



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 and
Housing Authority Board**

DRAFT ACTION MINUTES

DECEMBER 5, 2017

4:30 P.M. – CLOSED 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**

CLOSED SESSION - 4:30 P.M.

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, Anayeli Zavala
Mayor Pro Tem: Yvonne Parks
Mayor: Scott Matas

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

1. REAL PROPERTY NEGOTIATIONS (Housing Authority)

Pursuant to Government Code Section 54956.8:

Property: 66369 6th Street, Desert Hot Springs, CA 92240

Agency Negotiator: Charles L. Maynard, City Manager / Executive Director

Jennifer Mizrahi, City Attorney / General Counsel

Joseph M. Tanner, Administrative Services Director

Negotiating Parties: Lynn Byrnes

Under Negotiation: Price and Terms

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Suresh Shah, as Trustee of the Shah Family Trust dated 7/31/2000 v. City of Desert Hot Springs, County of Riverside Superior Case Number PSC1703427

3. 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 a certain developer who has threatened litigation against the City, although no formal claim has been filed.

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 a certain business owner who has threatened litigation against the City, although no formal claim has been filed.

PRESENTATIONS - 5:30 P.M.

5. Recognition of Dr. Brian McDaniel, "California State Teacher of the Year" and Michelle Beyronneau, "Riverside County Teacher of the Year" *Mayor, Scott Matas*

Mayor Matas and the City Council presented Certificates of Recognition honoring Dr. Brian McDaniel and Michelle Beyronneau for their achievements.

6. Special Recognition of Community Volunteer *Mayor, Scott Matas*

Mayor Matas and the City Council presented a Proclamation to Edward Johnson as Official Caretaker of Veterans Park.

7. Holiday Fire Safety Tips Presentation *CAL Fire Division Chief, Eddy Moore*

Mark Brook, Battalion Chief, gave the Presentation.

REGULAR SESSION - 6:00 P.M.

CALL TO ORDER

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

SELECTION OF MAYOR PRO TEMPORE

Action: Parks moved to approve Mayor Matas' nomination of Council Member Zavala as Mayor Pro Tempore, motion seconded by Betts, motion carried 5/0 by the following vote:

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

ROLL CALL

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

INVOCATION

Mayor Matas held a Moment of Silence in memory of Daryl Busch, former Mayor of the City of Perris.

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, reported that the City Council, under Closed Session Item No. 4, approved a First Extension of Tolling Agreement between the Adkison Family Revocable Living Trust and the City of Desert Hot Springs relating to Tentative Tract Maps 35009 and 35448. The action was moved by Council Member Parks, seconded by Council Member McKee and carried by a 4-0 vote (with Council Member Betts recused).

Furthermore, the City Council voted to waive any Attorney-Client privilege pertaining to the Tolling Agreement. The action was moved by Council Member Parks, seconded by Council Member McKee, and carried by a 4-0 vote (with Council Member Betts recused).

Council Member Betts stated his reason for recusal.

APPROVAL OF THE AGENDA

Action: McKee moved to approve the December 5, 2017 Regular Meeting agenda; and approve the Consent Calendar in its entirety, motion seconded by Zavala, motion carried 5/0 by the following vote:

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

PUBLIC COMMENTS

Donna Wardean expressed thanks for the Holiday Tree Lighting Festival; and spoke regarding the Women's Club, Veterans Appreciation Event.

Nick Varrallu spoke regarding the dangers of oleander poisoning to pets.

Eddie Johnson commended the City for the Holiday Tree Lighting Ceremony.

Mike Picardi gave various updates and announcements.

Ted Mayrhofen suggested that the City provide information regarding the use of recreational marijuana.

CITY MANAGER REPORT

Charles Maynard, City Manager, reported on the Holiday Tree Lighting Ceremony.

Doria Wilms, Public Information Officer/Management Analyst to the City Manager, expressed thanks to Staff and volunteers who helped with the Holiday Tree Lighting Ceremony.

MAYOR AND COUNCIL MEMBER REPORTS

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

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

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

Mayor Pro Tem Zavala reported on the various meetings and events she attended.

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

PUBLIC HEARINGS:

8. 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, 2017 (Exhibit 1); and
 - 5) Adopt a Resolution of the City Council making findings and reaffirming the necessity of certain Development Impact Fees.

Joe Tanner, Administrative Services Director, presented the Staff Report.

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

Action: Betts moved to approve staff recommendation and adopt *Resolution No. 2017-110*, motion seconded by McKee, motion carried 5/0 by the following vote:

Vote:
Passed

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

9. Zoning Map Amendment (ZMA) No. 01-17, and General Plan Amendment (GPA) No. 01-17. A Request to Change the Zoning and General Plan Land Use Designations From R-D (Rural Desert) to I-L (Light Industrial) for Two (2) Parcels Located on the South Side of Dillon Road Between Little Morongo Road and Bearce Road (APN's 666-280-014 and 666-290-010)

Community Development Director, Daniel Porras, P.E.

