



## **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**

**APRIL 4, 2017**

### **4:30 P.M. – CLOSED SESSION**

**CITY HALL – ADMINISTRATION BUILDING "C"  
65950 Pierson Boulevard, Desert Hot Springs, California**

### **5:15 P.M. – PRESENTATIONS**

### **6:00 P.M. – REGULAR SESSION**

**DESERT HOT SPRINGS HEALTH AND WELLNESS CENTER  
11750 Cholla Drive, Desert Hot Springs, California**

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### **CLOSED SESSION - 4:30 P.M. (City Hall - Administration Building "C")**

### **CALL TO ORDER**

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

### **ROLL CALL**

#### **Present:**

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

### **CLOSED SESSION PUBLIC COMMENTS**

There were no public comments.

Council Member McKee recused from Closed Session Item 1 pursuant to the campaign contribution Ordinance.

## **CLOSED SESSION**

The City Council recessed at 4:57 P.M.

### **1. CONFERENCE WITH LEGAL COUNSEL—PENDING LITIGATION**

(Paragraph (4) of subdivision (d) of Section 54956.9). The City has received a claim pursuant to the Government Claims Act.

### **PRESENTATIONS - 5:15 P.M.**

**(Desert Hot Springs Health and Wellness Center)**

### **2. Recognition of Desert Springs Middle School "School to Watch" Program**

*Mayor, Scott Matas*

Mayor Matas presented Certificates of Recognition.

### **3. Recognition of Painted Hills Middle School Band and Choir**

*Mayor, Scott Matas*

Mayor Matas presented Certificates of Recognition.

### **4. Proclamation for "April is Sexual Awareness Month"**

*Mayor, Scott Matas*

Mayor Matas presented a Proclamation for "April is Sexual Awareness Month."

### **5. Certificate of Recognition Presented to Andrew Cirner, Planning Commissioner**

*Mayor, Scott Matas*

Mayor Matas presented a Certificate of Recognition to Andrew Cirner for his service on the Planning Commission.

### **6. Certificate of Recognition Presented to Kephyan Sheppard, Community and Cultural Affairs Commissioner**

*Mayor, Scott Matas*

A Certificate of Recognition was presented previously to Kephyan Sheppard for his service on the Community and Cultural Affairs Commission.

The Painted Hills Middle School Choir gave a performance.

## **RECESS**

**REGULAR SESSION - 6:00 P.M.**  
**(Desert Hot Springs Health and Wellness Center)**

**CALL TO ORDER**

Mayor Matas called the Regular Session to order at 6:00 P.M.

**ROLL CALL**

Present:

Council Members: Russell Betts, Joe McKee (recused), Anayeli Zavala

Mayor Pro Tem: Yvonne Parks

Mayor: Scott Matas

**INVOCATION**

None.

**PLEDGE OF ALLEGIANCE**

Boy Scout and Girl Scout Troop 1606 presented the colors and led the Pledge of Allegiance.

**CITY ATTORNEY REPORT ON CLOSED SESSION**

Jennifer Mizrahi, City Attorney, advised that there was no reportable action.

**APPROVAL OF THE AGENDA**

Action: Betts moved to approve the addition of an urgency item regarding discussion of Senate Bill 1 "Road Repair and Accountability Act of 2017," and make findings that there was an urgent need to discuss the matter that came to the attention of the City Council subsequent to the posting of the agenda, motion seconded by McKee, motion carried 5/0 by the following vote:

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

Action: McKee moved to approve the April 4, 2017 Regular Meeting agenda, and approve the Consent Calendar except for Item 13, motion seconded by Parks, motion carried 5/0 by the following vote:

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

## **PUBLIC COMMENTS**

Tom Hile made Elks Club announcements.

Michael Picardi made various announcements.

Judy Shea spoke regarding her idea for a Veterans center.

Eddie Johnson spoke regarding Veteran's Park.

Donna Poyuzina made Women's Club announcements.

## **CITY MANAGER REPORT**

Daniel Porras, Acting Community Development Director, reported on fireworks sales permits and flood damage at the Carl May Center.

## **MAYOR AND COUNCIL MEMBER REPORTS**

Council Member McKee gave a brief report.

Council Member Betts gave a brief report.

Mayor Matas gave a brief report.

## **PUBLIC HEARINGS:**

### **7. (Continued from March 7, 2017)**

**Election to Become Subject to the Uniform Public Construction Cost Accounting Act (UPCCAA) and Adoption of Informal and Formal Bidding Procedures under the Uniform Public Construction Cost Accounting Act**

*City Manager, Charles L. Maynard; Presented by Jennifer Mizrahi, City Attorney*

**Recommendation:** 1) Adopt a Resolution of the City Council electing to become subject to the Uniform Public Construction Cost Accounting Procedure; and  
2) Introduce for first reading and read by title only, "An Ordinance Adding Sections 3.45.110 through 3.45.200 to Chapter 3.45 ("Public Works Projects") of Title 3 ("Revenue & Finance") of the Desert Hot Springs Municipal Code to Provide Informal and Formal Bidding Procedures under the Uniform Public Construction Cost Accounting Act.

**Action:** Parks moved to approve staff recommendation and adopt *Resolution No. 2017-012*, motion seconded by McKee, motion carried 5/0 by the following vote:

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

## **ADMINISTRATIVE CALENDAR:**

### **8. Art In Public Places Application for the Pierson Professional Plaza Project** *Acting Community Development Director, Daniel Porras, P.E.*

**Recommendation:** The Community and Cultural Affairs Commission recommends approval from the City Council of the Art In Public Places Application for the Pierson Professional Plaza project.

