



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

FEBRUARY 7, 2017

4:00 P.M. – STUDY SESSION

CLOSED SESSION

(Immediately Following the Study Session)

5:30 P.M. – PRESENTATIONS

6:00 P.M. – REGULAR SESSION

**MISSION SPRINGS WATER DISTRICT
Board Room
66575 2nd Street, Desert Hot Springs, California**

STUDY SESSION – 4:00 P.M.

CALL TO ORDER

ROLL CALL

STUDY SESSION:

1. **[Homelessness Update Presentation](#)**
Council Member, Joe McKee; and Mayor, Scott Matas

CLOSED SESSION 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
(Immediately Following the Study Session)

CLOSED SESSION:

2. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

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

Name of case: Kirk Clymer v. City of Desert Hot Springs, United States District Court, Central District of California

Case No. 5:16-cv-02055-BRO-JCx.

3. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

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

Name of case: Gough v. City of Desert Hot Springs, County of Riverside Superior

Case Number (Small Claims) – INS1700077

4. **CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(2) of Section 54956.9: (1 case). The facts and circumstances involve issues pertaining to a certain developer who has threatened litigation against the City, although no formal claim has been filed.

PRESENTATIONS - 5:30 P.M.

5. **Proclamation for Safe Surrender Awareness Month**

Mayor, Scott Matas

6. **Introduction and Swearing In of New Police Officer**

Chief of Police, Dale Mondary; and Deputy City Clerk, Doria Wilms

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:

7. [Conditional Use Permit \(CUP No. 25-16\) and Development Agreement \(DA 16-16\) to Establish an Approximate 29,000 Square Foot Medical Marijuana Cultivation Facility on a 1.23 Acre Site Located on the Northeast Corner of Little Morongo Road and 15th Avenue](#)

Applicant: AGreenCulture DHS, Inc. (Contact: Dmitry Margusov)

Interim Community Development Director, Charles Rangel

Packet Page 11

Recommendation:

- 1) Staff Report;
- 2) Questions of Staff;
- 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

- 9) Approve: 1) Adoption a Mitigated Negative Declaration for the AGreenCulture Medical Marijuana Cultivation project, 2) a Conditional Use Permit (CUP 25-16) for the construction of a 29,193 square foot cultivation building; and 3) an Ordinance approving a Development Agreement (DA 16-16) for the project located on the northeast corner of Little Morongo Road and 15th Avenue in the I-L (Light Industrial) District. APN's: 665-050-021, 027, & 030.

8. [\(Continued from January 17, 2017\)](#)

Annexation No. 8 to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) (Cannadescent)

Administrative Services Director, Joseph M. Tanner, Jr.

Packet Page 193

- Recommendation:**
- 1) Open the public hearing;
 - 2) Staff Report;
 - 3) Take testimony;
 - 4) Close the Public Hearing;
 - 5) Questions of Staff;
 - 6) City Council Discussion;
 - 7) Adopt a Resolution of the City Council calling an election to submit to the qualified electors the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2010-1 (Services) (Annexation No. 8)
 - 8) Hold the Election;
 - 9) Canvass the Election; and
 - 10) Adopt a Resolution of the City Council declaring election results for Annexation No. 8 to Community Facilities District No. 2010-1 (Services).

ADMINISTRATIVE CALENDAR:

9. [Appointment to the Public Safety Commission to Fill Vacancy for Unexpired Term](#)

City Clerk, Jerryl Soriano, CMC

Packet Page 235

- Recommendation:** Ratify Council Member Anayeli Zavala's appointment to the Public Safety Commission to fill one (1) vacancy consisting of an unexpired term ending January 2018.

10. [Appointment to the Planning Commission to Fill Vacancy for Unexpired Term](#)

City Clerk, Jerryl Soriano, CMC

Packet Page 253

- Recommendation:** Ratify Council Member Joe McKee's appointment to the Planning Commission to fill one (1) vacancy consisting of an unexpired term ending January 2018.

