



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

APRIL 2, 2019

4:30 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 - 4:30 P.M.

CALL TO ORDER

ROLL CALL

STUDY SESSION:

1. Food Truck Ordinance Update

Community Development Director, Rebecca Deming

Packet Page 7

Recommendation: Provide direction to Staff.

PUBLIC COMMENTS

At this time, item(s) on the Closed Session agenda may be discussed during Public Comments. PLEASE STATE YOUR NAME FOR THE RECORD.

CLOSED SESSION

(Immediately Following the Study Session)

CLOSED SESSION:

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph (1) of Subdivision (d) of Government Code Section 54956.9)
In the Matter of the Administration of the D.H.S. Drugs, Inc. Profit Sharing Plan
Riverside Superior Court Case Number: PRIN1801126

3. 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. Stefan Steve Irimescu (66291 Buena
Vista) – Pending Litigation
Riverside Superior Court Case: PSC 1706598

PRESENTATIONS - 5:30 P.M.

4. Presentation of Vehicle Theft 10851 Awards

Chief of Police, Dale R. Mondary

RECESS

REGULAR SESSION - 6:00 P.M.

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

CITY ATTORNEY REPORT ON CLOSED SESSION

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

ADMINISTRATIVE CALENDAR:

5. First Amendment to the Professional Services Agreement With STK Architecture, Incorporated to Provide Construction Management Services for the City Hall Project

Public Works Director, Daniel Porras, P.E.

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Recommendation: Approve and authorize the City Manager to execute a First Amendment to the Professional Services Agreement with STK Architecture, Inc. for the City Hall Project No. 2019-03 to provide construction management services for increased amount of \$90,128.

6. Art in Public Places Application No. 01-18: A Request to Make Revisions to the Previously Approved Public Art for the Bunch Palms Trail Project

Public Works Director, Daniel Porras, P.E.

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Recommendation: Consider a recommendation from the Community and Cultural Affairs Commission for approval of the Applicant's proposed changes to the public art for the Bunch Palms Trails Cultivation project located at the southwest corner of Cabot Road and Two Bunch Palms Trail.

7. First Amendment to the Professional Services Agreement With Professional Staffing Team Inc. for Contract Engineering Services

Public Works Director, Daniel Porras, P.E.

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Recommendation: Approve and authorize the City Manager to execute a First Amendment to the Professional Services Agreement with Professional Staffing Team, Inc. for Contract Engineering Services for an increased amount of \$20,000, for a total not to exceed amount of \$50,000.00.

CONSENT CALENDAR:

Matters on the "Consent Calendar" are considered routine and may be acted upon by one motion under "Approval of the Agenda." Individual items may also be removed by the City Council for separate discussion under "Approval of the Agenda." The title is deemed to be read and further reading waived on any ordinance listed on the Consent Calendar for second reading and adoption.

8. City Council Regular Meeting Minutes: March 19, 2019

City Clerk, Jerryl Soriano, CMC

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

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

UPCOMING DATES

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

April 9	Planning Commission	6:00 p.m.
April 10	CCAC	6:00 p.m.
April 11	Public Safety Commission	6:00 p.m.
April 16	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.

REPORT TO THE CITY COUNCIL



DATE: April 2, 2019

TITLE: Food Truck Ordinance Update

Prepared by: Rebecca Deming, Community Development Director

RECOMMENDATION

Provide direction to Staff.

DISCUSSION

Staff will provide a presentation regarding Food Truck Ordinance Update.

We will discuss Food Truck options for:

- City Streets
- Public or Private Property (Temporary)
- Fixed Location

FISCAL IMPACT

None at this time.

REPORT TO THE CITY COUNCIL



DATE: April 2, 2019

TITLE: First Amendment to the Professional Services Agreement With STK Architecture, Incorporated to Provide Construction Management Services for the City Hall Project

Prepared by: Linda Kelly, Finance Director

Reviewed by: Daniel Porras, Public Works Director

RECOMMENDATION

Approve and authorize the City Manager to execute a First Amendment to the Professional Services Agreement with STK Architecture, Inc. for the City Hall Project No. 2019-03 to provide construction management services for increased amount of \$90,128.

DISCUSSION

On August 21, 2018 the City Council authorized an appropriation for architectural, value engineering, and construction administration for the new City Hall Project in an amount not to exceed \$500,000.00 and authorized the City Manager to negotiate and execute an agreement. The consultant selected to provide the services mentioned above was STK Architecture Incorporated, and their contract was executed September 20, 2018.

On January 27, 2019 the architectural value engineering re-design of the building was completed, and the City proceeded with issuing a Request for Bid Proposal for the construction of the New City Hall Project #2019-03. The Notice Inviting Bids was posted on the City's website, in the local newspaper, and with Planit Reprographics (a local valley clearing house for public bid solicitations). On March 5, 2019 the City received (11) bids.

On March 19, 2019 the City Council approved the award of a construction contract with Robert Clapper Construction Services Incorporated in an amount not to exceed \$5,088,000, as well as a 10% contingency in the amount of \$508,800, and other costs associated with the project totaling \$5,656,800.

Due to STK Architecture Incorporated's experience gained by their previous work performed on this project, City Staff is recommending that the City Council approve an amendment to their contract. The amendment adds ongoing construction management throughout the City Hall project and increases overall costs by an additional \$90,128, for a not-to-exceed dollar amount totaling \$554,758.



FISCAL IMPACT

The funding for the construction management contract amendment will come from the 2017 and 2018 bond proceeds, totaling \$90,128 in the Capital Improvement Fund (222). Once approved, staff will make necessary budgetary adjustments for this project in the 2018-2019 and the 2019-2020 budgets.

EXHIBIT(S)

- 1) First Amendment to the STK Architecture Incorporated Professional Services Agreement
- 2) Proposal – Scope of Services – STK Architecture Incorporated

**AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
BY AND BETWEEN
THE CITY OF DESERT HOT SPRINGS
AND
STK SRCHITECTURE, INCORPORATED**

This Amendment (hereinafter the "Amendment"), is made and entered as of the 2nd day of April, 2019, by and between the City of Desert Hot Springs, hereinafter referred to as the "City," and STK Architecture, Incorporated, A Professional Corporation, hereinafter referred to as "Consultant," with the City and Consultant sometimes together referred to herein as the "Parties."

RECITALS

WHEREAS, the Parties previously entered into that certain Professional Services Agreement By and Between the City of Desert Hot Springs and STK Architecture, Incorporated, A Professional Corporation, dated September 20th, 2018 (hereinafter, the "Agreement"), for Consultant to provide the City with architectural and related value engineering services for the construction of a new city hall, as directed by the City; and now the City would like to add additional services for construction management through the term of the project; and

WHEREAS, the Parties desire to amend the Agreement to increase the compensation provisions set forth in the Agreement.

NOW THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration the receipt and adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

AGREEMENT

Section 1. RECITALS

The Recitals set forth above are hereby incorporated into this Amendment by this reference, as though fully set forth herein.

Section 2. SECTION 4 - COMPENSATION

Section 4 of the Agreement is hereby revised so that the total compensation to be paid to Consultant, in accordance with the Scope of Services, shall not exceed a total of Ninety Thousand Dollars and No Cents (\$554,358.00) for all Services rendered.

Section 3. ATTORNEY'S FEES

In the event any action, suit or proceeding is brought for the enforcement of, or the declaration of any right or obligation pursuant to this Amendment or as a result of

any alleged breach of any provision of this Amendment, the prevailing party in such suit or proceeding shall be entitled to recover its costs and expenses, including reasonable attorney's fees, and any judgment or decree rendered in such a proceeding shall include an award thereof.

Section 4. COUNTERPARTS

This Amendment may be executed in several counterparts, each of which shall be deemed to be an original and shall constitute one and the same instrument and shall become binding upon the Parties when at least a copy hereof shall have been signed by the Parties hereto.

Section 5. CONFLICTS

In the event there exists any conflicts between the terms of this Amendment and the Agreement, the terms of this Amendment shall be superseding.

Section 6. REMAINING PROVISIONS

All other remaining terms and conditions of the Agreement shall remain unchanged.

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed as of the date first written above.

CITY OF DESERT HOT SPRINGS

**STK ARCHITECTURE INC, A
PROFESSIONAL CORPORATION**

Charles Maynard, City Manager

By Its: _____

ATTEST:

Jerryl Soriano, City Clerk

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney



March 18, 2019

Charles Maynard, City Manager
 City of Desert Hot Springs
 11999 Palm Drive
 Desert Hot Springs, CA 92240

RE: City of Desert Hot Springs - City Hall Expansion
 Additional Construction Administration Services

Dear Mr. Maynard,

STK Architecture, Inc. is pleased to provide a proposal for additional construction administration services not included in our original contract. This proposal is based upon our meeting discussion on 3/13/19.

1.0 Scope of Services – Additional Construction Administration

- 1.1 The original contract dated September 20, 2018 already includes the following services:
 - 1.1.1 Site Visits: 16 STK Architecture
 2 MPE Engineer
 2 Landscape Architect
 3 Structural Engineer
 2 Civil Engineer
 - 1.1.2 Product Submittal reviews
 - 1.1.3 Responses to RFI's
- 1.2 STK proposes to add the following services to our original Construction Administration Phase:
 - 1.2.1 56 Site Visits (1-2 visits per week)
 - 1.2.2 144 hrs of in office labor for:
 - 1.2.2.1 Research, negotiation, and processing of Change Orders
 - 1.2.2.2 Weekly written status reports.
 - 1.2.2.3 Coordination of FFE items

City of Desert Hot Springs – City Hall Expansion

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1.2.2.4 Design and coordination of additional items requested by owner.

Schedule of Fee

Site Visits 56 @ \$1,000 ea.	\$56,000
<u>144 hours of in office labor</u>	<u>\$34,128</u>
Total Budget	\$90,128

This fee does not include any of the following:

- a. Permit, Development, Utility or Processing Fees.
- b. Construction materials inspection, testing, and reports
- c. Construction payroll (DIR) oversight
- d. Inspection services for construction

The Work will be performed and invoices issued in accordance with the original contract dated September 20, 2018.

Thank you for the opportunity to propose on this project. We look forward to working with The City of Desert Hot Springs. Should you have any questions, or wish to discuss this Proposal, please give us a call.

