



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**

DRAFT MINUTES

DECEMBER 6, 2016

4:30 P.M. – 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**

STUDY SESSION - 4:30 P.M.

CALL TO ORDER

Mayor Matas called the Study Session to order at 4:30 P.M.

ROLL CALL

Present:

Council Members: Yvonne Parks, Anayeli Zavala

Mayor Pro Tem: Joe McKee

Mayor: Scott Matas

Absent:

Council Members: Russell Betts

STUDY SESSION

- 1. Ordinance 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**

City Manager, Charles L. Maynard

Recommendation: Provide direction to Staff as to the elements to be included in a City-wide Ordinance regulating camping on private property.

Sylvia Aquino expressed concerns regarding a homeless encampment in her neighbor's backyard.

Dale Mondary, Chief of Police, addressed Ms. Aquino's concerns.

A discussion ensued.

The City Council directed that the matter be returned in January or February 2017.

Requita Grant expressed concerns regarding camping by homeowners/tenants.

The City Council recessed at 4:56 P.M.

The City Council reconvened at 5:30 P.M.

PRESENTATIONS - 5:30 P.M.

2. **Certificate of Recognition Presented to Itai Cardona, Human Rights Committee**
Mayor, Scott Matas

Mayor Matas presented a Certificate of Recognition to Itai Cardona for his service on the Human Rights Committee.

3. **Proclamation for Martin Luther King Jr. Day**
Mayor, Scott Matas

Mayor Matas presented a Proclamation for Martin Luther King Jr. Day

4. **Introduction and Swearing In of New Police Officer**
Chief of Police, Dale Mondary; and Deputy City Clerk, Doria Wilms

Dale Mondary, Chief of Police, introduced Police Officer, Travis Chapman.

Doria Wilms, Deputy City Clerk, administered the Oath.

RECESS

The City Council recessed at 5:44 P.M.

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 Members: Russell Betts, Yvonne Parks, Anayeli Zavala
Mayor Pro Tem: Joe McKee
Mayor: Scott Matas

INVOCATION AND MOMENT OF SILENCE IN MEMORY OF MEL HABER

Pastor Paul Miller

PLEDGE OF ALLEGIANCE

Council Member Parks led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Action: McKee moved to approve the December 6, 2016 Regular Meeting agenda, tableting Item 9, and approving the Consent Calendar in its entirety; motion seconded by Parks, motion carried 3/2 by the following vote:

Vote: AYES: 3 - Parks, Matas, McKee
Passed NOES: 2 - Zavala, Betts

PUBLIC COMMENTS

Mary Jane Sanchez-Fulton gave College of the Desert updates and announcements.

Mike Picardi gave various updates and announcements.

Janie Bark and Seth Shteir spoke regarding YMCA of the Desert and partnership with National Parks Conservation Association.

Michael Burke gave Rotary Club announcements.

Todd Farrow spoke regarding Item 1 (Study Session).

Nikohl Vandel spoke.

Guillermo Giron spoke regarding Item 9.

Bob Terry spoke regarding Item 9.

Yasuko Hirata spoke regarding Item 9.

Tamara Kravlova spoke regarding Item 9.

Gloria Green spoke regarding Item 9.

Mike Harrington spoke regarding a Desert Sun article.

Nick Tompkins spoke regarding Item 9.

Maria Manriquez spoke regarding Item 9.

CITY MANAGER REPORT

Charles Maynard, City Manager, gave a brief report regarding the CV Link Project.

Eddy Moore, Fire Chief, reported on fire safety.

MAYOR AND COUNCIL MEMBER REPORTS

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

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

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

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

Mayor Matas reported on the various meetings and events he attended.

PUBLIC HEARINGS

5. Annual Review of Two Bunch Palms Development Agreement

Administrative Services Director, Joseph M. Tanner, Jr.

Recommendation:

- 1) Staff Report;
- 2) Questions of Staff;
- 3) Open the Public Hearing;
- 4) Take Applicant Testimony;
- 5) Take Public Testimony;
- 6) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) City Council Discussion;
- 9) Consider whether TBP Bliss Development, LLC/JRNL Two Bunch Palms, LLC is in substantial good faith compliance with the terms and conditions of the Development Agreement subject to staff's investigation of whether the Development Agreement was properly assigned to JRNL Two Bunch Palms, LLC, pursuant to Section 18 of the Development Agreement.

Joe Tanner, Administrative Services Director, noted a correction on the staff report; and responded to questions.

