



## 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

JANUARY 17, 2017

3:30 P.M. – STUDY SESSION

CLOSED SESSION

(Immediately Following the Study 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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### STUDY SESSION - 3:30 P.M.

#### CALL TO ORDER

#### ROLL CALL

1. [Draft Ordinance Amending Section 17.40.110 "Fences, Walls, and Hedges" of the Desert Hot Springs Municipal Code to Include Regulations for Fencing Surrounding Vacant Property](#)  
*Council Member, Russell Betts; and Mayor Pro Tem, Joe McKee* Packet Page 11  
**Recommendation:** Review and provide direction to Staff.
2. [California Senate Bill 415 "Voter Participation Rights Act" and Direction Regarding the Timing of Transitioning to a Statewide Election Date](#)  
*City Clerk, Jerry Soriano, CMC* Packet Page 19  
**Recommendation:** Provide direction as to the timing of transitioning the City's general municipal elections to a statewide election date (November of each even-numbered year) to occur not later than November 8, 2022 pursuant to California Senate Bill No. 415 known as the California Voter Participation Rights Act.

**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)**

**3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

*Pursuant to Government Code Section 54956.8:*

Property: 66338 1st Street (APN: 639-251-031 Vacant Lot)  
Agency Negotiator: Charles L. Maynard, City Manager/Successor Agency  
Executive Director  
Jennifer Mizrahi, City Attorney/Successor Agency General  
Counsel  
Joseph M. Tanner, Administrative Services Director  
Negotiating parties: Bradley Adams  
Under negotiation: Price and Terms

**4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

*Pursuant to Government Code Section 54956.8:*

Property: Vacant Lot (APN: 641-113-004)  
Agency Negotiator: Charles L. Maynard, City Manager/Successor Agency  
Executive Director  
Jennifer Mizrahi, City Attorney/Successor Agency General  
Counsel  
Joseph M. Tanner, Administrative Services Director  
Negotiating parties: Jeffrey Ridge  
Under negotiation: Price and Terms

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

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

Name of Case: People v Chryssikos  
Riverside Superior Court Case No. INM1302153.

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

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

Name of case: City of Desert Hot Springs v John Van Beek, et al.,  
Riverside County Superior Court Case No. PSC1602949

**7. 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.

**8. CONFERENCE WITH LEGAL COUNSEL—POTENTIAL INITIATION OF  
LITIGATION (Paragraph (4) of subdivision (d) of Section 54956.9)**

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

9. **Selection of Mayor Pro Tem**  
*Mayor, Scott Matas*

**RECESS**

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

**CALL TO ORDER**

**ROLL CALL**

**INVOCATION**

*Moment of Silence in Memory of John Benoit, Riverside County Supervisor*

**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:**

**10. Ordinance Adopting the 2016 California Fire Code with Amendments**

*Deputy Fire Marshal, Kevin Reinertson*

*Packet Page 43*

**Recommendation:** 1) Receive public input on the proposed ordinance; and  
2) Introduce for First Reading, an Ordinance of the City Council of the City of Desert Hot Springs Amending Title 15 "Buildings And Construction" of the City of 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 ("Ordinance"); waive the reading of the Ordinance in its entirety and City Clerk read by title only.

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

*Administrative Services Director, Joseph M. Tanner, Jr.*

*Packet Page 83*

**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).

**12. Conditional Use Permit Application (CUP 23-16) and Development Agreement (DA 15-16) for the Construction of a 57,907 Square Foot Medical Marijuana Cultivation Facility Located on the Southwest Corner of Two Bunch Palms Trail and Cabot Road in a Light Industrial (I-L) Zone, APN 665-030-058**

**Applicant: Bunch Palms Trail, LLC / Medi Tehranchi**

*Interim Community Development Director, Charles Rangel*

*Packet Page 125*

**Recommendation:** 1) Staff Report;  
2) Questions of Staff;  
3) Open the Public Hearing;  
4) Take Applicant Testimony;  
5) Take Public Testimony;  
6) Close the Public Hearing;  
7) Opportunity for Applicant Rebuttal;  
8) City Council discussion; and  
9) Approve: (1) Conditional Use Permit No. 23-16; and (2) and 2nd Reading and adoption of an Ordinance approving Development Agreement No. 15-16 for a medical marijuana cultivation facility to be constructed at the Southwest corner of the intersection of Two Bunch Palms Trail and Cabot Road in the Light Industrial (I-L) Zone, subject to the attached conditions of approval.