Work will be performed and invoices issued in accordance with the original contract dated September 20, 2018.

If you have any questions or wish to discuss any of the above items in detail, please call. Thank you for your consideration.

STK Architecture, Inc.



Tony Finaldi
 Architect / CFO
 Lic. #C-31476
 tfinaldi@stkinc.com
 42095 Zevo Drive, Suite A15
 Temecula, Ca. 92590

APPROVED AND ACCEPTED

City of Desert Hot Springs

By: _____

Print Name: _____

Title: _____

Date: _____

REPORT TO THE CITY COUNCIL



DATE: April 2, 2019

TITLE: Art in Public Places Application No. 01-18: A Request to Make Revisions to the Previously Approved Public Art for the Bunch Palms Trail Project

Prepared by: Scott Taschner, Senior City Planner
Reviewed by: Daniel Porras, Public Works Director

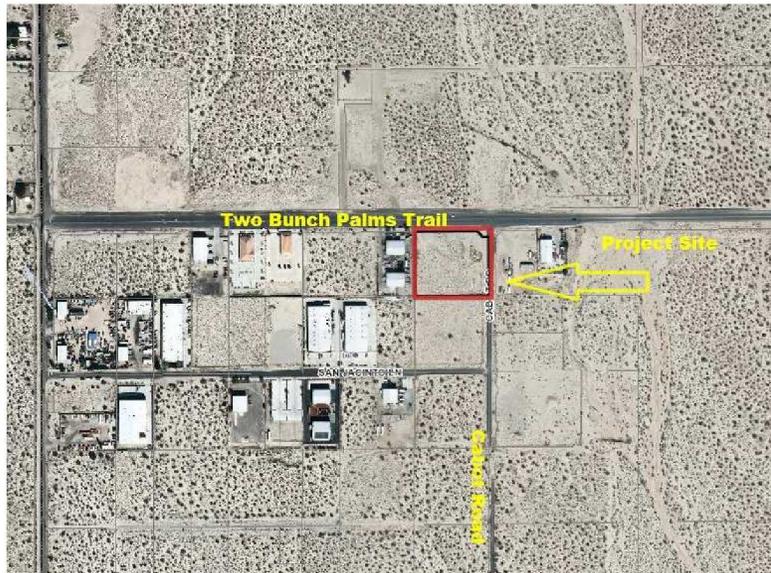
RECOMMENDATION

Consider a recommendation from the Community and Cultural Affairs Commission for approval of the applicant's proposed changes to the public art for the Bunch Palms Trails Cultivation project located at the southwest corner of Cabot Road and Two Bunch Palms Trail.

BACKGROUND

On September 8, 2018, the City Council approved the Art in Public Places (AIPP) application for the Bunch Palms Trail Cultivation project in-lieu of paying their required contribution into the City's AIPP Program.

The AIPP Ordinance was revised in July 18, 2018 requiring developers in the Industrial Zone to pay the required contribution into the City's AIPP Program without the option of installing public art. The revisions to the ordinance also included a change to the required percentage of valuation in the contribution, and other minor language changes. However, since the original application was received and deemed complete prior to this action, it was subject to review under the ordinance that was in place at the time. The ordinance at the time did allow for developers to install public art valued at the equivalent required contribution amount.



The required minimum contribution into the City's AIPP Program for the Bunch Palms Trail Cultivation project is \$6,419.31, which is 0.75% of the total project valuation. This percentage is based on the equivalent percentages of the AIPP ordinance at the time the application was received and deemed complete. The Applicant has indicated that the public art will cost approximately \$21,846 for the art piece and installation.

The required minimum contribution into the City's AIPP Program for the Bunch Palms Trail Cultivation project is \$6,419.31, which is 0.75% of the total project valuation. This percentage is based on the equivalent percentages of the AIPP ordinance at the time the application was received and deemed complete. The Applicant has indicated that the public art will cost approximately \$21,846 for the art piece and installation.

On December 19, 2018 the Applicant filed an application to make changes to the previously approved AIPP application. The Applicant is proposing to reduce the height of the base of the art piece from 6 feet (previously approved) to 18 inches. The Applicant is also requesting to install a 40-inch high tubular steel fence in front of the metal sculpture to prevent the public from damaging or being injured by the metal sculpture.

On February 13, 2019 the Community and Cultural Affairs Commission (CCAC) reviewed the proposed changes and made a recommendation to the City Council for approval of the Applicant's requested changes.

Pursuant to the AIPP Ordinance (Desert Hot Springs Municipal Code Sections 17.60.010 - 160), the CCAC is authorized to review, consider and make recommendations to the City Council to approve, conditionally approve, or deny the donation of public art. The City Council can approve, modify, or deny the proposed changes to the previously approved public art.

FISCAL IMPACT

The proposed project has paid all required fees for processing and is proposing to install the public art in lieu of its payments into the Arts in Public Places Program. The breakdown of estimated costs involved with the installation of the public art is shown on Exhibit 11, attached hereto.

EXHIBITS

- 1) Staff Report from the September 4, 2018 City Council Meeting
- 2) Final Conditions of Approval – September 4, 2018 City Council decision
- 3) Revised Conditions (Reflecting Applicant's Request)
- 4) Bunch Palms Trail – Project Site Plan
- 5) New AIPP Site Plan (Current Request)
- 6) New AIPP Renderings (Current Request)
- 7) Photograph of Art Piece - No. 1
- 8) Photograph of Art Piece - No. 2
- 9) Artist Bio
- 10) OC Group – Company Brochure
- 11) Breakdown of Costs
- 12) Recent Site Photo

REPORT TO THE CITY COUNCIL



DATE: September 4, 2018

TITLE: Application for the Installation of Public Art on the Northeast Corner of the Bunch Palms Trail Cultivation Project Located at the Corner of Cabot Road and Two Bunch Palms Trail (APN 665-030-058) (AIPP No. 01-18)

Prepared by: Scott Taschner, MS, GISP, Senior City Planner
Reviewed by: Daniel Porras, P.E., Community Development Director

RECOMMENDATION

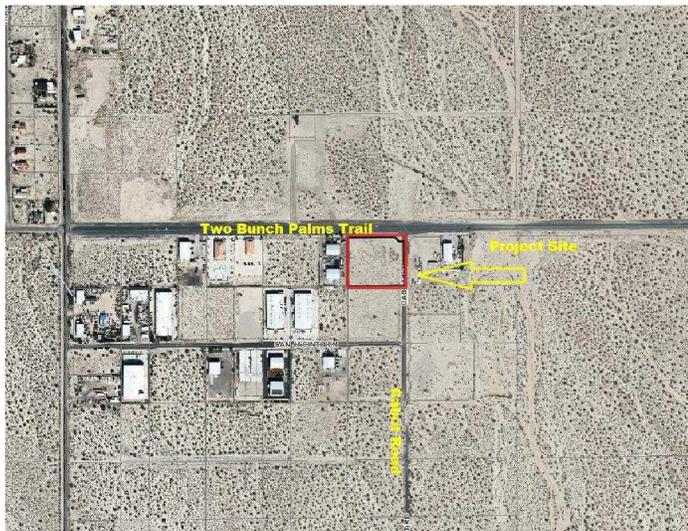
Consider a recommendation from the Community and Cultural Affairs Commission for approval of the proposed public art for the Bunch Palms Trails Cultivation project located at the southwest corner of Cabot Road and Two Bunch Palms Trail, subject to the recommended condition to move the fence behind the art piece.

BACKGROUND

Proposed Public Art

On April 11, 2018 an application for the proposed installation of public art at the Bunch Palms Trail Cultivation Project was submitted.

The applicant is proposing to place public art on their development site in-lieu of paying their required contribution into the City’s Art in Public Places program. The Art In Public Places Ordinance was recently changed to require development projects in the Industrial Zone to pay the required contribution amount into the City’s Art In Public Places program instead of installing public art. The changes to the ordinance also included a change to the required percentage of valuation in the contribution, and other minor language changes. However, since this application was received and deemed complete prior to this action it is subject to review under the ordinance that was in place at the time. The ordinance at that time did allow for the development project to install public art valued at the equivalent required contribution amount.



The proposed public art was completed by artist, Zohal Dara, who is known for bringing a unique element of artistic creativity to her work. The art piece entitled “Bucking Bronco” is a bronze/copper horse statue that will stand approximately 13 feet tall, with a depth of 4 feet, a width of 6 feet, and an approximate weight of 250 lbs. Total valuation of the piece is \$21,846.00; Exhibit 7 shows the cost estimate details. The proposed location is on the southwest corner of Two Bunch Palms Trail and Cabot Road near the site’s entrance. Staff has attached the artists biography, the site plan, renderings/drawings, and a breakdown of the estimated costs associated with the purchase and installation of the proposed public art.

The proposed public art was completed by artist, Zohal Dara, who is known for bringing a unique element of artistic creativity to her work. The art piece entitled “Bucking Bronco” is a bronze/copper horse statue that will stand approximately 13 feet tall, with a depth of 4 feet, a width of 6 feet, and an approximate weight of 250 lbs. Total valuation of the piece is \$21,846.00; Exhibit 7 shows the cost estimate details. The proposed location is on the southwest corner of Two Bunch Palms Trail and Cabot Road near the site’s entrance. Staff has attached the artists biography, the site plan, renderings/drawings, and a breakdown of the estimated costs associated with the purchase and installation of the proposed public art.

The required minimum contribution into the City’s Art In Public Places program for this project is

\$6,419.31, which is 0.75% of the total project valuation. This percentage is based on the equivalent percentages of the Art In Public Places ordinance at the time the application was received and deemed complete.

Without the approval of the public art, the development would be subject to the Art In Public Places fees, and would be required to pay into the City's Art in Public Places program.

Ordinance

Pursuant to the Art in Public Places Ordinance (Sections 17.60.010-.160), the Community and Cultural Affairs Commission ("CCAC" or "Commission") is authorized to review, consider and make recommendations to the City Council to approve, conditionally approve or deny the donation of public art. On August 8, 2018, the CCAC approved making a recommendation to the City Council for approval of the Art in Public Places Application.

Since the application was received prior to the new AIPP Ordinance taking affect, the proposed public art is subject to the AIPP Ordinance as it was written prior to July 19, 2018.

Prior Actions

On August 8, 2018 the Community and Cultural Affairs Commission approved staff's recommendation with the condition that the perimeter fence be relocated behind the art piece to give public direct access to the art.