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

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

<u>Vote:</u>	AYES: 5 - Zavala, Parks, Betts, Matas, McKee
Passed	NOES: 0 - (None)

6. **Conditional Use Permit (CUP 12-16), Tentative Tract Map (TTM 37145) and Development Agreement (DA 06-16) to Establish a New Medical Marijuana Cultivation Complex Located on the East Side of Little Morongo Road, Approximately One-Half Mile North of Dillon Road (on the Northeast Corner of Little Morongo Road and 16th Avenue, Unimproved) within the General Plan Light Industrial (I-L) Zone. Applicant: Ryan Csaftis / MERJ, LLC.**

Public Works Manager, Daniel Porras, P.E.

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;
- 9) (1) Approve Conditional Use Permit 12-16; (2) Adopt a Mitigated Negative Declaration for Conditional Use Permit 12-16; (3) Approve Tentative Tract Map 37145; (4) Adopt an Ordinance Approving Development Agreement 06-16 for a Medical Marijuana Cultivation Complex Located on the East Side of Little Morongo Road, Approximately One-Half Mile North of Dillon Road (on the Northeast Corner of Little Morongo Road and 16th Ave, Unimproved) within the General Plan Light Industrial (I-L) Zone.

Scott Taschner, Associate Planner, presented the staff report; distributed additional conditions related to Art In Public Places (AIPP) and accommodation of additional industrial uses and truck drop-off/deliveries; and responded to questions.

Mayor Matas opened the Public Hearing.

Alex (last name inaudible), Attorney representing the Applicant, addressed the City Council.

Ryan Csaftis, Applicant, addressed the City Council and expressed concerns regarding the additional conditions.

Michael Shadman, Architect, addressed the City Council.

The City Council recessed at 8:11 P.M.

The City Council reconvened at 8:18 P.M.

There was no public testimony.

Mayor Matas closed the Public Hearing.

A discussion ensued.

Action: Zavala moved to approve staff recommendation, with additional conditions:

- 1) Applicant shall be allowed to defer undergrounding of utilities with bonding easement;
- 2) Approval of modification of the Project from 17 to 18 units;
- 3) Applicant shall indicate parking for truck/delivery vehicles;
- 4) Tentative Tract Map shall be separated from the Conditions of Approval;
- 5) Incorporation of the Art in Public Places;
- 6) Blanket condition for extraction; and
- 7) Mitigated Negative Declaration for the Conditional Use Permit

Motion seconded by McKee, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Parks, Betts, Matas, McKee
Passed NOES: 0 - (None)

7. AB 1600 Annual Report: Development Impact Fees and Resolution Making Findings and Reaffirming the Necessity of Certain Development Impact Fees

Administrative Services Director, Joseph M. Tanner, Jr.

Recommendation: 1) Open the Public Hearing;
2) Take Public Testimony;
3) Close the Public Hearing;
4) Review and accept the AB 1600 Annual Report on Development Impact Fees for the period ending June 30, 2016;
5) Adopt a Resolution of the City Council making findings and reaffirming the necessity of certain Development Impact Fees.

Mayor Matas opened the Public Hearing.

There was no public testimony.

Mayor Matas closed the Public Hearing.

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2016-048*, motion seconded by Zavala, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Parks, Betts, Matas, McKee
Passed NOES: 0 - (None)

8. Ordinance Amending Chapter 17.60 "Art in Public Places Program" of Title 17 "Zoning" of the Desert Hot Springs Municipal Code

Administrative Services Director, Joseph M. Tanner, Jr.

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, California, Amending Chapter 17.60 'Art in Public Places Program' of Title 17 'Zoning' of the Desert Hot Springs Municipal Code" ("DHSMC") 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.

Mayor Matas opened the Public Hearing.

There was no public testimony.

Mayor Matas closed the Public Hearing.

Action: Betts moved to approve staff recommendation; with a rate of .75%, motion seconded by Zavala, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Parks, Betts, Matas, McKee
Passed NOES: 0 - (None)

ADMINISTRATIVE CALENDAR

9. Use of the Henry V. Lozano Community Center by Boy Scout Troop 1606

Council Member, Russell Betts; and Council Member Anayeli Zavala

Recommendation: Take whatever action the City Council deems appropriate.

The item was tabled under "Approval of the Agenda."

10. Quarterly Financial Review of the Consolidated General Fund for Quarter 1

Administrative Services Director, Joseph M. Tanner

Recommendation: Receive and File

The item was received and filed.