**13. Appeal of Planning Commission Action of Denial:**

**First Extension of Time - Tentative Tract Maps 35009 and 35448 Located West of State Route 62 Within the Rancho Royale Specific Plan Encompassing Most of Section 20, Range 4 East, Township 2 South; San Bernardino Baseline and Meridian**

*Interim Community Development Director, Charles Rangel*

*Packet Page 313*

**Recommendation:** 1) Staff Report;  
2) Entertain Questions from the City Council;  
3) Open the Public Hearing; and  
4) Continue the Public Hearing to February 21, 2017.

**14. Ordinance to Allow Certain Medical Marijuana Manufacturing Facilities to Request a Minor Modification to a Conditional Use Permit to Allow Manufacturing of Medical Marijuana**

*Interim Community Development Director, Charles Rangel*

*Packet Page 317*

**Recommendation:** 1) Open the Public Hearing;  
2) Take Public Testimony;  
3) Close the Public Hearing; and  
4) Introduce for First Reading, 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 allow manufacturing of medical marijuana," waive the reading of the Ordinance in its entirety and City Clerk read by title only.

**ADMINISTRATIVE CALENDAR:**

**15. Audited Financial Statements for Fiscal Year 2015-2016**

*Administrative Services Director, Joseph M. Tanner, Jr.*

*Packet Page 331*

**Recommendation:** Receive and file.

**16. Professional Services Agreement with The Pun Group, Incorporated for Professional Audit Services**

*Administrative Services Director, Joseph M. Tanner, Jr.*

*Packet Page 487*

**Recommendation:** Authorize the City Manager to extend the Professional Services Agreement with The Pun Group, Incorporated for a total amount not-to-exceed \$157,058.00 (\$78,529.00 per Fiscal Year) to continue professional Auditing Services for the City of Desert Hot Springs and the Desert Hot Springs Health and Wellness Foundation from July 1, 2017 through June 30, 2019; with approval as to form by the City Attorney.

**17. Award of Contract for Senior Center Operations**

*Administrative Services Director, Joseph M. Tanner, Jr.*

*Packet Page 513*

**Recommendation:** Authorize the City Manager to execute an agreement with Mizell Senior Center for a period of three years (with extension options for years four and five) for an amount not to exceed \$125,000 dollars per year by minute order.

**18. Loitering Ordinance**

*City Manager, Charles L. Maynard*

*Packet Page 573*

**Recommendation:** Introduce and approve for First Reading, an Ordinance of the City Council of the City of Desert Hot Springs 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"; waive the reading of the Ordinance in its entirety and City Clerk read by title only.

**19. Construction of Tenant Improvements at 11999 Palm Dr (Visitor Center)**

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

*Packet Page 581*

**Recommendation:** Authorize the City Manager to execute a contract with Diamond Construction, Inc. for the Construction of Tenant Improvements at 11999 Palm Drive in an amount of \$157,470.00 with a 20% contingency amount of \$31,494.00 for unforeseen expenses, which brings the total budgeted amount to \$188,964.00.

**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.*

**20. City Council Regular Meeting Minutes: December 6, 2016**

*City Clerk, Jerryl Soriano, CMC*

*Packet Page 659*

**Recommendation:** Approve Minutes as submitted; or as corrected.

**21. (Successor Agency)**

**Recognized Obligation Payment Schedule (ROPS 17-18) for the Period of July 1, 2017 Through June 30, 2018**

*Administrative Services Director, Joseph M. Tanner, Jr.*

*Packet Page 671*

**Recommendation:** Adopt a Resolution of the Successor Agency approving the Recognized Obligation Payment Schedule (ROPS 17-18) and administrative budget for the Successor Agency for the period of July 1, 2017 through June 30, 2018.