The applicant has since notified staff of the following concerns with moving the fence behind the art piece:

- 1) *Safety and Liability issues if someone would try to climb the art piece (horse statue) and was to get injured.*
- 2) *Vandalism to the art piece.*
- 3) *Graffiti to the art piece.*

The applicant is requesting that the perimeter fence remain as proposed in front of the art piece.

FISCAL IMPACT

The proposed project has paid all required fees for processing and is proposing to install the public art in lieu of its payments into the Arts in Public Places Program.

EXHIBITS

- 1) Draft Conditions of Approval
- 2) Site Plan
- 3) Dimensioned Rendering
- 4) Artist Biography
- 5) Photograph No. 1
- 6) Photograph No. 2
- 7) Breakdown of Costs
- 8) OC Group – Company Brochure

FINAL CONDITIONS OF APPROVAL

MEETING DATE: September 4, 2018

**TITLE: Art in Public Places – Proposed “Bucking Bronco”,
Bunch Palms Trail Project (CUP 23-16)**

CASE NO: AIPP 01-18

Prepared by: Scott Taschner, Senior City Planner

Reviewed by: Daniel Porras, Acting Community Development Director

Approved by: City Council, September 4, 2018

CCAC Conditions

1. The applicant/developer shall relocate the public art so that it is in front of the metal fence **(added by the City Council on September 4, 2018)**.
2. The applicant/developer shall install the “Bucking Bronco” on a minimum 6-foot-high pedestal **(added by the City Council on September 4, 2018)**.

AIPP Conditions

3. Placement of public art shall be completed prior to the final inspection and issuance of a certificate of occupancy.
4. The applicant or developer shall execute and record a covenant with the Riverside County Recorder, which sets forth the applicant’s obligations to comply with the Art in Public Places Program. The covenant shall be recorded prior to the request for final construction inspections and the issuance of a Certificate of Occupancy.
5. All public art placed on the site of the development project shall remain the property of the applicant or developer and the obligation to provide all maintenance necessary to preserve the public art in good condition shall remain with the owner of the site.
6. The public art shall be maintained in good condition to the satisfaction of the City Manager,

7. The public art shall in the location demonstrated on the plans to protect the art from physical damage
8. Failure to maintain the public art as provided in chapter 17.60 of the Desert Hot Springs Zoning Code will be declared to be a public nuisance and may be abated as such pursuant to applicable provisions of City of Desert Hot Springs Municipal Code.
9. In addition to all other remedies provided by law, in the event the developer or property owner fails to maintain the public art, upon reasonable notice, the City may perform all necessary repairs, maintenance or secure insurance, and the costs therefor shall become a lien against the real property if not paid upon request by the City.
10. If any public art provided on a development project pursuant to the provisions of this chapter is knowingly removed by the property owner without the approval of the City Council, the owner of the property shall contribute funds equal to the development project's original public art requirement to the City's Art in Public Places Fund, or replace the removed public art with one which is of comparable value, which shall be reviewed by the Community and Cultural Affairs Commission, and approved by the City Council. (Ord. 518 § 2, 2010; prior code § 159.29.140)

Administrative Conditions:

11. The approval for *AIPP 01-18* is subject to the two (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.76.170 and will expire on *September 4, 2020*.
12. The applicant may request an extension of time for *AIPP 01-18* per the City's Zoning Ordinance. Upon filing a time extension(s) at least 30 (thirty) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) months.
13. Applicant/Developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, an/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the Applicant/Developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the

City deems to be in the best interest of the City and its citizens in regard to such defense.

- 14. All development on the Project Site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.
- 15. The Public Art shall be in substantial compliance with the exhibits contained in the project file for *AIPP 01-18* as shown in all Exhibits attached hereto and incorporated herein by this reference.
- 16. Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant/Developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits **(15 days from November 14, 2018 – date the Final Conditions were supplied to the applicant)**
- 17. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.

Planning Conditions:

- 18. The Applicant / Developer shall maintain the Site - after the start of construction and until the Project is completed, free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days notice by certified mail, the Applicant/Developer does not comply with the before mentioned criterion, the City may either cancel building or grading permits and/or enter the Project Site with City staff and remove all subject violations, bill the Applicant/Developer and/or put a lien on the Project Site.

Graffiti:

- 19. The Applicant / Developer shall keep the Project Site and Public Art, clear of graffiti vandalism at all times. The Applicant/Developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.

20. The Applicant / Developer and/or successor(s) shall apply (and maintain) a protective coating or graffiti resistant materials acceptable to the City's Public Works and/or Community Development Department, to provide for the effective and expeditious removal of graffiti on all exterior building elevations and/or project walls and/or replacement of defaced screening panels.
21. In the event there is a change in the name, address or telephone number of the responsible person(s), firm or company, the Applicant / Developer or successor shall notify the City within 48 hours, in writing, of the change and provide the City with the current contact information of responsible person(s), firm or company.
22. The Applicant / Developer and/or successor(s) in interest shall be responsible for the removal of any graffiti vandalism from the project site / public art pieces and/or base within 48-hour after discovering the graffiti vandalism or receipt of notice from the City of the same. The Applicant/Developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.
23. The Applicant / Developer and/or successor(s) in interest hereby agrees to allow the City and/or its agents to enter the property for the purpose of removing or painting over graffiti vandalism, if the Applicant/Developer and/or successor(s) in interest fail to remove the reported graffiti vandalism within the 48 hours of discovering the graffiti or receipt of notice from the City.
24. In the event that Applicant / Developer and/or successor(s) in interest, fail to remove the graffiti vandalism within 48 hours, requiring the City and/or its agents to enter the Project Site for the purpose of removing or painting over graffiti vandalism the Applicant/Developer and/or successor(s) in interest shall release the City and/or its agents from any liability for property damage or personal injury. And shall reimburse to the City all costs associated with the removal of the graffiti vandalism.
25. The Applicant / Developer and/or successor(s) in interest shall include the aforementioned authorizations to enter the Project Site for the purpose of removing or painting over graffiti vandalism as part of authorization agreement to the satisfaction of the Community Development Department and the approval of the City Attorney, as to form.

FINAL CONDITIONS OF APPROVAL

MEETING DATE: April 2, 2019

TITLE: (Revised Placement of the Bunch Palms Trail Project Public Art)

CASE NO: AIPP 01-18

Prepared by: Scott Taschner, Senior City Planner

Reviewed by: Daniel Porras, Public Works Director



City Council - Added Conditions

1. ~~The applicant/developer shall relocate the public art so that it is in front of the metal fence (added by the CCAC on August 8, 2018).~~ **Request to strike condition**
2. ~~The applicant/developer shall install the “Bucking Bronco” on a minimum 6-foot-high pedestal (added by the City Council on September 4, 2018).~~ **Request to strike condition**

Applicants Requested Conditions

1. The applicant/developer shall locate the public art behind a 40 in tall tubular steel /wrought iron fence. **(Requested Revision)**
2. The applicant / developer shall install the “Bucking Bronco” on 18-inch-high pedestal. **(Requested Revision)**

Standard AIPP Conditions

3. Placement of public art shall be completed prior to the final inspection and issuance of a certificate of occupancy.
4. The applicant or developer shall execute and record a covenant with the Riverside County Recorder, which sets forth the applicant’s obligations to comply with the Art

in Public Places Program. The covenant shall be recorded prior to the request for final construction inspections and the issuance of a Certificate of Occupancy.

5. All public art placed on the site of the development project shall remain the property of the applicant or developer and the obligation to provide all maintenance necessary to preserve the public art in good condition shall remain with the owner of the site.
6. The public art shall be maintained in good condition to the satisfaction of the City Manager,
7. The public art shall in the location demonstrated on the plans to protect the art from physical damage
8. Failure to maintain the public art as provided in chapter 17.60 of the Desert Hot Springs Zoning Code will be declared to be a public nuisance and may be abated as such pursuant to applicable provisions of City of Desert Hot Springs Municipal Code.
9. In addition to all other remedies provided by law, in the event the developer or property owner fails to maintain the public art, upon reasonable notice, the City may perform all necessary repairs, maintenance or secure insurance, and the costs therefor shall become a lien against the real property if not paid upon request by the City.
10. If any public art provided on a development project pursuant to the provisions of this chapter is knowingly removed by the property owner without the approval of the City Council, the owner of the property shall contribute funds equal to the development project's original public art requirement to the City's Art in Public Places Fund, or replace the removed public art with one which is of comparable value, which shall be reviewed by the Community and Cultural Affairs Commission, and approved by the City Council. (Ord. 518 § 2, 2010; prior code § 159.29.140)

Administrative Conditions:

11. The approval for *AIPP 01-18* is subject to the two (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.76.170 and will expire on *September 4, 2020*.
12. The applicant may request an extension of time for *AIPP 01-18* per the City's Zoning Ordinance. Upon filing a time extension(s) at least 30 (thirty) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) months.
13. Applicant/Developer shall indemnify, protect, hold harmless and defend, with

counsel selected by the City, the City and any agency or instrumentality thereof, an/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the Applicant/Developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.

- 14. All development on the Project Site shall be in compliance with all applicable provisions of the City’s Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.
- 15. The Public Art shall be in substantial compliance with the exhibits contained in the project file for *AIPP 01-18* as shown in all Exhibits attached hereto and incorporated herein by this reference.
- 16. Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant/Developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits **(15 days from November 14, 2018 – date the Final Conditions were supplied to the applicant)**
- 17. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.

Planning Conditions:

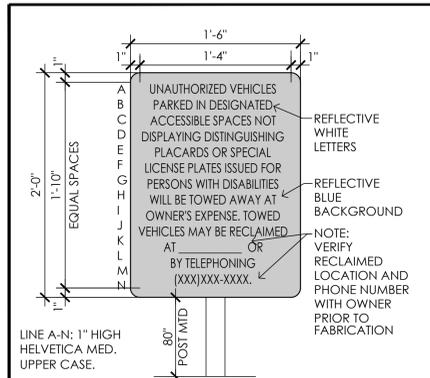
- 18. The Applicant / Developer shall maintain the Site - after the start of construction and until the Project is completed, free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days notice by certified mail, the Applicant/Developer does not comply with the before mentioned criterion, the City may either cancel building or grading permits and/or enter the

Project Site with City staff and remove all subject violations, bill the Applicant/Developer and/or put a lien on the Project Site.