- Recommendation:**
- 1) Staff Report;
 - 2) Questions of Staff from City Council;
 - 3) Open the Public Hearing;
 - 4) Take Testimony from Applicant;
 - 5) Take Testimony from those supporting the project;
 - 6) Take Testimony from those opposing the project;
 - 7) Take Testimony from anyone else;
 - 8) Opportunity for Applicant Rebuttal;
 - 9) Close the Public Hearing;
 - 10) City Council discussion and questions to staff
 - 11) City Council action to either:
 - A. Uphold the Planning Commission's decision to DENY the Zone Map Amendment No. 01-17 and General Plan Amendment No 01-17 with the appropriate

findings contained in the Resolution, which such findings can be amended as the City Council deems fit.; OR

- B. Overturn the Planning Commission's decision to deny the requested Zone Map Amendment General Plan Amendment - And APPROVE a Change in Zoning and General Plan Land Use Designations from R-D (Rural Desert) to I-L (Light Industrial), and adopt appropriate findings as made by the City Council for the two vacant properties located on the south side of Dillon Road on APN's 666-280-014 and 666-290-010.

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

Mayor Matas opened the Public Hearing.

Paul DePalatis, MSA Consulting representing the Applicant (Duke Chang), addressed the City Council.

Michael Tenet spoke in support of the ZMA and GPA

Ted Mayrhofen spoke in support of the ZMA and GPA.

Jeff Brooker spoke in support of the ZMA and GPA.

Steve (inaudible) spoke in support of the ZMA and GPA.

Susan Miller spoke in support of the ZMA and GPA.

Mayor Matas closed the Public Hearing.

Action: Betts moved to adopt *Resolution No. 2017-111* overturning the Planning Commission's decision and approving a Change in Zoning and Land Use Designations contingent upon a lot line adjustment to provide commercial space with the remainder of the Site re-zoned to I-L (Light Industrial), motion seconded by Matas, motion carried / by the following vote:

<u>Vote</u> :	AYES: 3 - Betts, Matas, McKee
Passed	NOES: 2 - Zavala, Parks

The City Council recessed at 8:02 P.M.

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

ADMINISTRATIVE CALENDAR:

10. Certification of the November 7, 2017 Special Municipal Measure Election Results

City Clerk, Jerryl Soriano, CMC

Recommendation: Adopt a Resolution of the City Council reciting the fact of the Special Municipal Measure Election held in the City of Desert Hot Springs on November 7, 2017, and declaring the results thereof and other such matters as provided by law.

Jerryl Soriano, City Clerk, presented the staff report.

Action: Betts moved to approve staff recommendation and adopt *Resolution No. 2017-112*, motion seconded by McKee, motion carried 5/0 by the following vote:

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

11. (Successor Agency) Resolution Approving Purchase and Sale Agreement and Joint Escrow Instructions With Arshad Mohammad Abid for Real Property Located at 66036 Pierson Boulevard (APNs: 639-232-026, -027, -028)

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 Purchase and Sale Agreement and Joint Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of Desert Hot Springs and Arshad Mohammad Abid with respect to the Real Property located at 66036 Pierson Boulevard, Desert Hot Springs, California (APN's 239-232-026, -027, -028) and approving certain related actions.

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

Action: Parks moved to approve staff recommendation and adopt *Resolution No. SA-2017-014*, motion seconded by McKee, motion carried 5/0 by the following vote:

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

12. Year-end Budget Adjustments for Fiscal Year Ending June 30, 2017

Administrative Services Director, Joseph M. Tanner, Jr.

Recommendation: Adopt a Resolution of the City Council approving Year-End Amendments to the Fiscal Year 2016-217 Operating Budget and authorize the City Manager to execute any and all documents related to the Year-End Budget Adjustments.

Joe Tanner, Administrative Services Director, and Glenn White, Program and Financial Specialist, presented the staff report.

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2017-113*, motion seconded by Zavala, motion carried 5/0 by the following vote:

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

13. Resolution Amending the Fiscal Year 2017-2018 Budget to Include the 2017 Pavement Management Plan Project to be Funded by Senate Bill 1 (SB1)

Community Development Director, Daniel Porras, P.E.

Recommendation: Adopt a Resolution of the City Council amending the budget for Fiscal Year 2017-2018 to incorporate the 2017 Pavement Management Plan Project to be funded by Senate Bill 1 (SB 1) - Road Maintenance Rehabilitation Account (RMRA) Funds with an estimated amount of \$164,124.

Daniel Porras, Community Development Director, presented the staff report.

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2017-114*, 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. Grant Funding for Qualifying Clean Air Projects

Deputy City Manager, Luke Rainey

Recommendation: Adopt a Resolution of the City Council acknowledging receipt of the Mobile Source Air Pollution Reduction Review Committee's Local Government Partnership Program presentation and authorize the City Manager to submit a qualifying project application.

