



CITY OF DESERT HOT SPRINGS

REGULAR MEETING OF THE CITY COUNCIL

DRAFT ACTION MINUTES

MAY 6, 2014

6:00 PM – REGULAR SESSION

CLOSED SESSION TO IMMEDIATELY FOLLOW OPEN SESSION

**CITY COUNCIL CHAMBERS
CARL MAY COMMUNITY CENTER
11711 West Drive, Desert Hot Springs, California**

CALL TO ORDER

Mayor Sanchez called the meeting to order at 6:03 P.M.

ROLL CALL

Present:

Council Members: Scott Matas, Joe McKee, Jan Pye

Mayor Pro Tem: Russell Betts

Mayor: Adam Sanchez

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Betts led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Action: McKee moved to approve the May 6, 2014 Regular Meeting agenda, motion seconded by Pye, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Matas, McKee, Sanchez, Pye, Betts

Passed NOES: 0 - (None)

CITY ATTORNEY'S REPORT ON PREVIOUS CLOSED SESSION(S) HELD

Steve Quintanilla, City Attorney, advised that there was no reportable action from the Special Closed Session meetings held on April 21, 2014 and April 29, 2014.

URGENCY ITEM(S)

None.

PRESENTATIONS

Certificates of Recognition Presented to Desert Hot Springs High School, Public Safety Academy Graduates of the "Community Emergency Response Team (CERT) Training"
Mayor, Adam Sanchez

Mayor Sanchez, Pat Tomlinson, Fire Chief, and Dave Nunn, Emergency Preparedness Committee Chair, recognized graduates of the Jack Becker Youth CERT Program.

Proclamation for "Kids to Parks Day"
Mayor, Adam Sanchez

Mayor Sanchez read the Proclamation.

Proclamations for Service Recognition Day
Mayor, Adam Sanchez

Mayor Sanchez presented Proclamations to: 1) Li, Yong with China Social Assistance Foundation; and 2) Doug Copp with American Rescue Team International, Triangle of Life.

GRID Alternatives Presentation on Solar Electric Systems for Homeowners
Inland Empire Regional Director, Bambi Tran

Bambi Tran, Inland Empire Regional Director, GRID Alternatives, gave an overview of their program; and responded to questions.

PUBLIC COMMENTS

Carol Camelot, resident, spoke regarding a committee in support of Measure F.

Judy Shea, resident, spoke regarding historical information regarding vacant properties and parcel taxes.

Dana Johnson, resident, spoke regarding Family Services of the Desert and Food Now, Inc.

Heather Coladonato, Chamber of Commerce, gave announcements.

Michael Burke, resident, spoke regarding a committee in support of Measure F.

Wes Sinclair, spoke regarding FAST Management, Furbee Aquatics Center.

Barbara Ascencio, College of the Desert Student, spoke regarding roof top solar and a report prepared by the Sierra Club, a copy of which was received, distributed, and included as part of the record.

Connie Taylor, resident, spoke regarding Jr. All-American Football.

Jeffrey Eugene Ridge, spoke regarding medical marijuana collectives/dispensaries.

Lew Stewart, residence unknown, spoke regarding the City's budget, volunteerism, and Measure F.

Bob Terry, resident, stated that he supports Measure F.

Anna Matthews, resident, spoke regarding an incident.

Dave Nunn, resident, Emergency Preparedness Committee Chair, spoke regarding the Community Emergency Response Team (CERT) Program.

Howard Reeves, Calimesa resident, spoke regarding Little League Baseball.

CONSENT CALENDAR

Action: Pye moved to approve the Consent Calendar except for Items 2 and 3, motion seconded by McKee, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Matas, McKee, Sanchez, Pye, Betts
Passed NOES: 0 - (None)

The City Council recessed at 7:31 P.M.

The City Council reconvened at 7:42 P.M.

- 1. City Council Regular Meeting Minutes: April 15, 2014**
City Council Special Meeting Minutes: April 21, 2014
City Council Special Meeting Minutes: April 29, 2014
City Clerk, Jerryl Soriano, CMC

2. Recommendation by the Community & Cultural Affairs Commission (CCAC) to Allow a Mural to be Painted on a Building Located at 11719 Palm Drive.

Acting Community Development Director, Rich Malacoff, AICP

Recommendation: Approve a recommendation by the Community & Cultural Affairs Commission (CCAC) to allow a mural to be painted on a building located at 11719 Palm Drive.

Rich Malacoff, Acting Community Development Director, provided the staff report; and presented and slideshow, a copy of which was provided and made a part of the record.

Nikohl Vandel, resident, spoke.

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

Vote: AYES: 5 - Matas, McKee, Sanchez, Pye, Betts
Passed NOES: 0 - (None)

3. Recommendation by the Community & Cultural Affairs Commission (CCAC) to Allow Two Murals to be Painted on a Block Wall and Gate Located at 65145 Two Bunch Palms Trail

Acting Community Development Director, Rich Malacoff, AICP

Recommendation: Approve a recommendation by the Community & Cultural Affairs Commission (CCAC) to allow two murals to be painted on a block wall and gate located at 65145 Two Bunch Palms Trail.

