



# **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**

## **AGENDA**

**DECEMBER 12, 2018**

**5:30 P.M. – PRESENTATIONS**

**6:00 P.M. – REGULAR SESSION**

**CLOSED SESSION**

**(Immediately Following the Regular Session)**

**CITY COUNCIL CHAMBERS  
Carl May Community Center  
11711 West Drive, Desert Hot Springs, California**

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

1. **[Introduction and Swearing-In of New Police Officer](#)**  
*Deputy Police Chief, Jim Henson; and  
City Clerk, Jerryl Soriano*

## **RECESS**

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

### **CALL TO ORDER**

### **ROLL CALL**

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

## **[ADMINISTRATIVE CALENDAR](#)**

2. **[City Council Special Meeting Minutes: October 24, 2018](#)**  
**[City Council Regular Meeting Minutes: November 20, 2018](#)**  
*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Approve the Minutes as presented; or as corrected.

*Packet Page 9*

3. [Certification of the November 6, 2018 General Municipal Election Results](#)

*City Clerk, Jerryl Soriano, CMC*

*Packet Page 19*

**Recommendation:** Adopt a Resolution of the City Council reciting the fact of the General Municipal Election held in said City on November 6, 2018, declaring the result thereof and other such matters as provided by law.

[INSTALLATION OF OFFICERS](#)

*Oath of Office Administered by City Clerk, Jerryl Soriano*

**Gary Gardner, Council Member**

**Jan Pye, Council Member**

**Scott Matas, Mayor**

[RECESS](#)

[CALL TO ORDER](#)

[NEW ROLL CALL](#)

[SELECTION OF MAYOR PRO TEM](#)

**APPROVAL OF THE AGENDA**

*At this time the City Council may amend the order of the agenda, approve the Consent Calendar, remove items from the Consent Calendar for separate discussion and action, and add Urgency Items.*

*Urgency Items ("Added Starters"): The Brown Act, which governs public meetings, permits the City Council to take action on any item that does not appear on the agenda only if 2/3 of the City Council (if all are present) or all members of the City Council (if fewer than all members are present) determine there is a need to take immediate action on the item, and the need to take immediate action came to the City Council's attention after the agenda was posted.*

**PUBLIC COMMENTS**

*At this time, pursuant to the Brown Act, any person may comment on matters of general interest within the subject matter jurisdiction of the City Council, NOT listed on the agenda. Under the Brown Act, the City Council should not take action on or discuss matters raised during Public Comment portion of the agenda that are not listed on the agenda.*

*Comments are limited to the first ten (10) speakers at three (3) minutes per speaker. Speakers may not yield their time to others without consent of the Mayor. All comments are to be directed to the City Council and shall be devoid of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during public comments.*

*Please complete and submit a "speaker card" to the City Clerk. You will be asked to STATE YOUR NAME AND CITY OF RESIDENCE FOR THE RECORD.*

**CITY MANAGER REPORT**

**MAYOR AND COUNCIL MEMBER REPORTS**

**PUBLIC HEARINGS:**

4. **[Appeal No. 01-18 of the Planning Commission's Decision to DENY Development Permit No. 09-18: An Application for 5 Mid-Century Modern Designed Homes in the Rolling Hills Estates Residential Tract \(Applicant: Elyon Development\)](#)**

*Community Development Director, Rebecca Deming*

*Packet Page 35*

**Recommendation:** 1) Staff Report;  
2) Entertain questions of Staff from the 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) City Council action to either:  
Option A: City Council UPHOLD the Planning Commission's decision to DENY the Development Permit application, and thereby DENYING the Appeal (AP No. 01-18) for development of five mid-century modern design single-family residences at the east end of the Rolling Hills residential tract; OR  
Option B: City Council OVERTURN the Planning Commission's decision to deny the application (DP 09-18), thereby reversing the decision and APPROVING the appeal (AP No. 01-18) and the project, subject to the attached conditions of approval and findings for approval as made by the City Council.

5. **[Zoning Map Amendment \(ZMA\) 01-18, and General Plan Amendment \(GPA\) 02-18: Applications to Change the Zoning and General Plan Land Use Designations from R-R \(Rural Residential\) to C-N \(Commercial Neighborhood\) on a 9.1 Acre Site Located at the Southwest Corner of Palm Drive and Claire Avenue \(APN: 657-050-003\)](#)**

*Community Development Director, Rebecca Deming*

*Packet Page 89*

**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 APPROVE the request for: A) An Exemption to CEQA, pursuant to Section 15061(b)(3), General Rule, of the California Environmental Quality Act (CEQA); B) Zone Map Amendment No. 01-18; and C) General Plan Amendment No. 02-18, a change in land use designations from Rural Residential (R-R) to Commercial Neighborhood (C-N) for the 9.1-acre parcel located at the southwest corner of Palm Drive and Claire Avenue. (APN 657-050-003)

6. [Zoning Map Amendment \(ZMA\) 02-18 and General Plan Amendment \(GPA\) 03-18: Applications to Change the Zoning and General Plan Land Use Designations from R-R \(Rural Residential\) to I-L \(Light Industrial\) on an 84 Acre Site Located on the East Side of Palm Drive South of Dillon Road and North of the Desert Dunes Golf Course](#)

*Community Development Director, Rebecca Deming*

*Packet Page 149*

- Recommendation:**
- 1) Staff Report;
  - 2) Entertain Questions of Staff from the 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 APPROVE the request for: A) An Exemption to CEQA, pursuant to Section 15061(b)(3), General Rule, of the California Environmental Quality Act (CEQA); B) Zone Map Amendment No. 02-18; and C) General Plan Amendment No. 03-18, applications to change the land-use designation from Rural Residential (R-R) to I-L (Light Industrial) on a 84+ acre site located on the east side of Palm Drive south of Dillon Road and north of the Desert Dunes Golf Course. (APN's 657-230-009; 010; 017; 020; 022)

