



## **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**

**APRIL 3, 2018**

**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**

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### **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, Yvonne Parks

Mayor Pro Tem: Anayeli Zavala

Mayor: Scott Matas

#### **PUBLIC COMMENTS**

There were no comments.

Jennifer Mizrahi, City Attorney, announced the items listed on the Closed Session agenda.

## **CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION** (Paragraph (1) of subdivision (d) of Section 54956.9) Coachillin' Holdings, LLC v. City of Desert Hot Springs, Riverside Superior Court Case No. RIC1805014
2. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION** (Paragraph (1) of subdivision (d) of Section 54956.9) Sungrow Consulting v. The City of Desert Hot Springs, Riverside Superior Court Case No. PSC1800747.
3. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL INITIATION OF LITIGATION**  
Pursuant to Government Code Section 54956.9: (1 potential case)

## **PRESENTATIONS - 5:30 P.M.**

4. **Veterans of Foreign Wars (VFW) Post 1534, Presentation of Officer of the Year Awards to Detective Christopher Tooth and Officer Yesenia Barriola**  
*VFW Post Commander, Jeff Horton*

Jeff Horton, VFW Post 1534 Commander and Veteran's Committee Chair, presented the Awards.

5. **Desert Valley Disposal Solid Waste Update**  
*Desert Valley Disposal, Chris Cunningham*

Chris Cunningham, Desert Valley Disposal, presented the update.

## **RECESS**

The City Council recessed at 5:52 P.M.

## **REGULAR SESSION - 6:00 P.M.**

## **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, 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 April 3, 2018 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)

Danny Porras, Community Development Director, provided an update regarding the Palm Drive Safety Improvement Project.

## **PUBLIC COMMENTS**

Jeff Horton gave VFW Post announcements and information for veterans.

Patricia Arellano expressed concerns regarding pedestrian safety on Palm Drive.

Adam Sanchez expressed concerns regarding pedestrian safety on Palm Drive.

Fred Alvarez expressed thanks for the City's response to issues occurring at Skys Haven Mobile Home Park.

Mark Silver spoke regarding special use permits for cannabis edible manufacturing.

Ken Romanick expressed thanks for the City's response to issues occurring at Skys Haven Mobile Home Park.

Mike Picardi gave various updates and announcements.

Judy Shea gave various announcements.

Nathaly De La Cruz expressed concerns regarding pedestrian safety on Palm Drive.

## **CITY MANAGER REPORT**

There was no report.

## **MAYOR AND COUNCIL MEMBER REPORTS**

Council Member Parks addressed the concerns regarding pedestrian safety on Palm Drive; and reported on the various meetings and events she attended.

Council Member McKee addressed the concerns regarding pedestrian safety on Palm Drive; and reported on the various meetings and events he attended.

Mayor Pro Tem Zavala addressed the concerns regarding pedestrian safety on Palm Drive, and reported on the various meetings and events she attended.

Council Member Betts addressed the concerns regarding pedestrian safety on Palm Drive, and reported on the various meetings and events he attended.

Mayor Matas addressed the concerns regarding pedestrian safety on Palm Drive; and reported on the various meetings and events she attended.

Mayor Matas re-opened Public Comments.

Ariella Carrillo expressed concerns regarding pedestrian safety on Palm Drive.

Arianna Carrillo expressed concerns regarding pedestrian safety on Palm Drive.

Cynthia Gutierrez expressed concerns regarding pedestrian safety on Palm Drive.

Homer De La Cruz expressed concerns regarding pedestrian safety on Palm Drive.

Joe Ravin expressed concerns regarding pedestrian safety on Palm Drive.

