



## **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 17, 2018**

**5:00 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 - 5:00 P.M.**

#### **CALL TO ORDER**

Mayor Matas called the Closed Session to order at 5:01 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 public comments.

Jennifer Mizrahi, City Attorney, requested that the City Council add an Urgency Closed Session Item regarding Item No. 5 (Desert Land Ventures) concerning potential exposure to litigation pursuant to California Government Code Section 54956.9 (d)(2).

Action: McKee moved to approve the addition of an Urgency Closed Session Item concerning potential exposure to litigation pursuant to California Government Code Section 54956.9 (d)(2), and with the findings that the matter came to the attention of the City after the posting of the agenda and that there was an urgent need to act, motion seconded by Zavala, motion carried 5/0 by the following vote:

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

## **CLOSED SESSION**

- 1. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL INITIATION OF LITIGATION**  
Pursuant to Government Code Section 54956.9: (1 potential case)

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

- 2. Recognition of the Desert Hot Springs High School Basketball Team**  
*Mayor, Scott Matas*

Mayor Matas presented Certificates of Recognition to the Desert Hot Springs High School Basketball Team.

- 3. Recognition of Dr. Paul M. Ross, DC, of Ross Chiropractic in Desert Hot Springs**  
*Mayor, Scott Matas*

Mayor Matas presented a Certificate of Recognition to Dr. Paul M. Ross for his contribution to the community and congratulated him on his retirement.

- 4. Presentation by Supervisor, V. Manuel Perez, Fourth District, Riverside County Board of Supervisors**

Supervisor Manuel Perez presented various updates and information regarding the Fourth District.

## **RECESS**

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

## **CALL TO ORDER**

Mayor Matas called the Regular Session to order at 6:01 P.M.

## **ROLL CALL**

### **Present:**

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

## **INVOCATION**

Jan Pye, Planning Commission Chairman and former Council Member, 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 April 17, 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**

Adam Sanchez expressed concerns regarding pedestrian safety on Palm Drive.

Natalia Martinez expressed concerns regarding pedestrian safety on Palm Drive.

Crystal Trevino, Desert Hot Springs High School, United Student Body, announced the "Badge vs. Books" fund raiser for suicide prevention basketball game featuring the Desert Hot Springs Police Department and Desert Hot Springs High School Teachers.

Greta Carter spoke regarding Item 17

Gary Gardner, Planning Commissioner, reported on the April 10, 2018 Planning Commission meeting.

Patricia Arellano expressed concerns regarding pedestrian safety on Palm Drive.

Larry Buchanan expressed thanks for various items including Council Member Yvonne Parks for her service to the City.

Ricardo Loretta read a letter from the Dr. Carreon Foundation expressing thanks for the City's contribution towards last year's scholarship program.

Donna Wardean expressed thanks to Council Member Yvonne Parks for her service to the City; and congratulated recipients of the Rotary Big Heart Awards; and requested that the flag pole at the Carl May Center be illuminated.

Michael Picardi gave various updates and announcements.

Nico Marotta spoke regarding the CVCAN (Coachella Valley Cannabis Alliance Network) Conference.

John Pavelak inquired about when next Economic Development Committee would be held.

Simone Sandoval spoke regarding Item 17.

Ryan Fingerhut spoke regarding Item 17.

Nicole Salisbury announced that she was a panelist for the "Women in Cannabis" feature at the Palm Springs Film Festival.

### **CITY MANAGER REPORT**

Charles Maynard, City Manager, advised that the City produced multiple records responsive to Adam Sanchez' public records requests.

### **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.

*The City Council recessed at 7:08 P.M.*

*The City Council reconvened at 7:15 P.M.*

## **PUBLIC HEARINGS:**

5. **Applications for Entitlement of the Desert Land Ventures Mixed Use Development Project Located North of the I-10 Freeway, West of Palm Drive, and South of Varner Road, in the Light Industrial (L-I) and Rural Desert (R-D) General Plan and Zoning Land Use Districts (SP 01-16, GPA 01-16, ZMA / ZTA 01-16, Vesting TTM 37185, and Development Agreement 01-18) (Applicant: Ted Frattone, Hunsaker & Associates)**