11. [Desert Valley Disposal Contract for Trash Abatement Program](#)
Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 259
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 \$225,589.96 for 16 months; in a form approved as to form by the City Attorney.
12. [Open Property Assessed Clean Energy \("PACE"\) Program](#)
Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 265
Recommendation: Adopt a Resolution of the City Council:
 - 1) Approving, authorizing, and directing execution of a Joint Exercise of Powers Agreement relating to the California Municipal Finance Authority;
 - 2) Consenting to the inclusion of properties within the territory of the City in the California Municipal Finance Authority Open Pace Programs;
 - 3) Authorizing the California Municipal Finance Authority to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the territory of the City; and
 - 4) Authorizing related actions.
13. [First Amendment to the Consulting Services Agreement for Tax Administration Services with Albert A. Webb Associates](#)
Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 287
Recommendation: Authorize the City Manager to execute a First Amendment to the Consulting Services Agreement for Tax Administration Services with Albert A. Webb Associates in the amount of \$183,333.32 (\$93,166.66 per year) from July 1, 2017 through June 30, 2019, and to execute all necessary agreements with approval as to form by the City Attorney.
14. [City Hall Relocation](#)
Public Works Manager, Daniel Porras, P.E. Packet Page 313
Recommendation:
 - 1) Authorize the City Manager to take all the steps necessary to immediately lease new modular facilities and to place them at the Northwest corner of Palm Drive and Pierson Blvd or at a suitable temporary site; and
 - 2) Authorize the City Manager to execute a First Amendment to the Professional Services Agreement with Hill International to include \$170,000 for engineering consulting services and \$330,000 for project management and design services for the completion of Phase 1 of the City Hall Relocation Project, for a total amount not to exceed of \$500,000, to be utilized over the next two fiscal years 2016-2017 and 2017-2018.

15. [Refinancing Opportunities and Funding Options for City Hall](#)
Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 333
Recommendation: 1) Review staff report and comment; and
2) Direct staff to proceed with one of the identified options and return to the next regularly scheduled City Council meeting for approval.
16. [\(Successor Agency\)](#)
Resolution Approving Purchase and Sale Agreement and Joint Escrow Instructions Between the Successor Agency to the Former Redevelopment Agency of the City of Desert Hot Springs for Real Property Located at 66338 1st Street (APN 639-251-031)
Administrative Services Director, Joseph M. Tanner, Jr. Packet Page 335
Recommendation: Adopt a Resolution of the Successor Agency to the former Redevelopment Agency of the City of Desert Hot Springs approving a Purchase and Sale Agreement and Joint Escrow Instructions between the Successor Agency to the former Redevelopment Agency of the City of Desert Hot Springs and Bradley N. Adams for real property located at 66338 1st Street, Desert Hot Springs, California (APN 639-251-031); and approving certain related actions.
17. [Ordinance Restricting Camping on Private Property](#)
City Manager, Charles L. Maynard; Packet Page 393
Presented by Jennifer Mizrahi, City Attorney
Recommendation: Introduce for first reading and read by title only “An Ordinance of the City Council of the City of Desert Hot Springs amending Chapter 12.04 “Camping Restrictions” of Title 17 “Streets, Sidewalks and Public Places” of the Desert Hot Springs Municipal Code to restrict camping on private property.”
18. [Ordinance Amending the Desert Hot Springs Municipal Code Requiring Landscape-Related Businesses to Complete a Course on Water Efficiency](#)
Public Works Manager, Daniel Porras, P.E. Packet Page 403
Recommendation: Introduce First Reading and read by title, An Ordinance of the City Council of the City of Desert Hot Springs Amending Title 5 “Business Licenses And Regulations” of the City of Desert Hot Springs Municipal Code to repeal and readopt Chapter 5.04.040 “License Required” with a required landscaper course on overseeding alternative to include a course on Water Efficiency for issuance of a Business License to landscape-related businesses in the City of Desert Hot Springs in its entirety.

19. [Ordinance Regarding Commission Salaries](#)

*Council Member, Russell Betts; and
Council Member, Joe McKee*

Packet Page 409

Recommendation: Consider introduction and first reading of "An Ordinance of the City Council of the City of Desert Hot Springs amending Section 2.32.050 of Chapter 2.32 of the Desert Hot Springs Municipal Code increasing the salary of the Planning Commissioners."