11. School Resource Officer Agreement with Palm Springs Unified School District

Chief of Police, Dale R. Mondary

Recommendation: Authorize the City Manager to Execute an Agreement with the Palm Springs Unified School District for Law Enforcement Services.

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

Vote: AYES: 5 - Zavala, Parks, Betts, Matas, McKee
Passed NOES: 0 - (None)

12. Policy for Use of Code Compliance Plan and Conditions of Compliance and Compliance Plan Form

City Manager, Charles L. Maynard

Recommendation: 1) Review and adopt the proposed "Policy for Use of Code Compliance Plan" ("Policy"); and
2) Review and approve for use the form "Conditions of Compliance and Compliance Plan" ("Compliance Plan") attached to the Policy, with authorization to the City Manager and the City Attorney to make such amendments to the Compliance Plan as they may deem necessary from time to time, at their discretion.

Action: Zavala moved to approve staff recommendation, seconded by Parks

Action: Betts moved to As an amended motion, approve staff recommendation with a quarterly report provided to the City Council, motion seconded by McKee, motion carried / by the following vote:

Vote: AYES: 5 - Zavala, Parks, Betts, Matas, McKee
Passed NOES: 0 - (None)

13. Ordinance Repealing "Registered Sex Offender Restrictions"

City Attorney, Jennifer A. Mizrahi

Recommendation: Introduce for First Reading, "An Ordinance of the City Council 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 ready by title only.

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

Vote: AYES: 5 - Zavala, Parks, Betts, Matas, McKee
Passed NOES: 0 - (None)

14. Ordinance and Accompanying Resolution 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 Manager, Charles L. Maynard

Recommendation: 1) Introduce and read by title only, "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; and
2) Adopt resolution authorizing the City Manager to negotiate, award and execute Facility Use Agreements and other Non-Exclusive Licenses for city-owned, operated or controlled facilities to become effective upon effective date of the Ordinance.

Jennifer Mizrahi, City Attorney, presented the staff report; and responded to questions.

A discussion ensued.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2016-049* with the amendment that the City Manager shall send a courtesy notice to the City Council when the City and applicant cannot agree on the terms of the Facilities Use Agreement, in which case the City Council may agendaize the agreement for their consideration.

Vote: AYES: 5 - Zavala, Parks, Betts, Matas, McKee
Passed NOES: 0 - (None)

15. South Coast Air Quality Management District (SCAQMD) Grant Contract Modification (PM-10 Dust Mitigation Projects) for Re-allocation of Funds Back to SCAQMD

Public Works Manager, Daniel Porras, P.E.

Recommendation: Authorize the City Manager to execute the modification to the South Coast Air Quality District Grant Number 134483 reducing the scope of the Contract by deleting Project 2 (Vacant Land Stabilization Program) totaling \$1,478,957.00.

Bob Terry expressed concerns.

A discussion ensued.

Action: Betts moved to make findings to approve urgency closed session item regarding potential initiation of litigation, motion seconded by McKee, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Parks, Betts, Matas, McKee
Passed NOES: 0 - (None)

The City Council recessed to Closed Session at 9:53 P.M.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL INITIATION OF LITIGATION
Pursuant to Paragraph (4) of subdivision (d) of Section 54956.9 of the California Government Code.

Action: Betts moved to continue to January 17, 2017, motion seconded by McKee, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Parks, Betts, Matas, McKee
Passed NOES: 0 - (None)

CONSENT CALENDAR

16. City Council Regular Meeting Minutes: November 15, 2016

City Clerk, Jerryl Soriano, CMC

Recommendation: Approve Minutes as submitted; or as corrected.

17. Resolution of Intention to Annex One (1) Parcel (Canndescent) to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) (Annexation 8)

Administrative Services Director, Joseph M. Tanner, Jr.

Recommendation: Adopt a Resolution of the City Council declaring its intention to annex territory to Community Facilities District No. 2010-1 (Services) of the City of Desert Hot Springs, adopting a map of the area proposed to be annexed (Annexation No. 8), and to authorize the levy of special taxes therein.

FUTURE AGENDA ITEMS

Mayor Pro Tem McKee requested an agenda item to consider allowing regulations for fencing surrounding vacant property

PUBLIC COMMENTS

None.

ADJOURN IN MEMORY OF MEL HABER

Mayor Matas adjourned the meeting at 10:10 P.M. in memory of Mel Haber.

Jerryl Soriano, CMC
City Clerk

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