Daniel Porras, Acting Community Development Director, presented the Staff report and responded to questions.

A discussion ensued.

Geoffrey Payne, Applicant, addressed the City Council.

Original Motion: McKee moved to approve the recommendation, motion seconded by Parks.

1st Amended Motion: Betts moved to approve the Art in Public Places Application to encompass the entire Project and direct Staff to issue the Final Certificate of Occupancy, motion seconded by Parks.

A discussion ensued. Council Member Parks withdrew her second from the 1st Amended Motion.

Action: Parks moved to approve the Art in Public Places Application to encompass the entire Project, motion seconded by Betts, motion carried 3/2 by the following vote:

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

### **9. Resolution of Intention to Annex 259 Assessable Parcels Encompassing the Rancho del Oro Residential Community Shown on the Assessment Diagram and Described in Exhibit A to the City of Desert Hot Springs Landscape and Lighting Maintenance District No. 2**

*Acting Community Development Director, Daniel Porras, P.E.*

**Recommendation:** Adopt a Resolution of Intention to Annex property to Landscape and Lighting Maintenance District No. 2 (Annexation No. 18, Zone 19) and to levy assessments on such property for Fiscal Year 2017-18 and setting the time and place of a public hearing on the proposed annexation and assessments.

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2017-013* and setting the Public Hearing for June 6, 2017, motion seconded by Parks, motion carried / by the following vote:

Vote: AYES: 4 - Zavala, Parks, Matas, McKee  
Passed NOES: 0 - (None)  
RECUSED: 1 - Betts

*The City Council recessed at 7:24 P.M.*

*The City Council reconvened at 7:31 P.M.*

#### **10. Animal Care and Control Services Project**

*Special Projects, John Holcomb*

**Recommendation:** 1) Authorize the City Manager to hire one (1) full-time Senior Animal Care and Control Officer, one (1) full-time Animal Care and Control Officer, and two (2) part-time Kennel Technicians for Animal Care and Control Field Services; and 2) Amend the existing Agreement with Riverside County Department of Animal Services.

John Holcomb, Special Projects, presented a comprehensive report and responded to questions.

Action: McKee moved to approve staff recommendation, motion seconded by Zavala, motion carried 4/1 by the following vote:

Vote: AYES: 4 - Zavala, Parks, Matas, McKee  
Passed NOES: 1 - Betts

#### **11. Award of Construction Agreement for the Cabot Yerxa Sidewalk Project Number 2016-03**

*Acting Community Development Director, Daniel Porras, P.E.*

**Recommendation:** Award a Construction Agreement to the lowest responsive bidder, Leonida Builders Inc. and authorize the City Manager to execute the Agreement by and between Leonida Builders Inc. and the City of Desert Hot Springs for the completion of the Cabot Yerxa Sidewalk Project Number 2016-03 in the amount of \$236,700.00.

Action: Parks moved to approve staff recommendation with a 10% contingency for a total of \$260,370, motion seconded by McKee, motion carried 4/1 by the following vote:

Vote: AYES: 4 - Zavala, Parks, Matas, McKee  
Passed NOES: 1 - Betts

#### **11.a Urgency Item: Senate Bill 2 "Road Repair and Accountability Act of 2017"**

A discussion ensued regarding whether to support or oppose Senate Bill 2

Action: Betts moved to continue to a future meeting, motion seconded by Zavala, motion carried 4/1 by the following vote:

Vote: AYES: 4 - Zavala, Parks, Betts, Matas  
Passed NOES: 1 - McKee

### **CONSENT CALENDAR:**

**12. City Council Regular Meeting Minutes: March 21, 2017**

*City Clerk, Jerryl Soriano, CMC*

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

**13. Notice of Completion for the Federal Surface Transportation Program (STP) Slurry Seal Project Number 2013-04, Federal Project STPL-5384(018)**

*Acting Community Development Director, Daniel Porras, P.E.*

**Recommendation:** Approve the work, accept the improvements, and direct the City Manager to file the Notice of Completion for the STP Slurry Seal Project Number 2013-04 Federal Project STPL-5384(018).

Daniel Porras, Acting Community Development Director, presented the staff report and responded to questions.

Action: Betts 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. Second Reading and Adoption of an Ordinance Approving Development Agreement No. 18-16 with Stark Ventures, LLC and Pulse Investment Group, LLC**

**(Contacts: MSA Consulting)**

*Acting Community Development Director, Daniel Porras, P.E.*

**Recommendation:** Approve Second Reading, read by title only and adopt an Ordinance of the City Council approving Development Agreement No. 18-16 with Stark Venture, LLC and Pulse Investment Group, LLC for the development of two (2) warehouse style cultivation buildings approximately 49 feet 6 inches in height and totaling (combined) approximately 69,000 square feet on a 2.3 acre site located on the southeast corner of Little Morongo Road and San Gorgonio Lane in the I-L (Light Industrial) zone.

## **PUBLIC COMMENTS**

Richard Finn spoke regarding Veteran affairs and stated that his organization was partnering with Smooth Transitions.

Elsa Fitzgerald announced a fund raiser for Smooth Transitions.

## **ADJOURN**

Mayor Matas adjourned the meeting at 8:40 P.M.

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Jerryl Soriano, CMC, City Clerk

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