



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

FEBRUARY 5, 2019

4:00 P.M. – STUDY SESSION

CLOSED SESSION

(Immediately Following the Study 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**

STUDY SESSION - 4:00 P.M.

CALL TO ORDER

Mayor Matas called the Study Session to order at 4:01 P.M.

ROLL CALL

Present:

Council Members: Russell Betts, Gary Gardner, Anayeli Zavala

Mayor Pro Tem: Jan Pye

Mayor: Scott Matas

STUDY SESSION:

1. **(Continued from January 15, 2019) General Plan Preferred Alternative Land Use Map**

Community Development Director, Rebecca Deming

Recommendation: Direct Staff on a preferred alternative General Plan Land Use Map for moving forward with the General Plan and Environmental Impact Report (EIR).

Rebecca Deming, Community Development Director, presented the staff report and responded to questions.

Mark Frendberg (owner 20 acres at the south east corner of Palm Drive and Dillon Road) stated that he was in favor of commercial designation for his property.

Ted Mayrhofer stated that the area south of Dillon Road and west of Palm Drive should be designated as commercial.

Rich Malacoff spoke regarding Request No. 2.

A discussion ensued.

General Public Comments:

Jo Jo Alvarez inquired about the proposed designation for her property.

Juan Alvarez requested light industrial designation for his property at 65995 Thornton Road (APN 669-250-004).

Susan Miller expressed concerns.

There was consensus to approve Request No. 3 (APNs 664-080-011 and 010)

There was consensus to approve Request No. 4 (APNs 656-255-007 and 656-150-011)

A discussion ensued regarding Request Nos. 5, 6, and 7.

There was consensus to approve Request No. 8 (CVAG/MSHCP)

There was consensus to approve Staff Request No. 9 (Visitor Serving area expansion)

Action: Zavala moved to deny Request No. 1 (My Desert Garage, APNs 657-230-009, 010, 017, 020, and 022), motion seconded by Gardner, motion carried 4/1 by the following vote:

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

Action: Zavala moved to deny Request No. 2 (Steve Rosenberg, APN No. 665-190-005), motion seconded by Betts, motion carried 4/1 by the following vote:

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

Action: Betts moved to deny Request No. 5 (APN 666-280-007), No. 6 (APNs 666-280-001, 666-220-010, and 666-220-029), and No. 7 (APN 666-280-014) , motion seconded by Zavala, motion carried 4/1 by the following vote:

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

A discussion ensued.

Action: Betts moved to to change the designation for Parcels 667-110-004, 007-009, 024-030, 667-120-001 and 002, 667-120-035, 036-040, 046-047, 049 and 050 from Residential Medium to Residential Low, motion seconded by Zavala, motion carried 2/3 by the following vote:

Vote: AYES: 2 - Zavala, Betts
Failed NOES: 3 - Matas, Pye, Gardner

Action: Matas moved to accept the remaining map as presented, with the northeast corner of Dillon Road and Little Morongo Road to be designated as industrial; approving Juan Alvarez' request for light-industrial designation in the cultivation overlay; and approving Request No. 4 (APNs 656-255-007 and 656-150-011), No. 8 (CVAG - MSHCP Area) and No. 9 (Visitor Serving Area expansion), motion seconded by Gardner, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner
Passed NOES: 0 - (None)

PUBLIC COMMENTS

There were no Closed Session public comments.

CLOSED SESSION **(Immediately Following the Study Session)**

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

The City Council recessed to Closed Session at 5:18 P.M.

CLOSED SESSION:

2. **CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Government Code section 54956.9)
Name of case: Garcia et al v. City of Desert Hot Springs– Pending Litigation –
Riverside Superior Court, Case Number PSC 1807458
3. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**
(Paragraph (1) of subdivision (d) of Section 54956.9) In the Matter of the
Administration of the D.H.S. Drugs, Inc. Profit Sharing Plan, Riverside Superior
Court Case No. PRIN1801126
4. **CONFERENCE WITH LEGAL COUNSEL—POTENTIAL INITIATION OF**
LITIGATION
(Paragraph (4) of subdivision (d) of Section 54956.9) (One Potential Case)

PRESENTATIONS - 5:30 P.M.