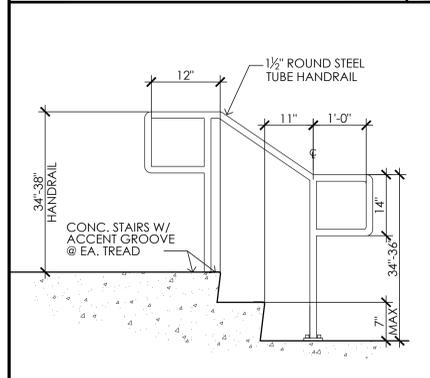
Graffiti:

19. The Applicant / Developer shall keep the Project Site and Public Art, clear of graffiti vandalism at all times. The Applicant/Developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.
20. The Applicant / Developer and/or successor(s) shall apply (and maintain) a protective coating or graffiti resistant materials acceptable to the City's Public Works and/or Community Development Department, to provide for the effective and expeditious removal of graffiti on all exterior building elevations and/or project walls and/or replacement of defaced screening panels.
21. In the event there is a change in the name, address or telephone number of the responsible person(s), firm or company, the Applicant / Developer or successor shall notify the City within 48 hours, in writing, of the change and provide the City with the current contact information of responsible person(s), firm or company.
22. The Applicant / Developer and/or successor(s) in interest shall be responsible for the removal of any graffiti vandalism from the project site / public art pieces and/or base within 48-hour after discovering the graffiti vandalism or receipt of notice from the City of the same. The Applicant/Developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.
23. The Applicant / Developer and/or successor(s) in interest hereby agrees to allow the City and/or its agents to enter the property for the purpose of removing or painting over graffiti vandalism, if the Applicant/Developer and/or successor(s) in interest fail to remove the reported graffiti vandalism within the 48 hours of discovering the graffiti or receipt of notice from the City.
24. In the event that Applicant / Developer and/or successor(s) in interest, fail to remove the graffiti vandalism within 48 hours, requiring the City and/or its agents to enter the Project Site for the purpose of removing or painting over graffiti vandalism the Applicant/Developer and/or successor(s) in interest shall release the City and/or its agents from any liability for property damage or personal injury. And shall reimburse to the City all costs associated with the removal of the graffiti vandalism.

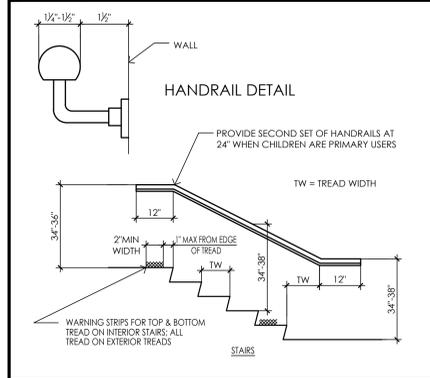
25. The Applicant / Developer and/or successor(s) in interest shall include the aforementioned authorizations to enter the Project Site for the purpose of removing or painting over graffiti vandalism as part of authorization agreement to the satisfaction of the Community Development Department and the approval of the City Attorney, as to form.



