



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 ACTION MINUTES

NOVEMBER 7, 2017

4:30 P.M. – CLOSED SESSION

**5:00 P.M. – JOINT SPECIAL MEETING OF THE CITY COUNCIL
AND PLANNING COMMISSION**

6:00 P.M. – REGULAR SESSION

**CITY COUNCIL CHAMBERS
Carl May Community Center
11711 West Drive, Desert Hot Springs, California**

CALL TO ORDER

Mayor Pro Tem Parks called the meeting to order at 4:31 P.M.

ROLL CALL

Present:

Council Members: Russell Betts, Joe McKee, Anayeli Zavala

Mayor Pro Tem: Yvonne Parks

Absent:

Mayor: Scott Matas

PUBLIC COMMENTS

There were no Closed Session public comments.

Jennifer Mizrahi, City Attorney, announced the Closed Session item.

CLOSED SESSION - 4:30 P.M.

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 66036 Pierson Boulevard
(APNs: 639-232-026, 027, and 028)

Agency Negotiator: Charles L. Maynard, City Manager / Executive Director
Jennifer Mizrahi, City Attorney / General Counsel
Joseph M. Tanner, Administrative Services Director

Negotiating Parties: 1) Dr. Arshad Abid 2) Chaudhry Sharjeel Masood

Under Negotiation: Price and Terms

**JOINT SPECIAL MEETING OF THE CITY COUNCIL
AND PLANNING COMMISSION - 5:00 P.M.**

RECESS

REGULAR SESSION - 6:00 P.M.

CALL TO ORDER

Mayor Pro Tem Parks called the Regular Session to order at 6:54 P.M.

ROLL CALL

Present:

Council Members: Russell Betts, Joe McKee, Anayeli Zavala

Mayor Pro Tem: Yvonne Parks

Absent:

Mayor: Scott Matas

INVOCATION

Council Member McKee gave the Invocation.

PLEDGE OF ALLEGIANCE

Desert Hot Springs Scouts, 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: McKee moved to approve the November 7, 2017 Regular Meeting agenda; and approve the Consent Calendar in its entirety, motion seconded by Betts, motion carried 4/0 by the following vote:

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

PUBLIC COMMENTS

Michael Picardi gave various updates and announcements.

Deborah Sunis expressed concerns regarding bus shelter placement for disabled people.

CITY MANAGER REPORT

Charles Maynard, City Manager, commended the Community Development Department.

MAYOR AND COUNCIL MEMBER REPORTS

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

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

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

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

PUBLIC HEARINGS:

2. **Specific Plan 02-17, General Plan Amendment No. 03-17, Zoning Ordinance Amendment No. 02-17, Conditional Use Permit No. 28-17 and Tentative Parcel Map No. 37332 Applicant: Michael J. Avenatti / Desert Harvest**
Community Development Director, Daniel Porras, P.E.

Recommendation: 1) Staff Report;
2) Entertain Questions of Staff from City Council;
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 questions to Staff; and

- 9) Certify the Negative Declaration and Mitigation Monitoring Program, adopt the Findings of Fact, and approve: Specific Plan 02-17, General Plan Amendment 03-17, and introduction of Zoning Ordinance Amendment 02-17 to establish development regulations and guidelines for the subject site; Conditional Use Permit No. 28-17 to develop of an indoor marijuana cultivation facility of approximately 1.5 million square feet; and Tentative Parcel Map No. 37332 to divide the properties into three lots, located on 64.9 acres at the northeast corner of the intersection of Interstate 10 and North Indian Canyon Drive, approximately one-half mile east of Indian Canyon Drive, and fronting the north side of 20th Avenue (APN: 666-370-019) in the I-L (Light Industrial) zone.

Scott Taschner, Senior Planner, presented the staff report and responded to questions.

Mayor Pro Tem Parks opened the Public Hearing.

Paul DePalatis, MSA Consulting, representing the Applicant, addressed the City Council.

Michael Avenatti, Applicant, addressed the City Council and responded to questions.

Kenny Dickerson spoke in support.

Faviola Deltoro spoke.

Paula Turner spoke in support.

Richard Comley spoke in support.

Mayor Pro Tem Parks closed the Public Hearing.

