Development Authority Transportation Revenue (Installment Sale) Certificates of Participation, Series 2020 (T.R.I.P. – Total Road Improvement Program) Pursuant to a Trust Agreement to Prepay and Refund the City’s 2012 Installment Sale Agreement and Related Certificates of Participation, Authorizing the Execution and Delivery of an Installment Sale Agreement, a Trust Agreement, Certificate Purchase Agreement and an Escrow Agreement, Authorizing the Distribution of an Official Statement in Connection with the Offering and Sale of such Certificates, and Authorizing Other Matters Relating Thereto”

Geoffrey Buchheim, Finance Director, introduced Michael Busch, Urban Futures.

Michael Busch, Urban Futures, presented the staff report and responded to questions.

Action: Pye moved to approve staff recommendation and adopt *Resolution No. 2020-043*, motion seconded by Griffith, motion carried 5/0 by the following vote:

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

16. Resolution Amending the Fiscal Year 2020-2021 Budget to Include Projects to be Funded by Senate Bill 1 (SB1)

Public Works Director, Daniel Porras

Recommendation: Adopt a Resolution of the City Council amending the budget for Fiscal Year 2020-2021 to incorporate the list of projects to be funded by Senate Bill 1 (SB 1) - Road Maintenance Rehabilitation Account (RMRA) Funds with an estimated amount of \$502,727.

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

Action: Betts moved to approve staff recommendation and adopt *Resolution No. 2020-044*, motion seconded by Gardner, motion carried 5/0 by the following vote:

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

17. [\(Continued from June 16, 2020, June 2, 2020, and May 19, 2020\) Appointment to the Planning Commission](#)

City Clerk, Jerryl Soriano, CMC

Recommendation: Continue the appointment to September 1, 2020.

Council Member Betts presented the report.

A discussion ensued.

Action: Pye moved to approve that the appointment decision be made at this time, motion seconded by Gardner, motion carried 1/4 by the following vote:

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

A discussion ensued.

Action: Matas moved to approve recommendation to continue the appointment to September 1, 2020, motion seconded by Betts, motion carried 3/2 by the following vote:

Vote: AYES: 3 - Betts, Matas, Gardner
Passed NOES: 2 - Pye, Griffith

18. [Notice of Completion - New City Hall Project No. 2019-03](#)

Public Works Director, Daniel Porras

Recommendation: Approve the work, accept the Project, and direct the City Manager to file the Notice of Completion for the New City Hall Project 2019-03.

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

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

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

CONSENT CALENDAR:

19. **City Council Regular Meeting Minutes: June 16, 2020**

City Clerk, Jerryl Soriano, CMC

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

20. **Second Reading and Adoption of an Ordinance Correcting Certain Typographical Errors to Reflect the Proper Density By Amending: 1) Land Use Table 17.08.02 "Development Standards-Residential Districts," and 2) Land Use Table 17.14.02 "Development Standards-Mixed Use Districts."**

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, Correcting Certain Typographical Errors to Reflect the Proper Density By Amending: 1) Land Use Table 17.08.02 "Development Standards-Residential Districts," and 2) Land Use Table 17.14.02 "Development Standards-Mixed Use Districts."

Ordinance No. 714

PUBLIC COMMENTS

None.

ADJOURN

Mayor Matas adjourned the meeting at 9:32 P.M.

Jerryl Soriano, CMC, City Clerk