5. One Future Coachella Valley Presentation

One Future Coachella Valley

Sheila Thornton, President and CEO of OneFuture Coachella Valley, presented an overview of their mission "to assure all students succeed in college, career and life-expanding and enhancing the local workforce so that our youth and economy thrive."

6. Helping Hands, Open Hearts Presentation

Lucas Stiede, Boy Scouts Troop 262

Lucas Stiede presented his Eagle Scout Leader Project, "Helping Hands, Open Hearts" to collect enough supplies to create Hygiene/Snack Packs for those in need.

RECESS

The City Council recessed at 6:02 P.M.

REGULAR SESSION - 6:00 P.M.

CALL TO ORDER

Mayor Matas called the Regular Session to order at 6:16 P.M.

ROLL CALL

Present:
Council Members: Russell Betts, Gary Gardner, Anayeli Zavala
Mayor Pro Tem: Jan Pye
Mayor: Scott Matas

INVOCATION

Mayor Pro Tem Pye gave the Invocation.

PLEDGE OF ALLEGIANCE

Desert Hot Springs Scouts, Troop 1606, led the Pledge of Allegiance.

CITY ATTORNEY REPORT ON CLOSED SESSION

Jennifer Mizrahi, City Attorney, advised that there was no reportable action, and that the City Council would continue the Closed Session items following the Regular Session.

APPROVAL OF THE AGENDA

Action: Zavala moved to approve the February 5, 2019 Regular Meeting agenda; approving the Consent Calendar in its entirety, motion seconded by Pye, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner
Passed NOES: 0 - (None)

PUBLIC COMMENTS

Mike Picardi gave various updates and announcements.

Ron Reid expressed concerns regarding the cell tower design located near Little Morongo Road.

Melissa Lozano expressed concerns regarding high rent.

CITY MANAGER REPORT

Eddy Moore, Deputy Fire Chief, introduced Division Chief, Tyrell Davis.

Daniel Porras, Public Works Director, reported on the cell tower located near Little Morongo Road.

MAYOR AND COUNCIL MEMBER REPORTS

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

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

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

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

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

PUBLIC HEARINGS:

7. [An Ordinance 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](#)

City Attorney, Jennifer A. Mizrahi

Recommendation: 1) Staff Report;
2) Entertain Questions of Staff from City Council;

- 3) Open the Public Hearing;
- 4) Take testimony from those in favor;
- 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) The Planning Commission recommends to the City Council to 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."

Jennifer Mizrahi, City Attorney, presented the staff report and responded to questions.

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

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

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner
 Passed NOES: 0 - (None)

ADMINISTRATIVE CALENDAR:

8. [Joint Nondisclosure, Indemnity and Litigation Defense Agreement with Adkison Engineers, Inc., Et Al](#)

City Attorney, Jennifer A. Mizrahi

Recommendation: Approve a Joint Nondisclosure, Indemnity and Litigation Defense Agreement by and between the City of Desert Hot Springs, the City Council of the City of Desert Hot Springs, and Adkison Engineers, Inc., Et al.

Jennifer Mizrahi, City Attorney, presented the staff report.

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

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

9. **Discussion on Cannabis Storefront and Non-Storefront Retail**

Deputy City Manager, Luke Rainey

Recommendation: Provide Staff direction.

Should the City Council desire to move forward with allowing Non-storefront Retail use as presented, City Staff can be directed to prepare an Ordinance to amend Chapter 17.180 of the Desert Hot Springs Municipal Code (“DHSMC”) to:

1) Replace “dispensaries” with “Storefront Retail,” without changes to permit requirements, including the limit of 16 currently approved applicants.

2) Add “Non-storefront Retail” as a permitted conditional use in the Industrial zone, with sales/delivery only to recipients outside of the City, and uses to include manufacturing, distribution, and cultivation limited to 99 plants.

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

Christopher Ralph, Rubicon Outreach, spoke in support.

Ryan Fingerhut spoke in support.

Michelle Holman, Rubicon Outreach, spoke in support.

A discussion ensued.

Action: Matas moved to direct Staff to prepare an Ordinance, motion seconded by Zavala, motion carried 5/0 by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner
Passed NOES: 0 - (None)

10. **Building Department Plan Check Contracts**

Community Development Director, Rebecca Deming

Recommendation: Authorize the City Manager to execute a Professional Services Agreement with Willdan and Interwest for Building and Safety Plan Check services on an as-needed and as-directed basis; with approval as to form by the City Attorney.