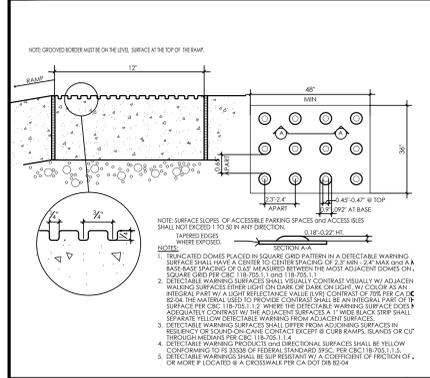
ACCESSIBLE PARKING ENTRANCE SIGNS 26



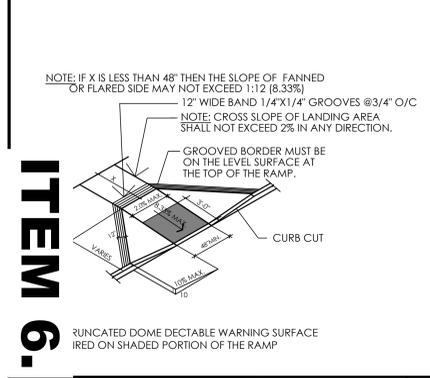
HANDRAIL DETAIL SC: 3/4"=1'-0" 27



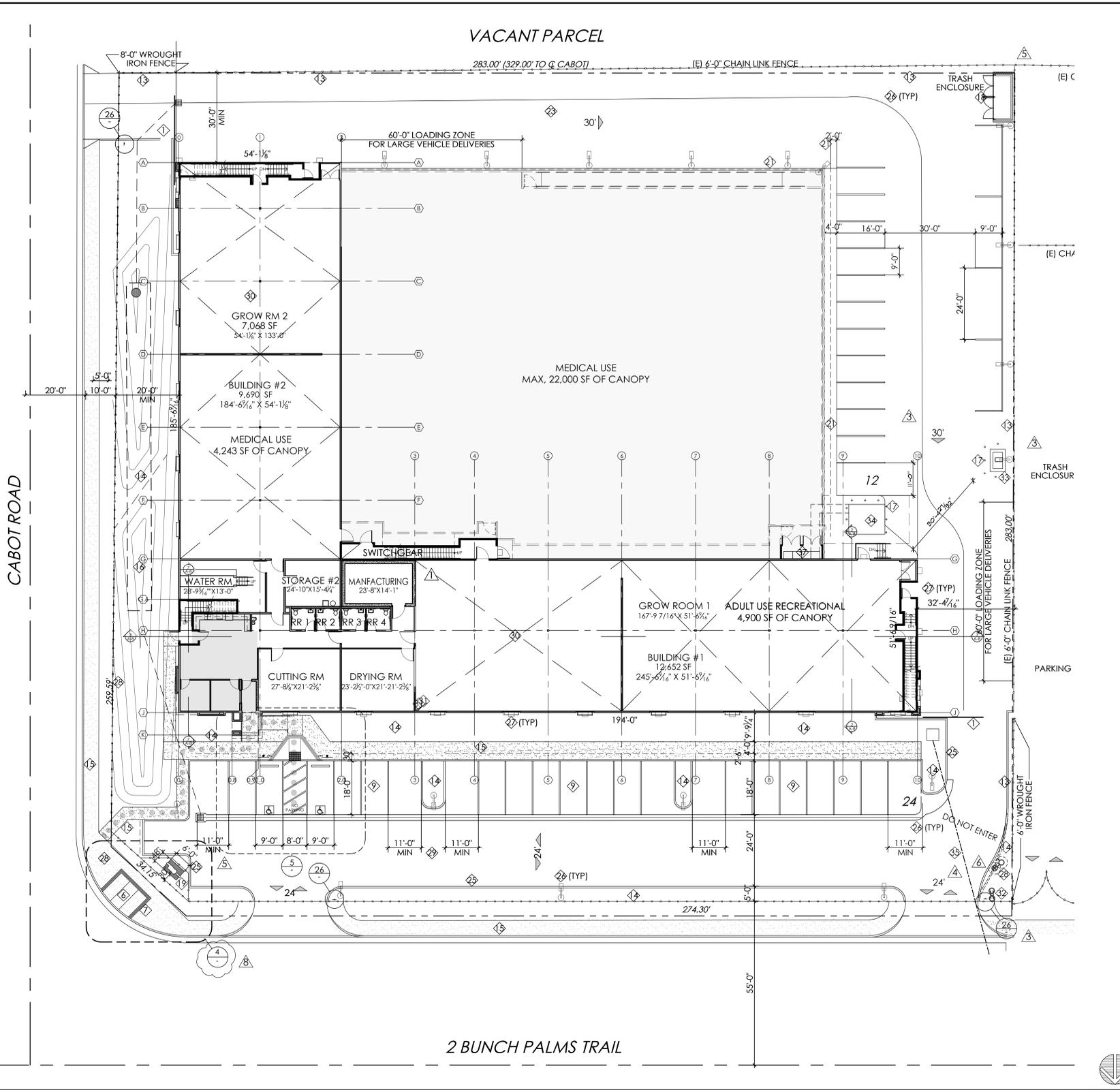
STAIR DETAILS 28



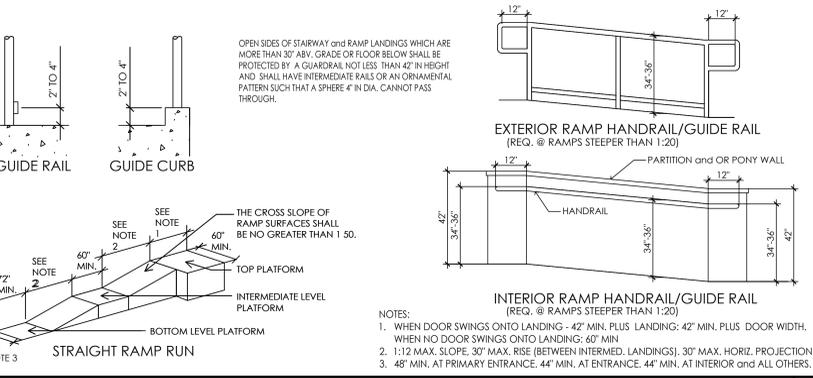
TRUNCATED DOMES 29



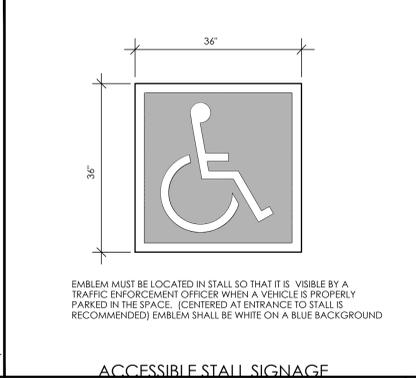
CURB RAMP 30



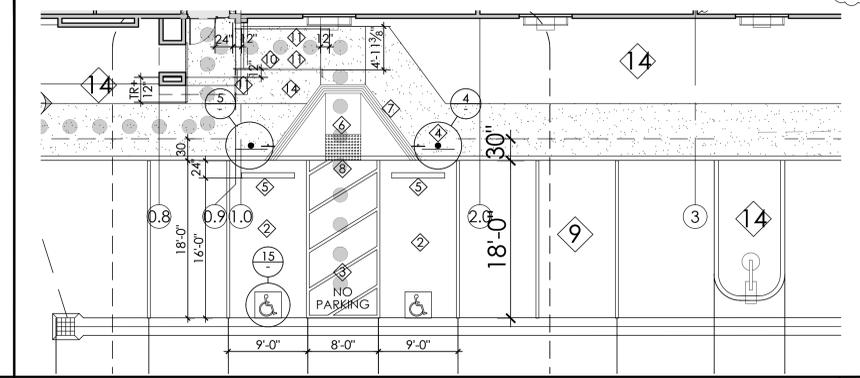
SITE PLAN SC: 3/8"=1'-0" 10



RAMP 20

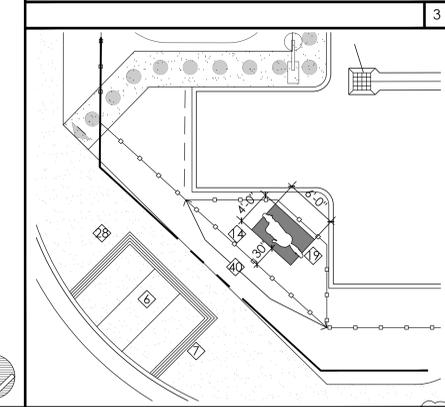


ACCESSIBLE STALL SIGNAGE 15



- 1 ROLLING SECURITY GATE
- 2 ACCESSIBLE VAN STALL
- 3 LOADING ZONE
- 4 SIGNAGE
- 5 CONC. WHEEL STOP
- 6 CURB RAMP
- 7 WARNING GROOVES
- 8 TRUNCATED DOMES
- 9 STANDARD STALL
- 10 RAMP
- 11 1/2" STEEL RAILS
- 12 CONC. STEP W/ WARNING GROOVES
- 13 8'-0" CHAIN LINK SECURITY FENCE
- 14 PLANTER
- 15 CONC. WALKWAY
- 16 RETENTION TANK
- 17 STEEL BOLLARD
- 18 TRASH ENCLOSURE
- 19 MONUMENT
- 20 GREEN HOUSE
- 21 RETAINING WALL
- 22 CONCRETE PAD
- 23 ACCESS ROAD
- 24 TRANSFORMER
- 25 CONCRETE CURB
- 26 15'-0" TALL LIGHT STANDARD W/ CONCRETE BASE
- 27 ESPALIER
- 28 (E) FIRE HYDRANT
- 29 ASPHALT PARKING LOT
- 30 BUILDING
- 31 SPRINKLER RISER
- 32 DOUBLE DETECTOR CHECK
- 34 EDISON VAULT
- 35 EDISON FEEDER LINE
- 36 TRENCH GUTTER
- 37 4000 AMP, 480V, 3Ø, 3PH SWITCHGEAR
- 38 DOUBLE DETECTOR CHECK VALVE
- 39 SITE ARTWORK: BUCKING STALLION
- 40 40" TALL WROUGHT IRON FENCE

SITE PLAN KEY NOTES 2



MONUMENT SC: 3/8"=1'-0" 4

ARCHITECTURE PLANNING INTERIORS
WILLIAM MASON, ARCHITECT INC.
3276 DAKOTA AVENUE
COSTA MESA, CALIFORNIA 92626
714.427.0688 FAX: 714.724.3990
EMAIL: Bill@WilliamMasonArchitectllc.com

ARCHITECT'S STAMP

CONSULTANT'S STAMP

DATE	REVISION
8/31/17	PLAN CHECK CORRECTIONS
10/18/17	PLAN CHECK CORRECTIONS
1/10/18	EDISON REVISIONS
2/1/18	DRIVEWAY REVISIONS
4/1/18	SITE ARTWORK
4/11/18	TRASH ENCLOSURE EDISON REV.
7/10/18	SITE ARTWORK REVISIONS
3/5/19	SITE ARTWORK REVISIONS

OWNER
BUNCH PALMS TRAIL, LLC
(951)640-7392

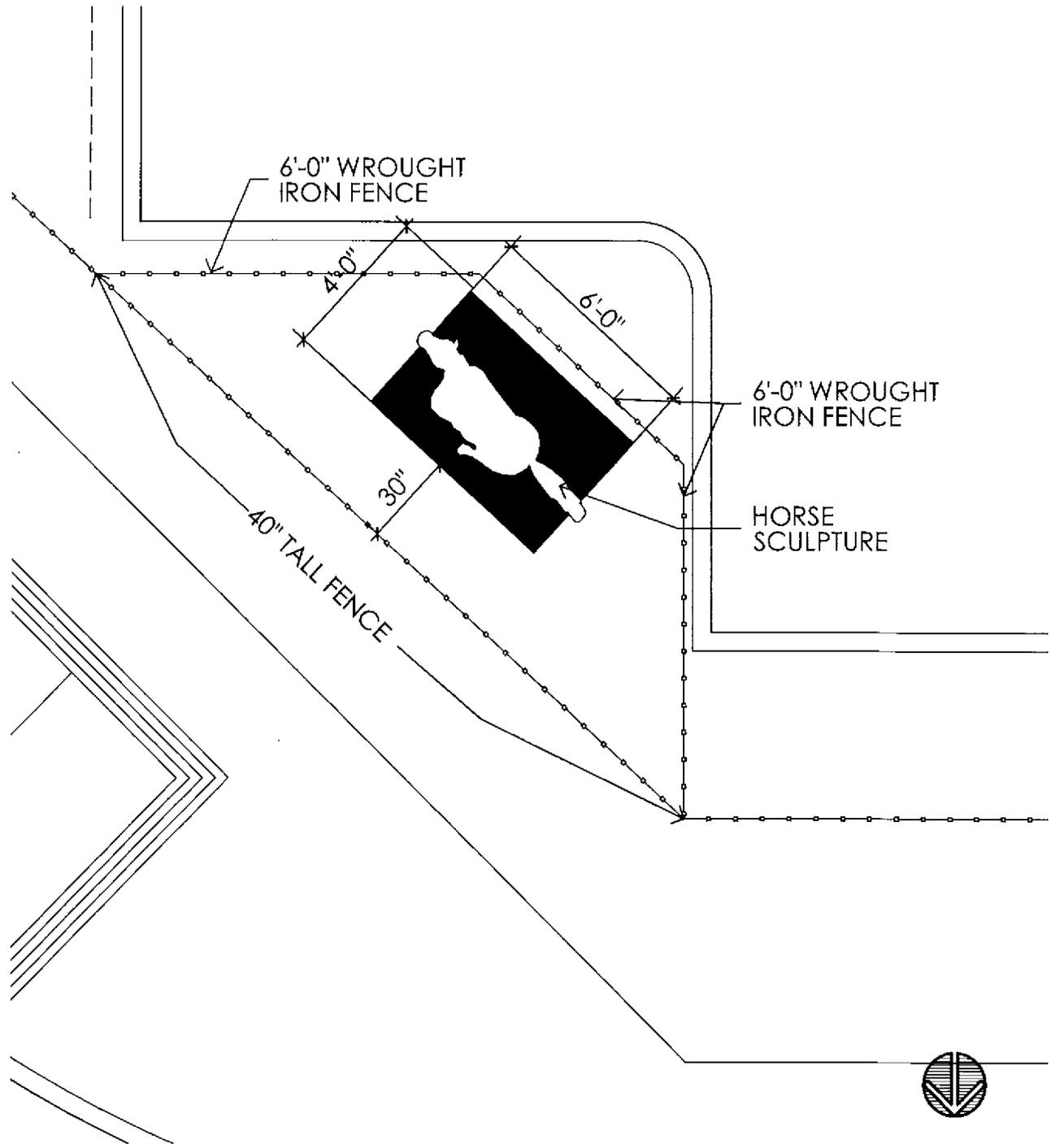
PROJECT:
DESERT HOT SPRINGS GROW
APN# 665-030-058
65401 TWO BUNCH TRAILS
DESERT HOT SPRINGS, CA 92240
CONDITIONAL USE PERMIT 03-15

PROJECT NO. 15.004.00
SCALE: AS NOTED
DATE: 6/6/17
DRAWN BY:
REVIEWED BY:
ISSUED FOR BID
ISSUED FOR CONST.
SHEET TITLE:
PH I SITE PLAN KEY NOTES and DETAILS
SHEET NO.

ITEM 6.