Rich Malacoff, Acting Community Development Director, provided the staff report; and presented and slideshow, a copy of which was provided and made a part of the record.

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

Vote: AYES: 5 - Matas, McKee, Sanchez, Pye, Betts
Passed NOES: 0 - (None)

4. Second Reading of Ordinances - Development Agreement 01-14 (DA 01-14) for Two Bunch Palms Bliss (TBP), LLC, to Expand Facilities at the Site Located at 67425 Two Bunch Palms Trail and Zone Map Amendment No. 01-14 (ZMA 01-14) to Change the Zoning of Various Parcels

Acting City Manager, Martín Magaña

Recommendation: 1) Approve second reading and adopt 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 TBP Bilss Development, LLC, subject to the terms and conditions contained therein; and

- 2) Approve second reading and adopt an Ordinance of the City Council of the City of Desert Hot Springs, California, Zoning Ordinance Amendment changing the existing zoning of the Two Bunch Palms Resort and Spa and surrounding properties, as described in the TBS Development Agreement, to permit the development of a maximum of 621 residential units, 283 residential visitor units, 385 resort units, 19.92 acres of permanent open space and 3.97 acres of commercial space on: (a) one (1) R/VS-L "Resort Zone" parcel, on which the current Resort and its expansion will be located; (b) one (1) parcel with five (5) residential lots which are and will continue to be zoned residential low (R-L) and residential visitor medium (R/VS-M); (c) one (1) parcel zoned R/VS-H, but set aside for open space; and (d) one (1) parcel zoned commercial which will permit the development of a maximum of 621 residential units, 283 residential visitor units, 385 resort units, 19.92 acres of permanent open space and 3.97 acres of commercial space.

Waive the reading of the ordinances in their entirety and read by title only.

Ordinance No. 544

5. Second Reading of Ordinance to Amend Chapter 8.04 "Garbage and Rubbish" of the Desert Hot Springs Municipal Code

City Attorney, Steven Quintanilla

Recommendation: Approve second reading and adopt an Ordinance of the City Council amending Chapter 8.04 "Garbage and Rubbish" of the Desert Hot Springs Municipal Code; waive the reading of the ordinance in its entirety and read by title only.

Ordinance No. 545

ADMINISTRATIVE CALENDAR

6. Fiscal Year 2014-15 Budget

Administrative Services Director, Amy Aguer

Recommendation: 1) Receive a Presentation on the FY 2014-15 Budget
2) Take Whatever Action the Council Deems Appropriate

Amy Aguer, Administrative Services Director, provided the staff report; and responded to questions.

Danny Porrás, Associate City Engineer, CIP Budget and Projects; and responded to questions.

A discussion ensued.

Council Member Pye suggested that the pavement management plan be referred to Planning Commission for review

7. Little League Ball Field and City Parks Watering Schedule and Ball Field Watering Schedule and Creation of a City Council Liaison Position to Desert Hot Springs Little League to Monitor Facility Conditions and Maintenance

Mayor Pro Tem Russell Betts and Council Member Joe McKee

Recommendation: 1) Direct city staff to maintain watering at the Little League ball field, Wardman Park, Tedesco Park and all other parks and city landscaped areas in sufficient supply to keep the grass from turning brown and other vegetation from dying; and
2) Establish a City Council liaison position to the Desert Hot Springs Little League to monitor facility conditions and maintenance at the city Little League field and to report back to the City Council prior to the grass turning brown and crunchy.

Mayor Pro Tem Betts gave the report.

Howard Reeves, Calimesa resident, spoke.

Maggie Platt, resident, spoke.

Mike Platt, resident and Assistant District Administrator for Little League Baseball, spoke.

A discussion ensued.

Action: Betts moved to direct staff to maintain watering at parks, motion seconded by McKee, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Matas, McKee, Sanchez, Pye, Betts
Passed NOES: 0 - (None)

8. Implementation of the Vortex Specific Plan.

Acting City Manager, Martín Magaña

Recommendation: Approve the Planning Commission's recommendation regarding implementation of the Vortex Specific Plan.

Martin Magana, Acting City Manager, provided the staff report; and responded to questions.

A discussion ensued.

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

Vote: AYES: 5 - Matas, McKee, Sanchez, Pye, Betts
Passed NOES: 0 - (None)

The City Council recessed at 8:53 P.M.

The City Council reconvened at 8:59 P.M.