20. [Appointment of a Delegate and Alternate for the 2017 Southern California Association of Governments \(SCAG\) General Assembly](#)

City Clerk, Jerryl Soriano, CMC

Packet Page 415

Recommendation: Appoint a Delegate and Alternate for the 2017 SCAG General Assembly meeting to be held on May 4-5, 2017 in Palm Desert, California.

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.

21. [Short Form Purchase and Service Contract with The Pun Group, LLP for Professional Audit Services for the Desert Hot Springs Health and Wellness Foundation](#)

Administrative Services Director, Joseph M. Tanner, Jr.

Packet Page 417

Recommendation: Authorize the City Manager to execute the Short Form Purchase and Service Contract with The Pun Group, LLP for a total not-to-exceed \$10,200.00 to prepare the audited financial statement and the state and federal tax returns for the Desert Hot Springs Health and Wellness Foundation for the fiscal year ending June 30, 2017.

22. [Second Reading and Adoption of an Ordinance Approving a Development Agreement \(DA 15-16\) with Medi Teranchi / Bunch Palms Trail, LLC](#)

Interim Community Development Director, Charles Rangel

Packet Page 427

Recommendation: Approve Second Reading, read by title and adopt an Ordinance of the City Council approving Development Agreement No. 15-16 to establish a 57,907 square foot medical marijuana cultivation facility located on the southwest corner of Two Bunch Palms Trail and Cabot Road in the Light Industrial (I-L) Zone (APN 665-030-058).

23. [Revised Fourth Amendment to SunLine Joint Powers Transportation Agency Agreement](#)
Assistant to the City Manager, Luke Rainey *Packet Page 509*
Recommendation: Approve the Revised Fourth Amendment to the SunLine Joint Powers Transportation Agency Agreement.
24. [Second Reading and Adoption of an Ordinance Prohibiting Obstruction of Pedestrian Traffic and Carl May Center Parking Lot and Driveways Use Restrictions](#)
City Clerk, Jerryl Soriano, CMC *Packet Page 519*
Recommendation: Approve Second Reading, read by title only and adopt "An Ordinance of the City Council amending the Desert Hot Springs Municipal Code by 1) Adding Article VI "Obstruction of Pedestrian Traffic Prohibited," 2) Adding Article VII "Carl May Center Parking Lot, and Driveways Use Restrictions," and 3) Repealing Section 10.36.050 "Unreasonable Interference with Free Passage of Pedestrians" of Title 10 "Vehicles and Traffic."
25. [Second Reading and Adoption of an Ordinance Adopting the 2016 California Fire Code with Amendments](#)
City Clerk, Jerryl Soriano, CMC *Packet Page 529*
Recommendation: Approve Second Reading, read by title and adopt "An Ordinance of the City Council of the City of Desert Hot Springs Amending Title 15 "Buildings And Construction" of the Desert Hot Springs Municipal Code to repeal and readopt Chapter 15.24 "California Fire Code" with selected Appendices and Amendments and to repeal Chapter 15.56 "NFPA 101 Life Safety Code" in its entirety.
26. [Second Reading and Adoption of an Ordinance to Allow Certain Medical Marijuana Manufacturing Facilities to Request a Minor Modification to a Conditional Use Permit to Allow Manufacturing Medical Marijuana](#)
City Clerk, Jerryl Soriano, CMC *Packet Page 555*
Recommendation: Approve Second Reading, read by title and adopt "An Ordinance of the City Council of the City of Desert Hot Springs amending Section 17.180.060 "Medical Marijuana Manufacturing Facilities" of Chapter 17.180 "Medical Marijuana Facilities Operation and Location" of Title 17 "Zoning" of the Desert Hot Springs Municipal Code to allow certain medical marijuana manufacturing facilities to request a minor modification to a Conditional Use Permit to all manufacturing of medical marijuana.

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 for meeting locations and the most up to date information.*

February 8	RDA Oversight Board Meeting	8.00 a.m.
February 8	CCAC	6:00 p.m.
February 9	Public Safety Commission	CANCELED
February 14	Planning Commission	6:00 p.m.
February 21	City Council Regular Meeting	6:00 p.m.
February 28	Economic Development Committee	2:00 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.