PACKET PAGE 31

SD-1



BUNCH PALMS TRAIL, LLC

(951)640-7392

DESERT HOT SPRINGS GROW

APN# 665-030-058

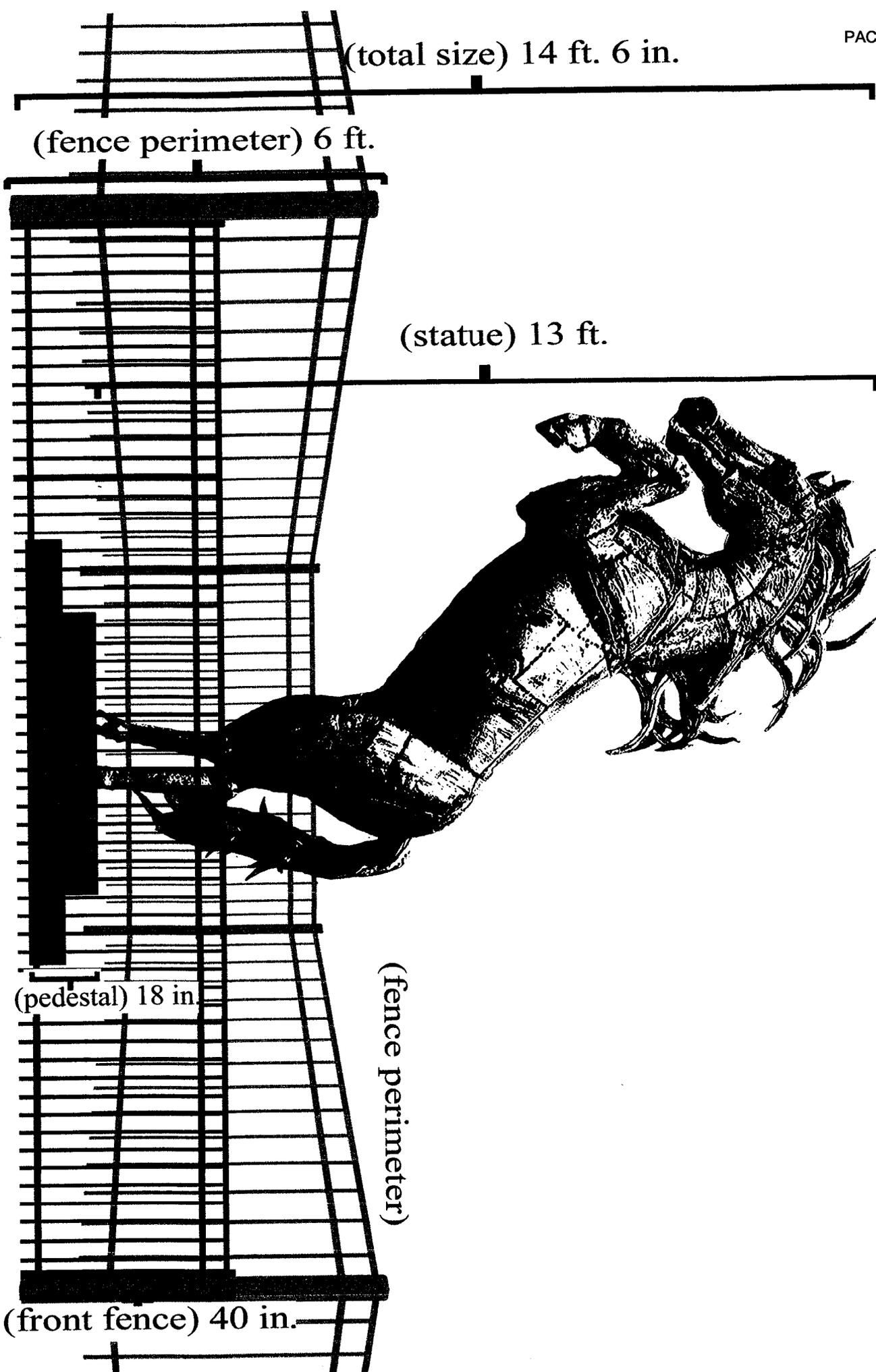
65401 TWO BUNCH TRAILS
DESERT HOT SPRINGS, CA 92240

ARCHITECTURE PLANNING INTERIORS
WILLIAM MASON ARCHITECT, INC.

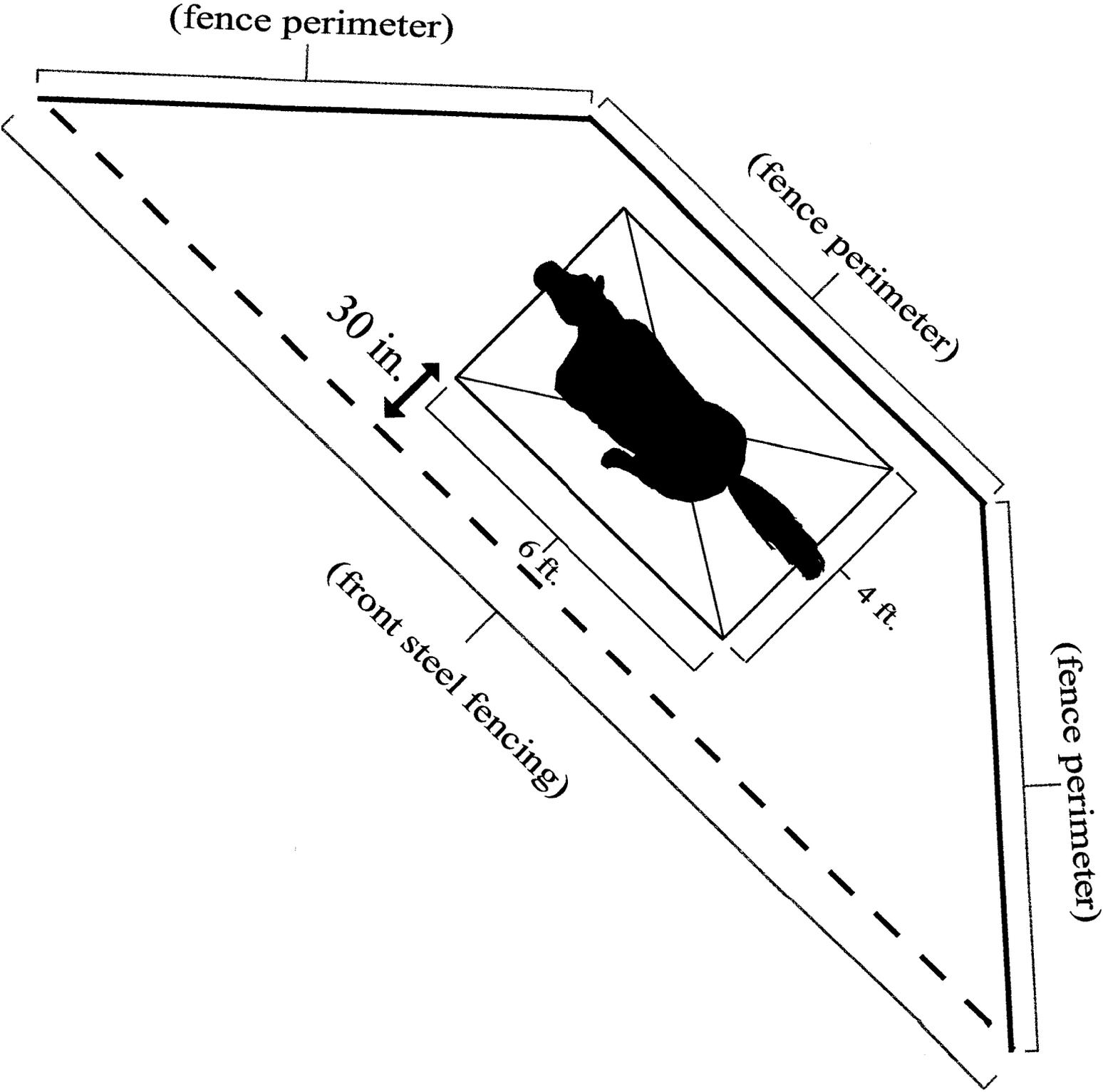
3276 DAKOTA AVENUE
COSTA MESA, CALIFORNIA 92626
P:714.427.0688 M:714.724-3990
15.004.00 3/6/19

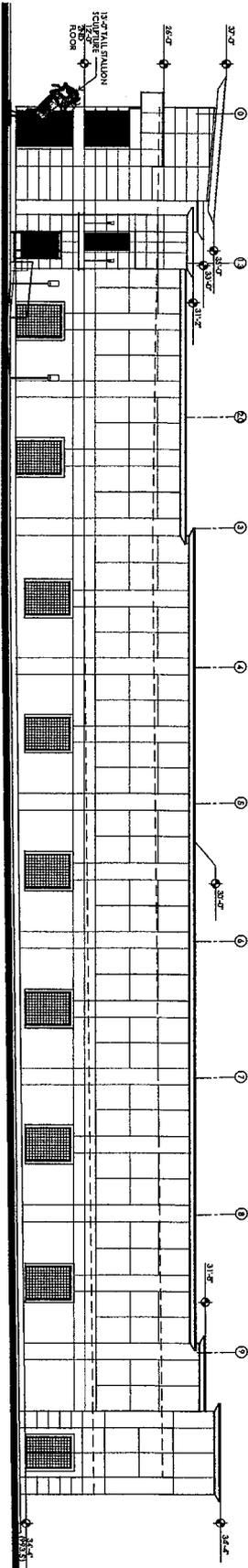
ITEM 6.

Front View:

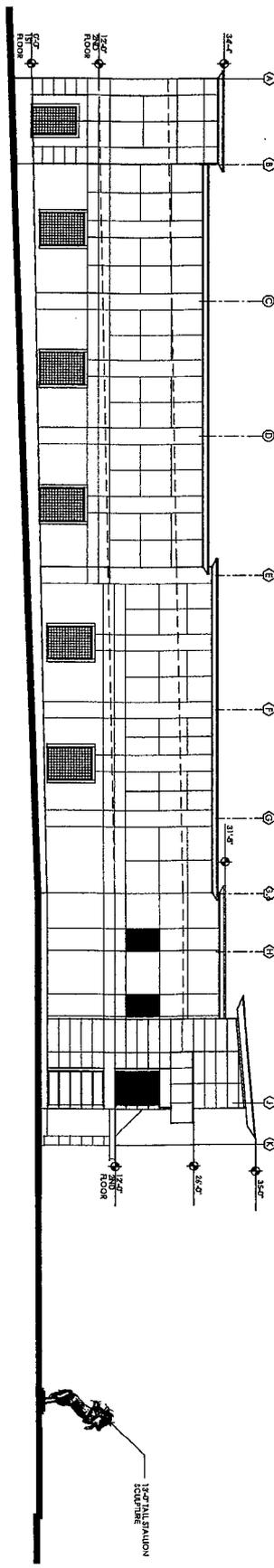


Above View:





13.27 MILE STATION
13.27 MILE STATION
EAST ELEVATION



13.27 MILE STATION
13.27 MILE STATION
NORTH ELEVATION

ARCHITECTURE FRANKO NERSON
WILLIAM MASON ARCHITECT INC.
4025 W. WASHINGTON AVE. SUITE 200
DENVER, COLORADO 80202
303.754.4200 FAX: 303.754.4200
EMAIL: WMA@WMAARCHITECT.COM



CONSULTANT'S STAMP

DATE	REVISION
8/31/17	PLAN CHECK CORRECTIONS
10/18/17	EDISON CORRECTIONS
1/10/18	EDISON REVISIONS
2/1/18	INTERIM REVISIONS
5/8/18	PUBLIC WORK

OWNER

BUNCH PALMS TRAIL, LLC

PROJECT: R511460312

DESERT HOT SPRINGS GROW

APR 16, 2018
15,004.00
SCALE AS NOTED
DATE 6/6/17
DRAWN BY:
REVIEWED BY:
ISSUED FOR BID
ISSUED FOR CONST.

ELEVATIONS

SHEET NO.



ITEM 6.



ITEM 6.



Artist Bio - Zohal Dara

I began my career in graphics design and editing in 2003. I have been in the industry for over 15 years and bring a unique element of artistic creativity. I graduated from University of California Riverside in 2002 in the field of public relations in business management and received my Masters in Communications Management at Cal State Fullerton, 2007.