7. [An Ordinance Amending Title 17 to Amend Various Sections of the Desert Hot Springs Municipal Code Related to Housing, Including Supportive Transitional and Housing, Emergency Shelters, Accessory Dwelling Units, and Other Amendments to Harmonize With State Law](#)

*City Attorney, Jennifer A. Mizrahi*

*Packet Page 183*

- Recommendation:**
- 1) Staff Report;
  - 2) Entertain questions of Staff from the City Council;
  - 3) Open the Public Hearing;
  - 4) Take testimony from those in support;

- 5) Take testimony from those opposed;
- 6) Take testimony from those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council discussion and questions to Staff; and
- 9) Introduce and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, amending Title 17 to amend various sections of the Desert Hot Springs Municipal Code related to housing, including supportive and transitional housing, emergency shelters, accessory dwelling units, and other amendments to harmonize with State law.

**ADMINISTRATIVE CALENDAR:**

8. **[Audited Financial Statements for the Fiscal Year 2017-2018](#)**  
*Finance Director, Linda Kelly* *Packet Page 217*  
**Recommendation:** Receive and file.
9. **[Desert X - Sponsorship Request](#)**  
*Assistant to the City Manager, Doria Wilms* *Packet Page 365*  
**Recommendation:** Consider a sponsorship request in the amount of up to \$50,000 from Desert X for their Biennial Exhibition of Art throughout the Coachella Valley and provide direction to Staff.
10. **[An Ordinance Amending Chapter 10.52 "Abandoned, Wrecked, Dismantled, or Inoperative Vehicles" of Title 10 "Vehicles and Traffic" of the Desert Hot Springs Municipal Code Relating to Abandoned Vehicle Abatement](#)**  
*Public Works Director, Daniel Porras, P.E.* *Packet Page 381*  
**Recommendation:** Introduce and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Chapter 10.52 "Abandoned, Wrecked, Dismantled, or Inoperative Vehicles" of Title 10 "Vehicles and Traffic" of the Desert Hot Springs Municipal Code Relating to Abandoned Vehicle Abatement."
11. **[Approval of Tract Map No. 37145, for Morongo Industrial Park, Acceptance of Dedications for Street and Public Utility Purposes, Acceptance of Subdivision Improvement Agreement and Related Security](#)**  
*Daniel Porras, Public Works Director* *Packet Page 393*  
**Recommendation:**
  - 1) Find that the Tract Map No. 37145 is in substantial conformance with the previously approved tentative map;
  - 2) Approve Tract Map 37145 in accordance with the Conditions of Approval;
  - 3) Accept the dedications as offered on the map for street and public utility purposes, and sidewalk easements;
  - 4) Accept the Subdivision Improvement Agreement, Performance Bond and Labor and Materials Bond, any

substantive changes shall be approved by the City Manager and the City Attorney;

- 5) Authorize the City Clerk and City Engineer to sign the map evidencing the City Council's approval; and
- 6) Authorize staff to process and file the map and subdivision agreement with the County Recorder's Office.

12. **Recognized Obligation Payment Schedule (ROPS 19-20) for the Period July 1, 2019 - June 30, 2020**

*Finance Director, Linda Kelly*

*Packet Page 465*

**Recommendation:** Adopt a Resolution of the Successor Agency approving the Recognized Obligation Payment Schedule (ROPS 19-20) and administrative budget for the Successor Agency for the period July 1, 2019 through June 30, 2020.

**FUTURE AGENDA ITEMS**

**PUBLIC COMMENTS**

*Opportunity is given to those members of the public who have NOT addressed the City Council on an item which is NOT on the agenda. Comments are limited to three (3) minutes per speaker. PLEASE STATE YOUR NAME AND CITY OF RESIDENCE FOR THE RECORD.*

**ADJOURN TO CLOSED SESSION**

**CLOSED SESSION:**

13. **CONFERENCE WITH LEGAL COUNSEL—POTENTIAL INITIATION OF LITIGATION** (Paragraph (4) of subdivision (d) of Section 54956.9) (One Potential Case)

14. **CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**

(Paragraph (1) of subdivision (d) of Government Code section 54956.9)

Name of case: City of Desert Hot Springs vs. Pacific Paradise Realty (66365 7th Street) – Pending Litigation – Riverside Superior Court PSC 1802685

**RECONVENE IN OPEN SESSION**

**CITY ATTORNEY REPORT ON CLOSED SESSION**

**ADJOURN**

**UPCOMING DATES**

*\*Please refer to the City website [calendar](#) at [www.cityofdhs.org](http://www.cityofdhs.org) for meeting locations and the most up to date information.*

December 12	CCAC	CANCELLED
December 13	Public Safety Commission	CANCELLED
December 18	City Council Regular Meeting	CANCELLED
January 1	City Council Regular Meeting	CANCELLED
January 8	Planning Commission	6:00 p.m.
January 9	CCAC	6:00 p.m.
January 10	Public Safety Commission	6:00 p.m.
January 15	City Council Regular Meeting	6:00 p.m.

**NOTICES**

**Americans with Disabilities Act**

In an effort to comply with the requirements of Title 2 of the Americans with Disabilities Act of 1990, the City of Desert Hot Springs requires that any person in need of any type of special equipment, assistance, or accommodation(s) in order to communicate at a City public meeting, must inform the City Clerk a minimum of 72 hours prior to the scheduled meeting to enable the City to make reasonable arrangements.

**SB 343**

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item, and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the Office of the City Clerk at City Hall during normal business hours at 65950 Pierson Boulevard, Desert Hot Springs, CA 92240.

If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 11711 West Drive, Desert Hot Springs, CA 92240.