## **PUBLIC HEARINGS:**

- 6. An Ordinance Amending All Validly Approved Development Agreements Regarding Marijuana Facilities That Are In Good Standing with the City to Include All Forms of Marijuana Uses, Including But Not Limited to Existing And Future Marijuana Uses as Described in The Desert Hot Springs Municipal Code, Currently Codified in Chapter 17.180, Including, But Not Limited to Manufacturing, Testing, and Distribution**

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

**Recommendation:**

- 1) Staff Report;
- 2) Entertain Questions from Councilmembers to Staff;
- 3) Open the Public Hearing;
- 4) Take Testimony of those in Favor;
- 5) Take Testimony of those Opposed;
- 6) Take Testimony of those in a neutral position;

- 7) Close the Public Hearing;
- 8) City Council discussion; and
- 9) Introduce for First Reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending all validly approved Development Agreements regarding marijuana facilities that are in good standing with the City to include all forms of marijuana uses, including but not limited to existing and future marijuana uses as described in the Desert Hot Springs Municipal Code, currently codified in Chapter 17.180, including, but not limited to manufacturing, testing, and distribution."

Jennifer Mizrahi, City Attorney, presented the staff report; and suggested language regarding zoning regulations be added to Section 2 (B) of the Ordinance.

Mayor Matas opened the Public Hearing.

Ryan Fingerhut spoke in support.

Mayor Matas closed the Public Hearing.

Action: Betts moved to approve staff recommendation amended to include language under Section 2(B) of the Ordinance stating "...in compliance with all zoning regulations to match present and future zoning regulations", motion seconded by McKee, motion carried 5/0 by the following vote:

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

**7. An Ordinance Amending the Desert Hot Springs Municipal Code Updating Procedures to Issue Administrative Citations**

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

**Recommendation:**

- 1) Staff Report;
- 2) Entertain questions from the City Council to Staff;
- 3) Open the Public Hearing;
- 4) Take testimony of those in Favor;
- 5) Take testimony of those who Opposed;
- 6) Take testimony of those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council discussion; and
- 9) Introduce for First Reading and read by title only, "An ordinance of the City Council of the City of Desert Hot Springs, California, 1) amending Chapter 4.24 "Administrative Citation Procedure" of Title 4 "Code Enforcement" and 2) amending Section 8.40.030 "Inspection, Registration and Fees" of Chapter 8.40 "Abandoned Residential Property Registration" of Title 8 "Health and Safety" of the Desert Hot Springs Municipal

Code to revise the procedures for the issuance of administrative citations.

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

Daniel Pitts, Community Preservation Supervisor, presented the staff report; and responded to questions.

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

A discussion ensued.

Action: McKee moved to approve staff recommendation amended to include language regarding the recovery of attorney's fees was subject to City Council determination, motion seconded by Betts, motion carried 5/0 by the following vote:

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

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

*The City Council reconvened at 8:13 P.M.*

#### **ADMINISTRATIVE CALENDAR:**

**8. Engineering Design for the Palm Drive Traffic Signals and Lighting Project**  
*Community Development Director, Daniel Porras, P.E.*

**Recommendation:** Authorize the City Manager to execute a Professional Services Agreement for the Palm Drive Traffic Signals and Lighting Project with Omnis Incorporated in an amount not to exceed \$152,950 with a contingency of \$30,590 (20%) for the completion of an additional analysis of the Palm Drive and Camino Aventura intersection and its surrounding driveways, and any other work as approved by the City for a total budget of \$183,540.

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

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

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

**9. Purchase of One Fully Equipped BMW Police Motorcycle and One Motor Officer's Uniform**

*Chief of Police, Dale R. Mondary*

**Recommendation:** Accept the lowest bid from BMW Motorcycles of Riverside in the amount of \$33,983.58 along with the cost of graphics and Motorola radio and specialized helmet for a total amount of \$42,498.83 and authorize the City Manager to make the proper budget adjustment of \$3,000.00 to the Police Department Budget to purchase the uniforms.

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

A discussion ensued.

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

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

**10. Coachella Valley Association of Governments (CVAG) Alan Seman Bus Pass Program**

*City Manager, Charles L. Maynard*

**Recommendation:** Consider a request from CVAG to contribute \$3,000.00 towards the Alan Seman Bus Pass Program for FY 2018-19.

