



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**

ACTION MINUTES

SEPTEMBER 18, 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**

CLOSED SESSION - 5:00 P.M.

CALL TO ORDER

Mayor Matas called the Closed Session to order at 5:00 P.M.

ROLL CALL

Present:

Council Members: Russell Betts (arrived after Roll Call), Joe McKee, Jan Pye

Mayor Pro Tem: Anayeli Zavala

Mayor: Scott Matas

PUBLIC COMMENTS

There were no public comments.

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

CLOSED SESSION:

1. **CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION** (Paragraph (1) of Subdivision (d) of Section 54956.9) In the Matter of Administration of the D.H.S. Drugs, Inc. Profit Sharing Plan, Riverside Superior Court Case No. PRIN1801126
2. **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

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, Jan Pye
Mayor Pro Tem: Anayeli Zavala
Mayor: Scott Matas

INVOCATION

A moment of silence was held in memory of former Council Member, Elizabeth Donnelly Swisher.

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; and reported that the City Council approved initiation of litigation at the Closed Session held on July 24, 2018.

APPROVAL OF THE AGENDA

Action: McKee moved to approve the September 18, 2018 Regular Meeting agenda, and approve the Consent Calendar, except for Item 6, motion seconded by Pye, motion carried 5/0 by the following vote:

Vote:
Passed

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

PUBLIC COMMENTS

Brenda Banks expressed concerns regarding human trafficking and illegal drugs.

Eddie Johnson spoke regarding National POW/MIA Recognition Day.

Florence Martin spoke regarding the Mission Springs Water District and Desert Water Agency.

Mike Picardi gave various updates and announcements.

Nina Duarte spoke regarding the Mayor's Human Rights Committee.

Angelica "Chachi" Chappell spoke regarding the Human Rights Committee.

Irazema Guzman expressed concerns regarding a mobile home park manager.

Maria Yacuta expressed concerns regarding a mobile home park manager.

Jason Elsasser announced a change in venue for the Coachella Valley Cannabis Alliance Network (CVCAN) candidate forum.

CITY MANAGER REPORT

None.

MAYOR AND COUNCIL MEMBER REPORTS

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

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

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

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

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

PUBLIC HEARINGS:

3. [Development Agreement No. 02-18 Between the City of Desert Hot Springs and Adkan Engineering for the Future Development of the Mission Creek Trails Residential Subdivision Project Located on APN 667-050-011 and Within the Rancho Royale Specific Plan West of Highway 62](#)

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 testimony from those in favor;
- 6) Take testimony from those opposed;
- 7) Take testimony from those in a neutral position;
- 8) Opportunity for Applicant rebuttal;
- 9) Close the Public Hearing;
- 10) City Council discussion and questions to Staff; and
- 11) Consider a recommendation from the Planning Commission to the City Council to: A) Adopt the Addendum to the previously-certified Final Environmental Impact Report (FEIR) for the Rancho Royale Specific Plan (SCH #92042024), in accordance with the California Environmental Quality Act (CEQA); B) approve Development Agreement No 02-18; and C) introduce and approve for first reading, an Ordinance of the City of Desert Hot Springs approving the Development Agreement (by and between the City of Desert Hot Springs and Edy P. Adkison and Judith Elizabeth Adkison, and Martha Ruiz-Snell) related to Tentative Tract Maps 35009 & 35448 & Specific Plan 01-92, subject to the attached conditions of approval. APN 667-050-011.

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

Gary Gardner, Planning Commission, responded to questions regarding the Planning Commission's recommendation and additional conditions.

Ed Adkison, Applicant, addressed the City Council.

Alicia Winterswyke, representing the Applicant, addressed the City Council.

Mayor Matas opened the Public Hearing.

Gary Gardner, Planning Commission, spoke in favor.

Jack Thompson, Wildlands Conservancy, spoke opposed.

Jason Breuks spoke opposed.

Desiree Palmer spoke opposed.

Jonathan Goldstein spoke opposed.

Rosie Puentes spoke opposed.

Chris Clark spoke opposed.

Joan Taylor, Sierra Club, spoke opposed.

Scott Connelly spoke opposed.

Arch McCulloch spoke opposed.

Sherry Ortega spoke opposed.

Kerry Pucket, Wildlands Conservancy, spoke opposed.

Ron Reed spoke opposed.

Casey Shaughnesy spoke opposed.

Lucas Wilgers spoke opposed.

Meg Foley spoke opposed.

Bob Terry spoke opposed

Margaret Reid spoke opposed

Aaron Eckols spoke opposed

Claudia Salle spoke opposed.

Caroline Conway spoke opposed.

Steven Kelley spoke opposed.

Kemp Reed spoke opposed.

Ed Akinson, Applicant, provided rebuttal.

Mayor Matas closed the Public Hearing.

A discussion ensued.

Council Member Betts moved to continue the Public Hearing. The motion failed for lack of a second.

Action: Zavala moved to approve the recommendation with amendments: a limit on the force majeure clause; a donation of \$30,000 shall be made at the commencement of construction of visitors center; space for the visitors center shall be a minimum of 1 acre; maximum height limit of 35 feet throughout the Project; and that there be no fee waivers, motion seconded by McKee, motion carried 4/1 by the following vote:

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

ADMINISTRATIVE CALENDAR:

4. **Award Construction Contract for Palm Drive and Camino Aventura Traffic Signal**

Community Development Director, Daniel Porras, P.E.

Recommendation: Award the construction contract agreement to the lowest responsive bidder, Elecnor Belco Electric, Inc. and authorize the City Manager to execute the agreement by and between Elecnor Belco Electric, Inc. and the City of Desert Hot Springs for the completion of the Palm Drive and Camino Aventura Traffic Signal Project Number 2018-08 in the amount of \$367,998.00 plus a 10 percent contingency of \$36,799.80, for a total project budget of \$404,797.80.

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

A discussion ensued.

Action: Betts moved to approve staff recommendation and authorize the use of the 10% contingency amount to upgrade to an audible crossing signal, at Staff's discretion, motion seconded by McKee, motion carried 5/0 by the following vote:

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

CONSENT CALENDAR:

5. **City Council Regular Meeting Minutes: September 4, 2018**

City Clerk, Jerryl Soriano, CMC

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

6. **Third Amendment and Restatement to the Coachella Valley Association of Governments (CVAG) Joint Powers Agreement**

City Clerk, Jerryl Soriano, CMC

Recommendation: Approve by Minute Order, the Third Amendment and Restatement to the CVAG Joint Powers Agreement; and authorize the Mayor to execute said Agreement.

Staff responded to questions.

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

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

7. [Second Reading and Adoption of an Ordinance Relating to Electronic and Paperless Filing of Fair Political Practices Commission \(FPPC\) Campaign Disclosure Statements](#)

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 adding Chapter 2.68 "Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements" of Title 2 "Administration and Personnel" to the Desert Hot Springs Municipal Code relating to electronic and paperless filing of Fair Political Practices Commission campaign disclosure statements.

Ordinance No. 674

PUBLIC COMMENTS

None.

ADJOURN

Mayor Matas adjourned the meeting at 9:47 P.M.

Jerryl Soriano, CMC, City Clerk