Luke Rainey, Deputy City Manager, presented the staff report.

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2017-115*, motion seconded by Zavala, motion carried 5/0 by the following vote:

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

15. Amended Cooperative Agreement for 8th Street Storm Drain Project between the City and Riverside County Flood Control and Water Conservation District
Community Development Director, Daniel Porras, P.E.

Recommendation: Authorize the City Manager to execute the Amended Cooperative Agreement for the 8th Street Storm Drain Project between the City and Riverside County Flood Control and Water Conservation District

Daniel Porras, Community Development Director, presented the staff report.

Action: Betts moved to approve staff recommendation to include extension of the Project beyond West Drive; and examine 8th Street east of Palm Drive, motion seconded by McKee, motion carried 5/0 by the following vote:

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

16. Resolution of Intention to Annex One Parcel (Annexation No. 25) Located East of Little Morongo Road, South of San Gorgonio Lane and North of Palomar Lane (APN 665-040-017) to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) (Desert Grow, LLC)

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. 25), and to authorize the levy of special taxes therein.

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

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2017-116*, motion seconded by Parks, motion carried 4/1 by the following vote:

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

17. Resolution of Intention to Annex One Parcel (Annexation No. 26) Located East of Little Morongo Road, and North of Dillon Road (APN 665-110-004) to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) (Oxford Properties)

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. 26), and to authorize the levy of special taxes therein.

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

Action: McKee moved to approve staff recommendation and adopt Resolution No. 2017-117, motion seconded by Parks, motion carried 4/1 by the following vote:

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

18. Resolution of Intention to Create a Special Tax Area Zone 32 for Property, APN 665-040-017 Located North of Palomar Lane and East of Little Morongo Road to the Desert Hot Springs Special Public Safety Tax Area (Desert Grow, LLC)

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 30 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: McKee moved to approve staff recommendation and adopt Resolution No. 2017-118, motion seconded by Parks, motion carried 4/1 by the following vote:

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

19. Resolution of Intention to Create a Special Tax Area Zone 31 for Property, APN 665-110-004 Located North of Dillon Road and East of Little Morongo Road to the Desert Hot Springs Special Public Safety Tax Area (Oxford Properties)

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 31 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: McKee moved to approve staff recommendation and adopt Resolution No. 2017-119, motion seconded by Parks, motion carried 4/1 by the following vote:

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

20. Resolution of Intention to Annex One Parcel (Annexation No. 22) Located at the Southwest Corner of Cabot Rd. and San Jacinto Lane (APN 665-030-037) to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) (Tim Guderian)

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. 22), and to authorize the levy of special taxes therein.

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

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2017-120*, motion seconded by Parks, motion carried 4/1 by the following vote:

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

21. Resolution of Intention to Create a Special Tax Area Zone For Property, APN 665-030-037 Located on the Southwest Corner of Cabot Road and San Jacinto Lane, to the Desert Hot Springs Special Public Safety Tax Area (Tim Guderian)

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 27 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: McKee moved to approve staff recommendation and adopt *Resolution No. 2017-121*, motion seconded by Parks, motion carried 4/1 by the following vote:

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

CONSENT CALENDAR:

22. City Council Regular Meeting Minutes: November 21, 2017

City Clerk, Jerry Soriano, CMC

Recommendation: Approve Minutes as presented; or as corrected.

23. Second Reading and Adoption of an Ordinance Amending Chapter 5.50 "Medical Marijuana Facilities Regulatory Permit" of Title 5 "Business Licenses and Regulations" of the Desert Hot Springs Municipal Code
City Clerk, Jerryl Soriano, CMC

Recommendation: Approve Second Reading, read by title and adopt, "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Chapter 5.50 "Medical Marijuana Facilities Regulatory Permit" of Title 5 "Business Licenses and Regulations" of the Desert Hot Springs Municipal Code.

Ordinance No. 645

24. Second Reading and Adoption of an Ordinance Amending Title 4 "Code Enforcement" of the Desert Hot Springs Municipal Code to Clarify the Procedures for the Selection of Administrative Hearing Officers
City Clerk, Jerryl Soriano, CMC

Recommendation: Approve Second Reading, read by title only and adopt, "An Ordinance of the City Council of the City of Desert Hot Springs, California, 1) Amending Section 4.16.110 ("Procedures for Appeal of Public Nuisances and Order to Abate"); and 2) Amending Section 4.16.140 ("Abatement Cost Appeals Procedure") of Chapter 4.16 ("Public Nuisances") of Title 4 ("Code Enforcement") of the Desert Hot Springs Municipal Code to clarify the procedures for selection of Hearing Officers.

Ordinance No. 646

PUBLIC COMMENTS

Gary Stewart commended the City Council.

ADJOURN

Mayor Matas adjourned the meeting at 8:55 P.M.

Jerryl Soriano, CMC, City Clerk