Action: Zavala moved to approve staff recommendation with changes: striking "medicinal;" fire access stipulation; deletion of temporary dispensaries; and adequate parking for sit-down restaurants, motion seconded by Betts, motion carried 4/0 by the following vote:

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

3. Annexation No. 22 to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) for APN 665-030-037 Located Southwest Corner of Cabot Road and San Jacinto Lane

Administrative Services Director, Joseph M. Tanner, Jr.

Recommendation: 1) Staff Report;
2) Entertain questions of staff from the City Council;
3) Open the Public Hearing;

- 4) Take public testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions of Staff;
- 7) Adopt a Resolution 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. 22)
- 8) Hold the election;
- 9) Canvass the election; and
- 10) Adopt a Resolution declaring election results for annexation to Community Facilities District No. 2010-1 (Services) (Annexation No. 22)

Joe Tanner, Administrative Services Director, presented the staff report.

Mayor Pro Tem Parks opened the Public Hearing.

Sandra Silva-Tello addressed the City Council.

Nadia Benali, Webb Associates, responded to questions.

Mayor Pro Tem Parks closed the Public Hearing.

Action: McKee moved to adopt *Resolution 2017-101* (Calling the Election), motion seconded by Betts, motion carried 4/0 by the following vote:

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

Jerryl Soriano, City Clerk, canvassed the Election and advised that the property owner voted "no" on the annexation.

Greta Carter spoke regarding the VetsLeaf Project.

4. Creating Special Tax Area 22 (Bunch Palms Trail, LLC) for APN 665-030-058 Located on the Southwest Corner of Cabot Road and 14th Avenue, Within the Desert Springs Special Public Safety Tax Area

Administrative Services Director, Joseph M. Tanner, Jr.

- Recommendation:**
- 1) Staff Report;
 - 2) Entertain questions of Staff from the City Council;
 - 3) Open the Public Hearing;
 - 4) Take public testimony;
 - 5) Close the Public Hearing;
 - 6) City Council discussion and questions of Staff;
 - 7) Hold the election;
 - 8) Canvass the election; and
 - 9) Adopt an Ordinance Establishing a Special Public Safety Tax Area Zone 22 (Bunch Palms Trail, LLC)

Joe Tanner, Administrative Services Director, presented the staff report.

Mayor Pro Tem Parks opened the Public Hearing.

There was no testimony.

Mayor Pro Tem Parks closed the Public Hearing.

Jerryl Soriano, City Clerk, canvassed the Election and advised that the property owner voted "yes."

Action: McKee moved to approve staff recommendation and adopt *Ordinance No. 634*, motion seconded by Zavala, motion carried 4/0 by the following vote:

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

5. Creating Special Tax Area 27 (Tim Guderian) for APN 665-030-037 Located on the Southwest Corner of Cabot Road and San Jacinto Lane, Within the Desert Springs Special Public Safety Tax Area

Administrative Services Director, Joseph M. Tanner, Jr.

Recommendation: 1) Staff Report;
2) Entertain questions of Staff from the City Council;
3) Open the Public Hearing;
4) Take public testimony;
5) Close the Public Hearing;
6) City Council discussion and questions of Staff;
7) Hold the election;
8) Canvass the election; and
9) Adopt an Ordinance Establishing a Special Public Safety Tax Area Zone 27 (Tim Guderian)

Joe Tanner, Administrative Services Director, presented the staff report.

Mayor Pro Tem Parks opened the Public Hearing.

There was no testimony.

Mayor Pro Tem Parks closed the Public Hearing.

Jerryl Soriano, City Clerk, canvassed the Election and advised that the property owner voted "no." As a result, there was no action taken.

ADMINISTRATIVE CALENDAR:

6. **Resolution of Intention to Annex Two Parcels (Annexation No. 27) Located East of Indian Canyon Drive, South of 18th Avenue and North of 19th Avenue (APNs 666-340-004 and 666-640-006) to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services)**

Administrative Services Director, Joseph M. Tanner, Jr.

Recommendation: Adopt a Resolution of the City Council of the City of Desert Hot Springs 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. 27), and to authorize the levy of special taxes therein.

Joe Tanner, Administrative Services Director, presented the staff report.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2017-103*, motion seconded by McKee, motion carried / by the following vote:

Vote:
Passed

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

7. **Resolution of Intention to Create a Special Tax Area Zone 32 for Property, APNs 666-340-004 and 666-340-006 Located South of 18th Avenue and East of Indian Canyon Road to the Desert Hot Springs Special Public Safety Tax Area**

Administrative Services Director, Joseph M. Tanner, Jr.