Action: Betts moved to approve funding request of \$3,000.00 for the CVAG Alan Seman Bus Pass Program for FY 2018-19, 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. Resolution of Intention to Annex Four Parcels (Annexation No. 29) Located South of 19th Avenue and East of North Indian Canyon Drive (APNs 666-370-012 through 015) to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) (Blackstar Industrial Properties, LLC)**

*Deputy City Manager, Luke Rainey*

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

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



Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2018-021*, 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. Resolution of Intention to Create a Special Tax Area Zone 35 for Property, APN 666-370-012 through -015 Located South of 19th Avenue and East of North Indian Canyon Drive, to the Desert Hot Springs Special Public Safety Tax Area (Blackstar Industrial Properties, LLC)**

*Deputy City Manager, Luke Rainey*

**Recommendation:** Adopt a Resolution of Intention which establishes the time and place of the Public Hearing to establish Zone 35 within the Special Public Safety Tax Area for Police and Fire Protection Services, and authorizing an election.

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

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2018-022*, motion seconded by Zavala, motion carried 4/1 by the following vote:

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

**13. Resolution of Intention to Create a Special Tax Area Zone 36 for Property, APN 663-270-001 Located South of 13th Avenue/Hacienda Drive and East of Little Morongo Road to the Desert Hot Springs Special Public Safety Tax Area (Manlin2, LLC/Desert Hot Springs Green Horizons)**

*Deputy City Manager, Luke Rainey*

**Recommendation:** Adopt a Resolution of Intention which establishes the time and place of the Public Hearing to establish Zone 36 within the Special Public Safety Tax Area for Police and Fire Protection Services, and authorizing an election.

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

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2018-023*, motion seconded by Zavala, motion carried 4/1 by the following vote:

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

**14. Resolution of Intention to Annex one Parcel (Annexation No. 30) Located North of 13th Avenue/Hacienda Avenue and East of Little Morongo Road (APN 663-270-001) to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) (Manlin2, LLC/Desert Hot Springs Green Horizons)**

*Deputy City Manager, Luke Rainey*



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

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

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2018-024*, motion seconded by Parks, motion carried 5/0 by the following vote:

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

**15. An Ordinance Amending the Municipal Code to Clarify the Procedures for the Selection of Hearing Officers**

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

**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 Chapter 4.36 ("Permit and License Suspension, Modification, and Revocation Procedures") of Title 4 ("Code Enforcement") of the Desert Hot Springs Municipal Code ("DHSMC") to update the procedures for selection of Hearing Officers."

Jennifer Mizrahi, City Attorney, presented the staff report.

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)

**16. An Ordinance Adding a Stipend for City Council Members for Attendance of City Council Assigned Committees**

*City Council*

**Recommendation:** Introduce for First Reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs: 1) Amending Section 2.04.020 of Chapter 2.04 of the Desert Hot Springs Municipal Code adding a stipend for City Councilmembers for attendance of City Council-Assigned Committees."

Jennifer Mizrahi, City Attorney, presented the staff report.

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

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

**17. Appointment of a Delegate and Alternate for the 2018 Southern California Association of Governments (SCAG) General Assembly**

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Appoint a Delegate and Alternate Delegate for the 2018 SCAG General Assembly meeting to be held on May 3-4, 2018 in Indian Wells, California.

Action: Betts moved to appoint Council Member, Joe McKee as Delegate and Council Member, Russell Betts as the Alternate, motion seconded by Parks, motion carried 5/0 by the following vote:

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

**CONSENT CALENDAR:**

**18. City Council Regular Meeting Minutes: March 20, 2018**

*City Clerk, Jerryl Soriano, CMC*

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

**PUBLIC COMMENTS**

Additional public comments were considered following "Mayor and Council Member Reports."

**ADJOURN**

Mayor Matas adjourned the meeting at 8:46 P.M.

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Jerryl Soriano, CMC, City Clerk