Rebecca Deming, Community Development Director, presented the staff report.

Catherine Dickerson spoke in support.

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

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner
Passed NOES: 0 - (None)

11. [General Plan Update Contract Extension](#)

Community Development Director, Rebecca Deming

Recommendation: Authorize the City Manager to execute a First Amendment to the Professional Services Agreement by and Between the City of Desert Hot Springs and MIG for the 2018 Comprehensive General Plan Update; with approval as to form by the City Attorney.

Rebecca Deming, Community Development Director, presented the staff report.

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

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner
Passed NOES: 0 - (None)

12. [Award of Construction Contract for the Desert View Avenue Sidewalk Project Number 2017-19](#)

Public Works Director, Daniel Porras, P.E.

Recommendation: Award a Construction Contract Agreement to the lowest responsible qualified bidder, Onyx Paving Company Inc.; authorize the City Manager to execute the Agreement for the Desert View Avenue Sidewalk Project - SB 821 with Onyx Paving Company Inc. in an amount not to exceed \$696,000.00; and approve additional project expenses which include a 10% contingency of \$69,600, as-needed materials testing of \$10,000, as-needed inspection services of \$45,000, and cluster mailboxes of \$13,000, which brings a total project budget of \$833,600.

Nicholas Haecker, Public Works Manager, presented the staff report.

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

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner
Passed NOES: 0 - (None)

13. [Retail Facility Allowance for Select Specific Plans](#)

Deputy City Manager, Luke Rainey

Recommendation: Adopt a Resolution of the City Council allowing one (1) marijuana storefront retail facility (aka "dispensary") in specific plans greater than fifty (50) acres in size, where such marijuana storefront retail facility is allowed in such specific plan.

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

Ryan Fingerhut spoke in support.

Action: Betts moved to approve staff recommendation and adopt *Resolution No. 2019-005*, motion seconded by Zavala, motion carried / by the following vote:

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner
Passed NOES: 0 - (None)

14. First Amendment to the Professional Services Agreement with HdL Companies for Cannabis Facilities Auditing and Compliance Services

Finance Director, Linda Kelly

Recommendation: Authorize the City Manager to execute a First Amendment to the Professional Services Agreement with HDL Companies in the amount of \$53,500 through June 30, 2021 and to execute all necessary agreements; with approval as to form by the City Attorney.

Geoffrey Buchheim, Finance Manager, presented the staff report.

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

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner
Passed NOES: 0 - (None)

15. Ordinance Establishing Speed Limits on Various Streets Based on Engineering and Traffic Survey

Public Works Director, Daniel Porras, P.E.

Recommendation: Adopt an Ordinance by four-fifths vote of the City Council adopting an Engineering and Traffic Speed Limit Study, establishing maximum speed limits on Streets within the city of Desert Hot Springs, and amending section 10.32.010 of the Desert Hot Springs Municipal Code; waive the reading of the Ordinance its entirety and read by title only.

Daniel Porras, Public Works Director, presented the staff report and responded to questions.

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

Vote: AYES: 5 - Zavala, Betts, Matas, Pye, Gardner
Passed NOES: 0 - (None)

CONSENT CALENDAR:

16. **City Council Regular Meeting Minutes: January 15, 2019**
Successor Agency Special Meeting Minutes: January 29, 2018
City Clerk, Jerryl Soriano, CMC
Recommendation: Approve the Minutes as submitted; or as corrected.
17. **Payment Register and City Council Expenditures Report for the Month of December 2018**
Finance Director, Linda Kelly
Recommendation: Receive and file.
18. **Treasurer's Report for the Month of December 2018**
Finance Director, Linda Kelly
Recommendation: Receive and file.

PUBLIC COMMENTS

None.

ADJOURN

The City Council recessed to Closed Session at 8:14 P.M.

The City Council reconvened in Open Session at 8:32 P.M.

Jennifer Mizrahi, City Attorney, advised that there was no reportable action.

The City Council adjourned at 8:32 P.M.

Jerryl Soriano, CMC, City Clerk