Recommendation: Adopt a Resolution of Intention which establishes the time and place of the Public Hearing to establish Zone 32 within the Special Public Safety Tax Area for Police and Fire Protection Services, and authorizing an election.

Joe Tanner, Administrative Services Director, presented the staff report.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2017-104*, motion seconded by McKee, motion carried 3/1 by the following vote:

Vote:
Passed

AYES: 3 - Zavala, Parks, McKee
NOES: 1 - Betts
ABSENT: 1 - Matas

8. **(Successor Agency) Resolution Approving an Extension of Exclusive Listing Agreement Between NAI Capital and the Desert Hot Springs Successor Agency to List and Sell Certain Real Property Assets of the Successor Agency**

Administrative Services Director, Joseph M. Tanner, Jr.

Recommendation: Adopt a Resolution of the Successor Agency to the Redevelopment Agency of the City of Desert Hot Springs approving an extension of exclusive listing agreement between NAI Capital and the Successor Agency to list and sell certain real property assets of the Successor Agency and approve certain related actions.

Council Member Betts recused out of abundance of caution of a potential conflict of interest.

Joe Tanner, Administrative Services Director, presented the staff report.

Action: McKee moved to approve staff recommendation and adopt *Resolution No. SA-2017-013*, motion seconded by Zavala, motion carried 3/0 by the following vote:

Vote:
Passed
AYES: 3 - Zavala, Parks, McKee
NOES: 0 - (None)
ABSENT: 1 - Matas
RECUSED: 1 - Betts

9. 2017 Bicycle Pedestrian Safety Program - Palm Drive Signals and Lighting Project

Community Development Director, Daniel Porras, P.E.

Recommendation: Authorize the City Manager to execute a Reimbursement Agreement between the City of Desert Hot Springs and the Coachella Valley Association of Governments (CVAG) for the 2017 Bicycle Pedestrian Safety Program – Palm Drive Signals and Lighting Project.

Council Member Betts recused due to a potential conflict of interest.

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

Faviola Deltoro, asked if a traffic light would be installed on Park Lane.

Action: McKee moved to approve staff recommendation, motion seconded by Zavala, motion carried 3/0 by the following vote:

Vote:
Passed
AYES: 3 - Zavala, Parks, McKee
NOES: 0 - (None)
ABSENT: 1 - Matas

10. Ordinance Amending Section 10.16.050 "Use of Streets for Storage of Vehicle Prohibited" of Chapter 10.16 "Stopping, Standing and Parking" of the Desert Hot Springs Municipal Code

Chief of Police, Dale R. Mondary

Recommendation: Introduce for First Reading and read by title only, "An Ordinance of The City Council of the City of Desert Hot

Springs, California, Amending Section 10.16.050 ("Use Of Streets for Storage of Vehicle Prohibited") of Chapter 10.16 ("Stopping, Standing And Parking") of Title 10 ("Vehicles And Traffic") of the Desert Hot Springs Municipal Code ("DHSMC").

Jennifer Mizrahi, City Attorney, presented the staff report.

Action: McKee moved to approve staff recommendation, motion seconded by Zavala, motion carried 4/0 by the following vote:

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

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

Chief of Police, Dale R. Mondary

Recommendation: Authorize the City Manager to execute a Law Enforcement Services Agreement with Palm Springs Unified School District for School Resource Officer Services.

Dale Mondary, Chief of Police, presented the staff report.

Action: McKee moved to approve staff recommendation, motion seconded by Zavala, motion carried 4/0 by the following vote:

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

CONSENT CALENDAR:

12. Second Reading and Adoption of an Ordinance Amending Chapter 17.180 to Include Recreational/Adult Use

City Attorney, Jennifer A. Mizrahi

Recommendation: Approve Second Reading, read by title only and adopt: "An Ordinance of the City Council of the City of Desert Hot Springs amending Chapter 17.180 of the Desert Hot Springs Municipal Code to include recreational (Adult Use).

FUTURE AGENDA ITEMS

None.

PUBLIC COMMENTS

None.

ADJOURN

Mayor Pro Tem Parks adjourned the meeting at 9:05 P.M.

Jerryl Soriano, CMC, City Clerk

DRAFT