*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) Consider a recommendation from the Planning Commission to the City Council for certification of the Environmental Impact Report and Mitigation Monitoring Program and to adopt findings of fact recommending approval of:
  - A. Specific Plan 01-16, General Plan Amendment 01-16, and Zoning Ordinance Amendment 01-16 to establish development regulations and guidelines for the subject site;
  - B. Vesting Tentative Tract Map No. 37185 to divide the properties into thirteen lots plus streets; and
  - C. Development Agreement No. DA 01-18; to allow up to 1.9 million square feet of commercial and industrial development on a vacant 123.4 acre property located along the north side of Interstate 10, along both sides of Varner Road, and approximately one-half mile west of Palm Drive (APN: 669-150-001 and -002) in the R-D (Rural Desert) and L-I (Light Industrial) zones.

Scott Taschner, Senior Planner, presented the Staff report, advised that Condition of Approval No. 15 was removed and a condition was added requiring the Applicant to enter into an Indemnification Agreement, and responded to questions.

Mayor Matas opened the Public Hearing.

Richard Sacks, Applicant, addressed the City Council.

Rebecca Davis, representing the Laborers International Union of North America (LIUNA), distributed and discussed written testimony objecting to the Final Environmental Impact Report, a copy of which was submitted and made a part of the record.

Jacob (last name unclear), representing Local Union 944, Carpenters Regional Council, spoke opposed.

Richard Sacks, Applicant, provided rebuttal to public testimony.

Jon Braginton and Audrey Nickerson with The Altum Group, provided additional rebuttal on behalf of the Applicant.

Mayor Matas closed the Public Hearing.

A discussion ensued.

Action: Zavala moved to approve staff recommendation removing Condition of Approval No. 15, adding a condition requiring an Indemnification Agreement, and adopt *Resolution Nos. 2018-025 (General Plan Amendment 01-16, General Plan Land Use Map Amendment 01-16, and Adoption of Specific Plan 01-16)* and *2018-026 (certifying the Environmental Impact Report)*, motion seconded by McKee, motion carried 5/0 by the following vote:

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

#### **ADMINISTRATIVE CALENDAR:**

**6. Resignation of Council Member, Yvonne Parks**

*City Clerk, Jerry Soriano, CMC*

**Recommendation:** Receive and file the resignation letter received from Council Member, Yvonne Parks, effective upon filling the vacancy by the City Council.

Council Member, Yvonne Parks, addressed the City Council and members of the public.

The letter was received and filed.

**7. Appointment to the Planning Commission to Fill Vacancy for Unexpired Term**

*City Clerk, Jerry Soriano, CMC*

**Recommendation:** Ratify Mayor Scott Matas' appointment to the Planning Commission to fill one (1) vacancy consisting of an unexpired term ending January 2020.

Action: Betts moved to ratify Mayor Matas' appointment of James Nindel to the Planning Commission, motion seconded by McKee, motion carried 5/0 by the following vote:

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

**8. Resolution of Intention to Annex One Parcel (Annexation No. 31) Located North of 14th Avenue and East of Little Morongo Road, (APN 663-280-005) to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) (Hot Desert Springs, LLC)**

*Finance Director, Linda Kelly*

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

Linda Kelly, Finance Director, presented the staff report.

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2018-027*, motion seconded by Parks, motion carried 5/0 by the following vote:

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

**9. Resolution of Intention to Create Special Tax Area Zone 34 for Property, 12 APNs Located North of Mission Lakes Boulevard and East of Indian Canyon Drive, to the Desert Hot Springs Special Public Safety Tax Area (The Watermarke at DHS, LLC)**

*Finance Director, Linda Kelly*

**Recommendation:** Adopt a Resolution of Intention which establishes the time and place of the Public Hearing to establish Zone 34 within the Special Public Safety Tax Area for Police and Fire Protection Services, and authorizing an election.

Linda Kelly, Finance Director, presented the staff report.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2018-028*, motion seconded by Parks, motion carried 3/2 by the following vote:

Nadia Bernali, Webb Associates, responded to questions.