9. Resolution of Intention for Placing Desert Valley Disposal Annual Billings for Services of Residential Properties on the County Tax Rolls, Fiscal Year 2014-15

Administrative Services Director, Amy Aguer

Recommendation: Adopt a Resolution of the City Council Declaring the Intention to Levy Annual Billing for Desert Valley Disposal inc., Solid Waste Refuse Services for Residential Properties on the County Tax Roll for the Fiscal Year 2014-15, Approving the Attachment F Rate Schedule for the July 1, 2013 Rate Year, and Setting a Time and Place for the Public Hearing.

Amy Aguer, Administrative Services Director, provided the staff report.

Action: Pye moved to approve staff recommendation and adopt Resolution No. 2014-016, motion seconded by McKee, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Matas, McKee, Sanchez, Pye, Betts
Passed NOES: 0 - (None)

10. Approval of the 2014-2015 Fiscal Year Storm Water Protection Program Budget for the County Service Area 152

Administrative Services Director, Amy Aguer

Recommendation: Approve the County Service Area 152 Budget for Fiscal Year 2014-2015 in the amount of \$37,000.00 and authorize the levy of the County Service Area 152 Assessment at \$1.56 per Benefit Assessment Unit (BAU) for FY 2014-2015.

Amy Aguer, Administrative Services Director, provided the staff report.

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

Vote: AYES: 5 - Matas, McKee, Sanchez, Pye, Betts
Passed NOES: 0 - (None)

11. League of California Cities Annual Conference Expenses

Deputy City Clerk, Kristie Ramos

Recommendation: Provide staff direction regarding travel arrangements for the League of California Cities Annual Conference to be held in September 2014.

Martin Magana, Acting City Manager, provided the staff report.

Action: Betts moved to continue to June 17, 2014, motion seconded by Sanchez, motion carried 4/1 by the following vote:

Vote: AYES: 4 - Matas, McKee, Sanchez, Betts
Passed NOES: 1 - Pye

12. Temporary Staffing Services

Administrative Services Director, Amy Aguer

Recommendation: Authorize an increase to the Purchase Order with MuniTemps Municipal Staffing Solutions by \$40,000, with a new not-to-exceed amount of \$70,000, to cover Temporary Staff providing Administrative Support Services for the Police Department, as well as Community Development, Planning, Engineering, Building & Safety and Public Works.

Amy Aguer, Administrative Services Director, provided the staff report.

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

Vote: AYES: 5 - Matas, McKee, Sanchez, Pye, Betts
Passed NOES: 0 - (None)

PUBLIC COMMENTS

Carol Camelot, resident, spoke regarding emergency awareness, the "triangle of life," and Doug Copp.

MAYOR AND COUNCIL MEMBER REPORTS

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

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

Council Member Pye spoke and reported on the various meetings and events she attended.

Mayor Sanchez spoke regarding the "State of the City" address.

Mayor Pro Tem Betts spoke and reported on the various meetings and events he attended.

CITY MANAGER REPORT

Martin Magana, Acting City Manager, gave a brief report and updates.

RECESS TO CLOSED SESSION

Steve Quintanilla, City Attorney, stated the purpose of the items under the Closed Session.

The City Council recessed into Closed Session at 9:48 P.M.

CLOSED SESSION:

- 1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: Sipple v. City of Desert Hot Springs, et. al.
County of Los Angeles Superior Court Case No. BC462270; California Court of Appeals, Second Appellate District, Division 2, Case No. B242893
- 2. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION**
Pursuant to Government Code Section 54956.9(d)(1)
Case Name: Pacific Custom Pools v. City of Desert Hot Springs, et al.,
Riverside County Superior Court Case No. PSC 1300787
- 3. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: Desert Hot Springs Police Officers' Association v. City of Desert Hot Springs
County of Riverside Superior Court Case No. PSC 1400888
- 4. CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code §54957.6
Agency Designated Representatives: Acting City Manager, Martin Magana
City Attorney, Steven Quintanilla
Employee Organization: Police Officers Association (DHSPOA)
- 5. CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Government Code §54957.6
Agency Designated Representatives: Acting City Manager, Martin Magana
City Attorney, Steven Quintanilla
Employee Organization: Teamsters Local 911
- 6. Pursuant to Government Code Section 54957(b)(1)**
Public Employment: Permanent City Manager Position

7. CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9

Based on advice of legal counsel and existing facts and circumstances, a point has been reached in the opinion of the City Council that the City is facing significant exposure to litigation (Government Code Section 54956.9(d)(2)). Pursuant to Government Code Section 54956.9(e)(1), the facts and circumstances need not be disclosed as the City believes they are not yet known to the potential plaintiff or plaintiffs. Number of potential cases: One (1)

CONVENE IN OPEN SESSION

The City Council convened in Open Session at 10:55 P.M.

CITY ATTORNEY REPORT ON CLOSED SESSION

Steve Quintanilla, City Attorney, advised that there was no reportable action; and that the City Council adjourned the meeting to Wednesday, May 7, 2014 at 5:00 P.M.

ADJOURN

The City Council adjourned at 10:56 P.M.