



## **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**

**MAY 1, 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, Betts  
Mayor Pro Tem: Anayeli Zavala  
Mayor: Scott Matas

#### **PUBLIC COMMENTS**

None.

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

## **CLOSED SESSION:**

### **1. CONFERENCE WITH LABOR NEGOTIATORS:**

Pursuant to Government Code §54957.6

Agency Designated Representatives: City Manager, Charles L. Maynard

City Attorney, Jennifer Mizrahi

Employee Organization:

Police Officers Association (DHSPOA)

### **2. 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.

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

### **3. Proclamation for May is Mental Health Month**

*Mayor, Scott Matas*

Mayor Matas presented the Proclamation to Carol Schaudt with the Riverside County Behavioral Health Commission.

## **RECESS**

## **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, Betts

Mayor Pro Tem: Anayeli Zavala

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, reported that Council Member McKee moved to approve a *"Second Extension of Tolling Agreement By and Among the Adkison Family Revocable Living Trust and Martha Ruiz-Snell and the City of Desert Hot Springs, Relating to an Extension of Tentative Tract Maps 35009 and 35448,"* motion seconded by Mayor Pro Tem Zavala, and carried by a vote of 4-0-1 (Council Member Betts abstained).

## **APPROVAL OF THE AGENDA**

Mayor Matas advised the Applicant for Item 12 had requested to continue the Item to May 15, 2018.

Council Member Betts moved to approve the agenda as presented. The motion failed for lack of a second.

Action: Parks moved to approve the May 1, 2018 Regular Meeting agenda and approve the Consent Calendar (with Item 12 continued May 15, 2018), motion seconded by Zavala, motion carried 4/1 by the following vote:

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

## **PUBLIC COMMENTS**

Rene Hickey spoke regarding the Wardman Park Pool.

Mike Picardi gave various updates and announcements.

Greta Carter spoke regarding the Ordinance concerning special dispensary entitlements in certain circumstances that was adopted at the April 17, 2018 City Council meeting.

Simone Sandoval requested that the City Council to revisit canna tourism.

Ryan Fingerhut requested a future Study Session regarding canna tourism.

Peter Tsachpinis expressed concerns regarding tow businesses.

Jan Pye spoke regarding Public Servant Recognition Week.

Dora De La Cruz (translated by Mayor Pro Tem Zavala) expressed concerns regarding issues occurring at Palm Drive Mobile Estates.

John Scafani, Desert Land Ventures, spoke regarding the cannabis advisory board and relationship building between the City and cannabis industry.

James Velasquez, Vets Leaf, spoke regarding the cannabis industry; and the need for affordable housing.

## **CITY MANAGER REPORT**

Danny Porras, Community Development Director, provided updates regarding Palm Drive safety improvements.

Charles Maynard, City Manager, addressed public comments regarding canna tourism.

## **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.

## **PUBLIC HEARINGS:**

4. **Amendment to Development Agreement No. 14-16 to Add Additional Uses and Revise Language, the Project Site is Located on a 2.31 Acre Site Approximately 350 Feet East of Little Morongo Road and 1,000 Feet North of Two Bunch Palms Trail in the Light Industrial (I-L) Zone (APN: 663-280-002)**  
*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 approval of an amendment to Development Agreement No. 14-16.

Scott Taschner, Senior Planner, presented the staff report.

Mayor Matas opened the Public Hearing.

Mike Rowe, MSA Consulting representing the Applicant, addressed the City Council.

Mayor Matas closed the Public Hearing.

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

Vote:  
Passed

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

### **ADMINISTRATIVE CALENDAR:**

#### **5. Furbee Aquatic Center Professional Services/ License Agreement for Swim Programs**

*Special Projects, John Holcomb*

**Recommendation:** Authorize the City Manager to enter into a Professional Services/ License Agreement with USA Management, LLC in the amount of \$68,180.00 to provide Swimming Program Management Services at the Furbee Aquatic Center.

John Holcomb, Special Projects, presented the Staff report and responded to questions.

A discussion ensued.

Morris Barkley, USA Management, responded to questions.

Action: Zavala moved to approve staff recommendation setting the fees at \$.25 per kid, \$.50 per adult, and \$1.00 per family; and conduct swimming lessons and other programs to be accessible in late afternoon/evenings, motion seconded by McKee, motion carried 5/0 by the following vote:

Vote:  
Passed

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

#### **6. Resolution of Intention for Placing Desert Valley Disposal Annual Billings for Services of Residential Properties on the County Tax Rolls, Fiscal Year 2018-2019**

*Finance Director, Linda Kelly*

**Recommendation:** 1) Adopt a Resolution of the City Council Declaring the Intention to Levy Annual Billing for Desert Valley Disposal Inc., Solid Waste Refuse Services for Residential Properties on the County Tax Roll for the Fiscal Year 2018-2019.  
2) Approving the Attachment F Rate Schedule for July 1, 2018 Rate Year; and  
3) Setting a Time and Place for the Public Hearing.

