



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

FEBRUARY 6, 2018

4:30 P.M. – CLOSED SESSION

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, and Yvonne Parks

Mayor Pro Tem: Anayeli Zavala

Mayor: Scott Matas

CLOSED SESSION PUBLIC COMMENTS

There were no comments.

Jennifer Mizrahi, City Attorney, requested to add an urgency closed session item regarding potential exposure to litigation.

Action: Betts moved to approve the addition of an urgency closed session item concerning potential exposure to litigation with findings that there was an urgent need to discuss the matter, and that the matter came to the attention of the City subsequent to the posting of the agenda, motion seconded by McKee, motion carried 5/0 by the following vote:

Vote:
Passed

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

Jennifer Mizrahi, City Attorney, announced the Closed Session items listed on the agenda including the Urgency Closed Session Item: Conference with Legal Counsel - Potential Exposure to Litigation pursuant to California Government Code Section 54956.9 (e)(1)

CLOSED SESSION:

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**
Pursuant to Government Code Section 54954.5(e)
City Manager
2. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**
Pursuant to Government Code Section 54954.5(e)
City Attorney
3. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL INITIATION OF LITIGATION**
Pursuant to Government Code Section 54956.9: (one potential case)

RECESS

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, Joe McKee, and Yvonne Parks
Mayor Pro Tem: Anayeli Zavala
Mayor: Scott Matas

INVOCATION

None.

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 February 6, 2018 Regular Meeting agenda; and approve the Consent Calendar in its entirety, 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

Eddy Johnson spoke regarding Veterans Park.

Jeff Horton spoke regarding veteran affairs and gave VFW Post announcements.

Judy Shea spoke regarding her veterans center project.

Don Sholty spoke regarding Desert Valley Disposal and expressed concerns regarding a missed bulky item pickup.

Danny Schaefer, Pioneer Industries, requested a future study session regarding potential regulations for cannabis tourism.

CITY MANAGER REPORT

Charles Maynard, City Manager, reported that he has met with Danny Schaefer regarding cannabis tourism and will provide updates to the City Council as the matter progresses.

MAYOR AND COUNCIL MEMBER REPORTS

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

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

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

ADMINISTRATIVE CALENDAR:

4. Appointment to the Planning Commission

City Clerk, Jerry Soriano, CMC

Recommendation: Ratify Council Member Yvonne Parks' appointment to the Planning Commission to fill one (1) vacancy.

Action: McKee moved to ratify Council Member Parks' appointment of Gary Gardner to the Planning Commission, motion seconded by Betts, motion carried 5/0 by the following vote:

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

5. Request for Development Impact Fee Deferment Agreement With Attached Lien Agreement From Snider Interests, LLC

City Attorney, Jennifer A. Mizrahi

Recommendation: 1) Consider a request from Snider Interests, LLC to enter into the attached Development Impact Fee Deferment Agreement with Attached Lien Agreement ("Agreement"), which would allow Snider to defer the development impact fees ("DIFs") in the amount of \$825,198.45, pursuant to the payment schedule in the attached.
2) Should the City Council desire to grant Snider's request to defer the DIFs and enter into the Agreement, Staff would recommend that the City Council grant authorization to the City Manager and the City Attorney to make such substantive amendments to the Agreement as they may deem necessary.

Jennifer Mizrahi, City Attorney, and Luke Rainey, Deputy City Manager, presented the staff report.

A discussion ensued.

David Snider, Snider Interests, LLC, responded to questions.

A discussion ensued.

Council Member Zavala noted that the lien amount in the Deferment Agreement should be corrected to reflect \$716,171.99

Action: Betts moved to approve the request for a Development Impact Fee Deferment Agreement with the attached Lien Agreement, as presented (and that the lien amount to be corrected to reflect \$716,171.99), motion seconded by McKee, motion carried 4/1 by the following vote:

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

6. Resolutions of Initiation and Intention to Annex 259 Assessable Parcels Commonly Known as Rancho Del Oro to the City of Desert Hot Springs Landscape and Lighting Maintenance District No. 2

Community Development Director, Daniel Porras, P.E.

Recommendation: 1) Adopt a Resolution Initiating Proceedings to Annex Property to Landscape and Lighting Maintenance District No. 2 (Annexation No. 18, Zone 19) for Fiscal Year 2018-19, including ordering the Engineer's Report.
2) 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 2018-19, approve the Engineer's Report and set the date, time and place of a public hearing on the proposed annexation and assessments.

Council Member Betts recused due to a potential conflict of interest (owns property within the subdivision).

Action: McKee moved to approve staff recommendation and adopt *Resolution Nos. 2018-008 and 2018-009*, motion seconded by Zavala, motion carried / by the following vote:

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

7. Ordinance Regulating the Use and Operation of Public Dog Parks

City Attorney, Jennifer A. Mizrahi

Recommendation: Introduce for First Reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California, adding Chapter 12.24 "Dog Park Regulations" to Title 12 "Streets, Sidewalks And Public Places" and amending Section 9.04.040 ("Animals In Public Parks") of Chapter 9.04 ("General Offenses") of Title 9 ("Public Peace and Welfare") of the Desert Hot Springs Municipal Code ("DHSMC") to regulate the use and operation of public dog parks.

Jennifer Mizrahi, City Attorney, presented the staff report.

Council Member McKee suggested the following modifications to the Ordinance:

- Section 12.24.070(c): 1st violation - 7 days; 2nd violation - 30 days; 3rd violation - 90 days; and 4th violation - 180 days.
- Section 12.24.080 (a): That the City Manager shall suggest additional rules and regulations with approval by the City Manager.

Action: McKee moved to approve staff recommendation (with the modifications stated by Council Member McKee), 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. Resolution of Intention to Annex Two Parcels (Annexation No. 14) Located at 12106 Palm Drive (APN 641-101-005) and East of Palm Drive, North of Acoma Avenue and South of Pierson Boulevard (APN 641-101-006) to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) (La Plaza Center, 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. 14), and to authorize the levy of special taxes therein.

Council Member Betts recused due to a potential conflict of interest (owns property within 300 feet).

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

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2018-010*, motion seconded by Parks, motion carried 4/0 by the following vote:

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

9. Resolution of Intention to Annex One Parcel (Annexation No. 28) Located East of Little Morongo Road, and North of 15th Avenue (APN 665-050-021) 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. 28), 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. 2018-0011*, motion seconded by Parks, motion carried 5/0 by the following vote:

Vote:
Passed

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

10. Resolution of Intention to Create a Special Tax Area Zone 33 For Property, APN 665-050-021 Located North of 15th Avenue and East of Little Morongo 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 33 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: Parks moved to approve staff recommendation and adopt *Resolution No. 2018-012*, motion seconded by McKee, motion carried / by the following vote:

Vote:
Passed

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

CONSENT CALENDAR:

11. City Council Regular Meeting Minutes: January 16, 2018

City Clerk, Jerryl Soriano, CMC

Recommendation: Approve Minutes as presented; or as corrected.

PUBLIC COMMENTS

None.

ADJOURN

Mayor Matas adjourned the meeting at 7:14 P.M.

Jerryl Soriano, CMC, City Clerk