**22. Second Reading and Adoption of an Ordinance Approving a Development Agreement (DA 06-16) with Ryan Csaftis / MERJ, LLC**

*Interim Community Development Director, Charles Rangel*

*Packet Page 689*

**Recommendation:** Approve Second Reading and adopt an Ordinance of the City Council approving Development Agreement No. 06-16 to establish a medical marijuana cultivation facility located on the eastside of Little Morongo Road (northeast corner of Little Morongo Road and 16th Avenue, unimproved) within the General Plan Light Industrial (I-L) Zone; waive the reading of the Ordinance in its entirety and City Clerk read by title only.

**23. Second Reading and Adoption of an Ordinance Repealing "Registered Sex Offender Restrictions"**

*City Clerk, Jerryl Soriano, CMC*

*Packet Page 845*

**Recommendation:** Approve Second Reading and adopt "An Ordinance of the City Council of the City of Desert Hot Springs repealing Chapter 9.24 "Registered Sex Offender Restrictions" Contained in Title 9 of the Desert Hot Springs Municipal Code," waive the reading of the Ordinance in its entirety and City Clerk read by title only.



24. [Second Reading and Adoption of an Ordinance Amending Chapter 17.60 "Art in Public Places Program" of Title 17 "Zoning" of the Desert Hot Springs Municipal Code](#)  
*City Clerk, Jerryl Soriano, CMC* *Packet Page 857*  
**Recommendation:** Approve Second Reading and adopt "An Ordinance Amending Chapter 17.60 "Art in Public Places Program" of Title 17 "Zoning" of the Desert Hot Springs Municipal Code" to render it expressly applicable to industrial development projects in order to maximize the potential for new artwork to be created and installed throughout the City, thereby improving the City's overall aesthetic; waive the reading of the Ordinance in its entirety and City Clerk read by title only.
25. [Second Reading and Adoption of an Ordinance Authorizing the City Manager to Negotiate, Award and Execute Certain Agreements, As So Set by Resolution by the City Council; A Resolution Authorizing the City Manager to Execute Certain Agreements](#)  
*City Clerk, Jerryl Soriano, CMC* *Packet Page 873*  
**Recommendation:** Approve Second Reading and adopt "An Ordinance of the City Council of the City of Desert Hot Springs adding Section 3.44.170 (Facility Use Agreements and Non-Exclusive License Agreements – Negotiation, Award and Signature Authority) to Chapter 3.44 (Purchasing) of Title 3 (Revenue and Financing) of the Desert Hot Springs Municipal Code, authorizing an Officer other than the Mayor to negotiate, award and execute certain agreements, as so set by resolution of the City Council; waive the reading of the Ordinance in its entirety and City Clerk ready by title only.
26. [Contracts Management Report as of January 17, 2017](#)  
*Administrative Services Director, Joseph M. Tanner, Jr.* *Packet Page 881*  
**Recommendation:** Receive and file.
27. [Treasurer's Report as of October 31, 2016](#)  
*Administrative Services Director, Joseph M. Tanner, Jr.* *Packet Page 885*  
**Recommendation:** Receive and file.
28. [Treasurer's Report as of November 30, 2016](#)  
*Administrative Services Director, Joseph M. Tanner, Jr.* *Packet Page 891*  
**Recommendation:** Receive and file.
29. [Payment Register and City Council Expenditures Report for the Month of October 2016](#)  
*Administrative Services Director, Joseph M. Tanner, Jr.* *Packet Page 897*  
**Recommendation:** Receive and file.



**30. Payment Register and City Council Expenditures Report for the Month of November 2016**

*Administrative Services Director, Joseph M. Tanner, Jr.*

*Packet Page 913*

**Recommendation:** Receive and file.

**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](http://www.cityofdhs.org) for meeting locations and the most up to date information.*

January 24	Economic Development Committee	6:00 p.m.
February 7	City Council Regular Meeting	6:00 p.m.
February 8	RDA Oversight Board Meeting	8.00 a.m.
February 8	CCAC	6:00 p.m.
February 9	Public Safety Commission	6:00 p.m.
February 14	Planning Commission	6:00 p.m.
February 21	City Council Regular Meeting	6:00 p.m.
February 28	Economic Development Committee	6:00 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.