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

**10. Resolution of Intention to Create a Special Tax Area Zone 37 for Property, APN 663-280-005 Located North of 14th Avenue and East of Little Morongo Road, to the Desert Hot Springs Special Public Safety Tax Area (Hot Desert Springs, LLC)**

*Finance Director, Linda Kelly*

**Recommendation:** Adopt a Resolution of Intention which establishes the time and place of the Public Hearing to establish Zone 37 within the Special Public Safety Tax Area for Police and Fire Protection Services, and authorizing an election.



Linda Kelly, Finance Director, presented the staff report.

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2018-029*, motion seconded by Zavala, motion carried 4/1 by the following vote:

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

**11. Discussion on the Upcoming LAFCO (Local Area Formation Commission) Hearing Regarding a Potential Annexation of a 33+ Acre Site Into the City's Jurisdiction**

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

**Recommendation:** Receive Staff Report, City Council discussion and questions to Staff.

Scott Taschner, Senior Planner, presented the Staff report.

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

A discussion ensued. Staff responded to questions.

Action: Zavala moved to approve a recommendation to LAFCO (Riverside County Local Area Formation Commission) stating support for the annexation with the exclusion of "Cholla Gardens," motion seconded by Betts, motion carried 4/0 by the following vote:

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

**12. Automated License Plate Reader System Implementation Resolution**

*Chief of Police, Dale R. Mondary*

**Recommendation:** 1) Receive public comment regarding implementation of an Automated License Plate Reader System pursuant to Senate Bill 34; and  
2) Adopt a Resolution of the City Council authorizing the City of Desert Hot Springs' Police Department to implement the use of the Automated License Plate Reader System within the jurisdictional boundaries of the City, and direct staff to prepare and approve any necessary amendments to the current Police Department's contract.

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

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2018-030*, 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. Cabot Yerxa Sidewalk Project - Notice of Completion**

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

**Recommendation:** 1) Approve and Accept the Public Improvements;  
2) Authorize the release of final retention payment;  
3) Authorize the City Manager to execute and file the Notice of Completion; and  
4) Authorize the release of warranty bond after June 9, 2018 upon re-inspection.

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

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

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

**14. Report on Wardman Park Pool**

*Daniel Porras, Community Development Director*

**Recommendation:** Receive and file.

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

Rene Hickey addressed the City Council.

A discussion ensued.

The City Council directed Staff to proceed with bids to rehabilitate the Wardman Park Pool.

The report was received and filed.

**CONSENT CALENDAR:**

**15. City Council Regular Meeting Minutes: April 3, 2018**

*City Clerk, Jerryl Soriano, CMC*

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

**16. Second Reading and Adoption of an Ordinance Amending All Validly Approved Development Agreements Regarding Medical Marijuana Facilities That Are in Good Standing with the City to Include All Forms of 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**

*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, 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.

*Ordinance No. 656*

**17. Second Reading and Adoption of an Ordinance Amending Chapter 17.180 to Include Special Dispensary Entitlements in Certain Circumstances**

*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 17.180 to include special dispensary entitlements in certain circumstances."

*Ordinance No. 657*

**18. Second Reading and Adoption of an Ordinance Adding a Stipend for City Council Members for Attendance of City Council Assigned Committees**

*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, amending Section 2.04.020 of Chapter 2.04 of the Desert Hot Springs Municipal Code adding a stipend for City Council Members for attendance of City Council-Assigned Committees."

*Ordinance No. 658*

**19. Second Reading and Adoption of an Ordinance Amending the Desert Hot Springs Municipal Code Updating Procedures to Issue Administrative Citations**

*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 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."

*Ordinance 659*

**20. Second Reading and Adoption of an Ordinance Amending the Desert Hot Springs Municipal Code to Clarify Procedures for the Selection of 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, amending Chapter 4.36 ("Permit and License Suspension, Modification, and Revocation Procedures") of the Desert Hot Springs Municipal Code to update the procedures for selection of Hearing Officers."

*Ordinance No. 660*

**21. Payment Register and City Council Expenditures Report for the Month of February 2018**

*Finance Director, Linda Kelly*

**Recommendation:** Receive and file.

**PUBLIC COMMENTS**

None.

**ADJOURN**

Mayor Matas adjourned the meeting at 9:50 P.M.

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Jerryl Soriano, CMC, City Clerk