Linda Kelly, Finance Director, presented the staff report.

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2018-031*, motion seconded by Zavala, motion carried 5/0 by the following vote:

Vote:  
Passed

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

**7. Application for the Installation of Public Art (Veteran's Corner Monument) for the Vets Leaf Cultivation Project**

*Daniel Porras, Community Development Director*

**Recommendation:** Consider a recommendation from the Community and Cultural Affairs Commission for the approval of the proposed public art (Veteran's Monument) for the Vets Leaf cultivation project located at the southwest corner of Cabot Road and San Jacinto Lane, in the Light Industrial (I-L) General Plan and Zoning Land Use District. (APN 665-030-037).

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

Mike Picardi, Community and Cultural Affairs Commission Chairman, explained why he voted opposed.

Greta Carter spoke in support.

Ryan Fingerhut spoke in support.

Simone Sandoval spoke in support.

James Velasquez, Vets Leaf, urged the Council to approve the Application.

A discussion ensued.

Action: Betts moved to approve the recommendation with revisions requiring upgraded fencing, accessibility to the public, and reinforcement of plaques, motion seconded by Parks, motion carried 4/1 by the following vote:

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

**8. Process to Fill City Council Vacancy Created by the Resignation of Council Member, Yvonne Parks**

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** 1) Consider an appointment process and timeline to fill the vacancy created by the resignation of Council Member, Yvonne Parks and provide direction to Staff; and  
2) Adopt a Resolution of the City Council to appoint a citizen to fill the Office of City Council Member vacated by the resignation of Yvonne Parks and waiving the option of a special election.

Jerryl Soriano, City Clerk, presented the staff report and responded to questions.

Mike Picardi urged the City Council to move forward with the process as quickly as possible.

A discussion ensued.

Council Member Betts moved to open the application process with the provision that the candidate selected declare that they have no intention to run in the next election. The motion failed for lack of a second.

Mayor Matas moved to approve staff recommendation opening the application process. The motion failed for lack of a second.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2018-032*, opening the application process to appoint an individual with prior experience serving on the City Council, tentatively scheduled for the next meeting, motion seconded by McKee, motion carried 3/1 by the following vote:

Vote: AYES: 3 - Zavala, Matas, McKee  
Passed NOES: 1 - Betts  
ABSTAIN: 1 - Parks

**9. Cancel Hearing and Abandon the Proceedings to Annex and Assess 259 Homes 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:** That the City Council by Minute Order move to cancel the Public Hearing for May 15, 2018 and abandon the proceedings to annex and assess property to Landscape and Lighting Maintenance District No. 2 (Annexation No. 18, Zone 19) and to continue to maintain certain landscaping surrounding Rancho del Oro.

*Council Member Betts recused due to a potential conflict of interest. Owns property within the subdivision.*

Danny Porras, Community Development Director, 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, Matas, McKee  
Passed NOES: 0 - (None)

**10. Resolution Amending the Fiscal Year 2018-2019 Budget to Include the Various List of Projects 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 2018-2019 to incorporate the various list of projects to be funded by Senate Bill 1 (SB 1) - Road Maintenance Rehabilitation Account (RMRA) Funds with an estimated amount of \$483,419.00.

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



Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2018-033*, motion seconded by Zavala, motion carried 5/0 by the following vote:

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

### **CONSENT CALENDAR:**

**11. City Council Regular Meeting Minutes: April 17, 2018**

*City Clerk, Jerryl Soriano, CMC*

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

**12. Second Reading and Adoption of an Ordinance Approving Development Agreement No. 01-18 with Desert Land Ventures III, LLC (APNs 669-150-001 and -002)**

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

**Recommendation:** Approve Second Reading, read by title and adopt, "An Ordinance of the City Council approving Development Agreement No. 01-18 by and between the City of Desert Hot Springs and Desert Land Ventures III, LLC," for the development of a mixed use commercial/industrial business park.

*This item was withdrawn from the agenda and continued to May 15, 2018.*

**13. Treasurer's Reports for the months of October 2017, November 2017 and December 2017**

*Finance Director, Linda Kelly*

**Recommendation:** Receive and file.

### **PUBLIC COMMENTS**

Charles Maynard, City Manager, announced the Community Workshop for the Citywide General Plan Update.

### **ADJOURN**

Mayor Matas adjourned the meeting at 8:41 P.M.

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Jerryl Soriano, CMC  
City Clerk