I chose equestrian designs for my clients to define the importance of beauty and strength toward their business and personal growth.

For me, the horse is a very mystical animal as it is entirely dependent on their ability to master intuitive energy. I love how they are in communication and control with their trainers and riders. My own home exhibits many horses to display their spiritual divinity.

Growing up in Germany, before coming to the states, my passion for horses came while growing up on my neighbor's ranch. I learned to ride at age 5 and has been riding since.

Thank you,

Zohal Dara

CHOOSING THE RIGHT SCULPTURE FOR YOU

Ask yourself . . .

- *Do you like it?*
- *How does it make you feel?*
- *What does it make you think of?*
- *What other images or experiences does it call to mind?*

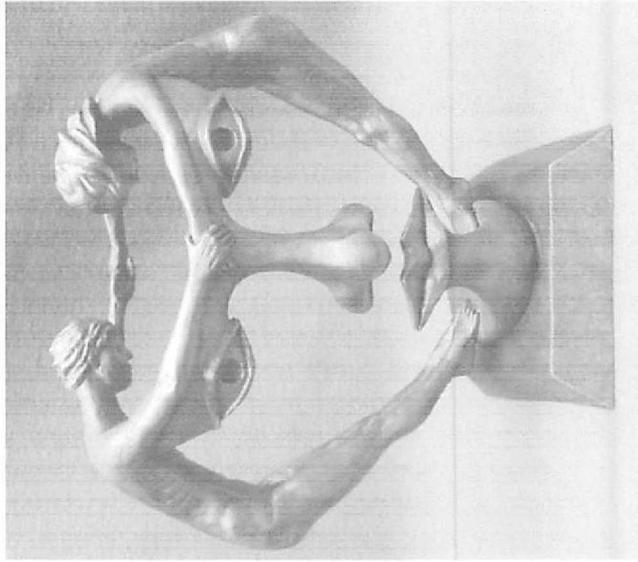
When a collector has an emotional reaction to a sculpture, dealers call this "finding yourself in the piece". It is the first and foremost consideration when buying a sculpture.

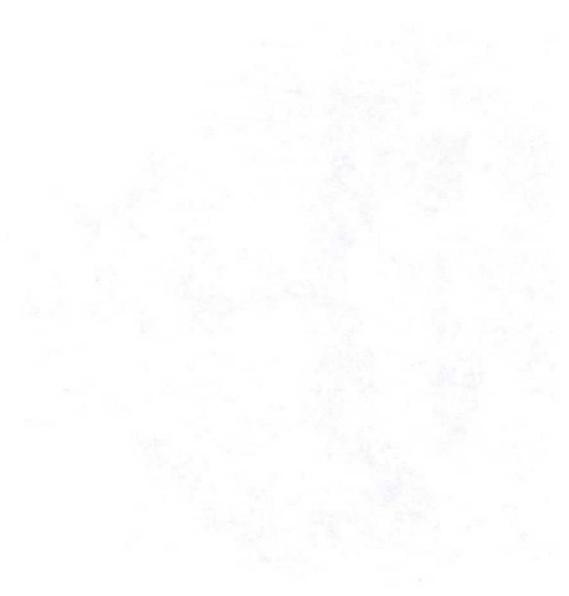
ASSESSING THE TECHNICAL QUALITIES OF THE SCULPTURE

- *Is the piece well-balanced?*
- *Is the composition pleasing to the eye?*
- *Are the details well-defined?*
- *What is it made of?*
- *How is it finished?*

The characteristics of the materials dictate the type of finish that can or should be used. For example, serpentine lends itself well to a highly polished finish, while grey basaltic soapstone is difficult to carve and does not polish well. Carvers generally take the type of stone they are working with into consideration when designing their sculptures.

LOOKING FORWARD
TO WORKING ON
YOUR NEXT PROJECT!

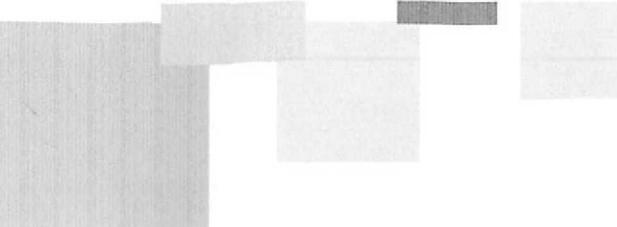




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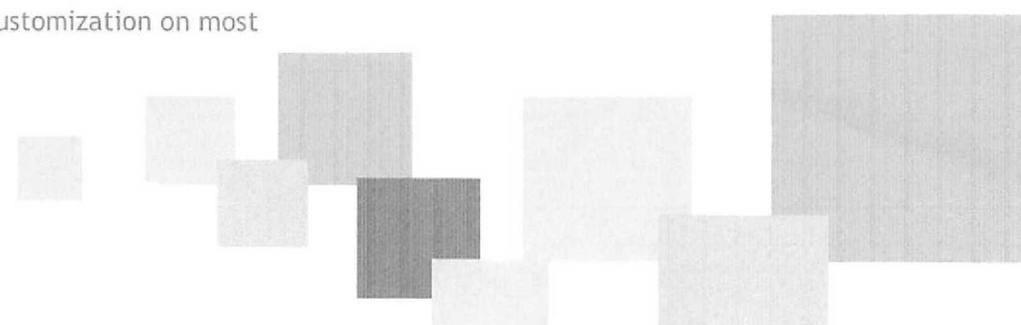
RECEIVED
PLANNING DEPARTMENT
MAY 09 2018
CITY OF DESERT HOT
SPRINGS



OC Design Group has been in business for 17 years. We provide the very finest hand-carved limestone or marble sculptures, fountains, urns, gazebos, fireplace mantels and other architectural elements. We also carry a beautiful selection of bronze sculptures for exterior or interior use.

Our carved limestone and marble are exceptionally detailed and durable. Providing you with timeless pieces to enhance the ambiance of your landscaping or home.

Our catalog represents a select sampling of our products and is always growing thanks to our valued clients. We think of our catalog as a starting point in creating pieces to compliment your home. This is why we gladly offer customization on most items.



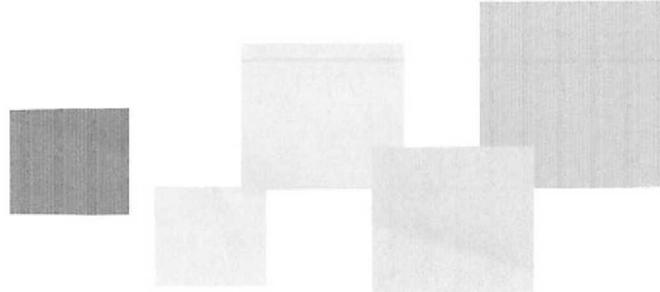
ITEM 6.

OC Design Group

5 Coachman
Dove Canyon, CA 92679

Phone: 949-701-7978

E-mail address
zohaldara@gmail.com



OC Design Group

Phone: 949-701-7978

Designing Your Creations

CITY OF DESERT HOT SPRINGS
ART IN PUBLIC PLACES BUDGET WORKSHEET

Design Fee.....	\$ 1,500 ⁰⁰
Cost of Materials.....	\$ 11,450 ⁰⁰
Concrete.....	\$ 1,820 ⁰⁰
Lighting.....	\$ 590 ⁰⁰
Landscape Materials.....	\$ N A
Irrigation.....	\$ N A
Utility Extension (Water).....	\$ N A
Utility Extension (Electricity).....	\$ 750 ⁰⁰
Engineering.....	\$ 2,500 ⁰⁰
Transport of Artwork.....	\$ 450 ⁰⁰
Equipment Rental.....	\$ 800 ⁰⁰
Demolition.....	\$ N A
Required Insurance.....	\$?
Travel Site Visits.....	\$?
Other Associated Costs.....	Contractor overhead 10% 1,986 ⁰⁰
TOTAL:	\$ 21,846⁰⁰



REPORT TO THE CITY COUNCIL



DATE: April 2, 2019

TITLE: First Amendment to the Professional Services Agreement
With Professional Staffing Team Inc. for Contract
Engineering Services

Prepared by: Daniel Porras Public Works Director

RECOMMENDATION

Approve and authorize the City Manager to execute a First Amendment to the Professional Services Agreement with Professional Staffing Team, Inc. for Contract Engineering Services for an increased amount of \$20,000, for a total not to exceed amount of \$50,000.00.

DISCUSSION

On January 1, 2019, the City entered into a Professional Service Agreement with Professional Staffing Team Inc. to provide part-time contract engineering services. These services help City Staff provide customer service and address the current demands of development projects.

The City continues to have a high demand of development projects moving into construction, along with Capital Improvement Projects and staff vacancies (that are in the process of being filled). For the City to continue to address these demand levels, Staff recommends extending the contract with Professional Staffing Team Inc., who currently provide as-needed contract services.

Due to the previous work performed by this consultant, City staff is recommending that the City Council approve the First Amendment to Professional Staffing Team Inc. to provide as-needed contract engineering services and increase their overall costs by an amount not-to-exceed \$50,000. The scope of services will remain the same and continue on an as-needed basis at the current price level of \$135 per hour. The total hours per week will remain at 20 hours maximum per week. The original contract amount was for \$30,000; the First Amendment is for an amount not to exceed \$20,000, for a total contract amount not to exceed \$50,000.

FISCAL IMPACT

The funding for these services is already approved in the current year budget under account code 001-4163-4320.

EXHIBIT(S)

- 1) First Amendment to Professional Services Agreement

**AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
BY AND BETWEEN
THE CITY OF DESERT HOT SPRINGS
AND
PROFESSIONAL STAFFING TEAM, INCORPORATED**

This Amendment (hereinafter the "Amendment"), is made and entered as of the 2nd day of April, 2019, by and between the City of Desert Hot Springs, hereinafter referred to as the "City," and Professional Staffing Team Incorporated, A Professional Corporation, hereinafter referred to as "Consultant," with the City and Consultant sometimes together referred to herein as the "Parties."

RECITALS

WHEREAS, the Parties previously entered into that certain Professional Services Agreement By and Between the City of Desert Hot Springs and Professional Staffing Team Incorporated, A Professional Corporation, dated January 1, 2019 (hereinafter, the "Agreement"), for Consultant to provide the City with contract engineering services, as directed by the City; and now the City would like to add additional services for construction management through the term of the project; and

WHEREAS, the Parties desire to amend the Agreement to increase the compensation provisions set forth in the Agreement.

NOW THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration the receipt and adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

AGREEMENT

Section 1. RECITALS

The Recitals set forth above are hereby incorporated into this Amendment by this reference, as though fully set forth herein.

Section 2. SECTION 4 - COMPENSATION

Section 4 of the Agreement is hereby revised so that the total compensation to be paid to Consultant, in accordance with the Scope of Services, shall not exceed a total of FIFTY THOUSAND DOLLARS and No Cents (\$50,000) for all Services rendered.

Section 3. ATTORNEY'S FEES

In the event any action, suit or proceeding is brought for the enforcement of, or the declaration of any right or obligation pursuant to this Amendment or as a result of

any alleged breach of any provision of this Amendment, the prevailing party in such suit or proceeding shall be entitled to recover its costs and expenses, including reasonable attorney's fees, and any judgment or decree rendered in such a proceeding shall include an award thereof.

Section 4. COUNTERPARTS

This Amendment may be executed in several counterparts, each of which shall be deemed to be an original and shall constitute one and the same instrument and shall become binding upon the Parties when at least a copy hereof shall have been signed by the Parties hereto.

Section 5. CONFLICTS

In the event there exists any conflicts between the terms of this Amendment and the Agreement, the terms of this Amendment shall be superseding.

Section 6. REMAINING PROVISIONS

All other remaining terms and conditions of the Agreement shall remain unchanged.

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed as of the date first written above.

CITY OF DESERT HOT SPRINGS

**PROFESSIONAL STAFFING TEAM
INC, A PROFESSIONAL
CORPORATION**

Charles Maynard, City Manager

By Its: _____

ATTEST:

Jerryl Soriano, City Clerk

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney



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

MARCH 19, 2019

3:30 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 - 3:30 P.M.

CALL TO ORDER

Mayor Matas called the Study Session to order at 3:30 P.M.

ROLL CALL

Present:

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

STUDY SESSION:

1. Cannabis Strategic Plan

Deputy City Manager, Luke Rainey

Recommendation: Review the proposed goals and initiatives and adopt the Cannabis Strategic Plan.

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

Greg Bellomo, Government Performance Solutions, facilitated the discussion.

A discussion ensued.

The City Council received public comments from the following:

Greta Carter

Steven Glickman

Katherine Dickerson

Jocelyn Kane

Christopher Martinez

Andrew Milks

Paula Turner

Joe McKee

Corina Young

Jason Pasko

A discussion ensued.

It was unanimously agreed to approve the Cannabis Strategic Plan, with the understanding that certain items would return in the future requiring City Council approval.

CLOSED SESSION PUBLIC COMMENTS

There were no comments.

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

CLOSED SESSION
(Immediately Following the Study Session)

CLOSED SESSION:

- 2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**
 (Paragraph (1) of Subdivision (d) of Government Code Section 54956.9)
 In the Matter of the Administration of the D.H.S. Drugs, Inc. Profit Sharing Plan
 Riverside Superior Court Case Number: PRIN1801126

- 3. **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

PRESENTATIONS - 5:30 P.M.

- 4. **Introduction and Swearing-In of New Police Officer**
Chief of Police, Dale Mondary; and City Clerk, Jerryl Soriano

Dale Mondary, Chief of Police, introduced Officer Danny Garcia.

Jerryl Soriano, City Clerk, administered the Oath.

- 5. **Desert Blind and Handicapped Association, Inc. Presentation**
Desert Blind and Handicapped Association, Barbara Workman

Barbara Workman, Desert Blind and Handicapped Association, presented an overview of their programs and services.

RECESS

The City Council recessed at 5:48 P.M.

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

INVOCATION

Pastor Todd Diliberto gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Pye 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: Zavala moved to approve the March 19, 2019 Regular Meeting agenda; and approve 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.

Jarvis Williams spoke regarding the Family Health and Support Network organization.

CITY MANAGER REPORT

There was no report.

MAYOR AND COUNCIL MEMBER REPORTS

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

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

Council Member Gardner 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.

ADMINISTRATIVE CALENDAR:

6. Award Construction for New City Hall Project

Public Works Director, Daniel Porras, P.E.

Recommendation: 1) Award a Construction Contract Agreement to the lowest responsible qualified bidder, Robert Clapper Construction Services Inc; and
 2) Authorize the City Manager to execute the agreement for the New City Hall Project Number 2019-03 with Robert Clapper Construction Services Inc. in an amount not to

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

9. Resolution of Intention to Create a Special Tax Area Zone 40 for Property, APN 641-251-018 Located North of 14th Avenue and West of Palm Drive, to the Desert Hot Springs Special Public Safety Tax Area

Finance Director, Linda Kelly

Recommendation: Adopt a Resolution of Intention which establishes the time and place of the Public Hearing to establish Zone 40 within the Special Public Safety Tax Area for Police and Fire Protection Services and authorizing an election.

Geoffrey Buchheim, Finance Manager, presented the staff report.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2019-008*, motion seconded by Pye, motion carried 4/1 by the following vote:

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

10. Resolution of Intention to Create a Special Tax Area Zone 41 for Property, APN 665-030-051 Located South of 14th Avenue and East of Little Morongo Road, to the Desert Hot Springs Special Public Safety Tax Area

Finance Director, Linda Kelly

Recommendation: Adopt a Resolution of Intention which establishes the time and place of the Public hearing to establish Zone 41 within the Special Public Safety Tax Area for Police and Fire Protection Services and authorizing an election.

Geoffrey Buchheim, Finance Manager, presented the staff report.

Action: Pye moved to approve staff recommendation and adopt *Resolution No. 2019-009*, motion seconded by Zavala, motion carried 4/0 by the following vote:

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

11. Resolution of Intention to Create a Special Tax Area Zone 42 for Property, APN 665-030-052 Located South of 14th Avenue and East of Little Morongo Road, to the Desert Hot Springs Special Public Safety Tax Area

Finance Director, Linda Kelly

Recommendation: Adopt a Resolution of Intention which establishes the time and place for the Public Hearing to establish Zone 42 within the Special Public Safety Tax Area for Police and Fire Protection Services and authorizing an election.

Geoffrey Buchheim, Finance Manager, presented the staff report.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2019-010*, motion seconded by Pye, motion carried 4/1 by the following vote:

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

12. Award Contract for Zone 1 and Zone 2 - Landscape Maintenance and Operations Services

Public Works Director, Daniel Porras, P.E.

Recommendation: 1) Award the Landscape Maintenance and Operation Services Contract for Zone 1 - Desert View, and Zone 2 – West Desert Hot Springs, to the most qualified bidder, Mariposa Landscaping Inc.; and
 2) Authorize the City Manager to execute an agreement between Mariposa Landscaping Inc. and the City of Desert Hot Springs in an amount not to exceed \$71,184.00 plus a 10% contingency of \$7,184.00 for Zone 1, and an amount not to exceed \$116,952.00 plus a 10% contingency of \$11,695.20 for Zone 2, for landscaping and lighting, drainage and community facilities districts and other site maintenance.

Council Member Betts recused due to a potential conflict of interest. Owns property within 500 feet.

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

Action: Pye moved to approve staff recommendation, motion seconded by Zavala, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Zavala, Matas, Pye, Gardner
 Passed NOES: 0 - (None)
 RECUSED: 1 - Betts

13. Award Contract for Zone 3 and Zone 4 - Landscape Maintenance and Operations Services

Public Works Director, Daniel Porras, P.E.

Recommendation: 1) Award the Landscape Maintenance and Operation Services Contract for Zone 3 - Midtown, and Zone 4 – East Desert Hot Springs, to the most qualified bidder, Desert Concepts; and
 2) Authorize the City Manager to execute an agreement between Desert Concepts and the City of Desert Hot Springs in an amount not to exceed \$166,092.00 plus a 10% contingency of \$16,609.20 for Zone 3, and an amount not to exceed \$46,392.00 plus a 10% contingency of \$4,639.20 for Zone 4, for landscaping and lighting, drainage and community facilities districts and other site maintenance.

Council Member Betts recused due to a potential conflict of interest. Owns property within 500 feet.

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

Action: Zavala moved to approve staff recommendation, motion seconded by Pye, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Zavala, Matas, Pye, Gardner
 Passed NOES: 0 - (None)
 RECUSED: 1 - Betts

14. Annual Housing Element Progress Report

Community Development Director, Rebecca Deming

Recommendation: Approve the 2018 Annual Housing Element Progress Report and direct Staff to submit the Report to the Governor's Office of Planning and Research.

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

Action: Zavala 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)

15. Appointment of a Delegate and Alternate Delegate for the 2019 Southern California Association of Governments (SCAG) General Assembly

City Clerk, Jerryl Soriano, CMC

Recommendation: Appoint a Delegate and Alternate Delegate for the 2019 SCAG General Assembly to be held on May 1-3, 2019 in Palm Desert, California.

Action: Zavala moved to appoint Council Member Betts as the Delegate, and Mayor Pro Tem Pye as the Alternate Delegate, motion seconded by Matas, 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: March 5, 2019

City Clerk, Jerryl Soriano, CMC

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

17. County Service Area 152 (CSA 152) Budget and Proposed Assessment For Fiscal Year 2019-20

Public Works Director, Daniel Porras, P.E.

Recommendation: 1) Review the budget and assessment for County Service Area 152; and
 2) Adopt a Resolution of the City Council making its findings and establishing the rates for County Service Area 152 to fund the City's National Pollutant Discharge Elimination System (NPDES) Permit.

Resolution No. 2019-011

18. Second Reading and Adoption of an Ordinance Amending Chapter 17.180 Allowing and Setting Parameters for Marijuana Non-Storefront Retail as a Use

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, amending Chapter 17.180 of the Desert Hot Springs Municipal Code allowing and setting parameters for Marijuana Non-Storefront Retail as a use and harmonizing certain definitions and uses with State law.

Ordinance No. 683

19. Payment Register and City Council Expenditures Report for the Month of February 2019

Finance Director, Linda Kelly

Recommendation: Receive and file.

20. Treasurer's Report for the Month of February 2019

Finance Director, Linda Kelly

Recommendation: Receive and file.

PUBLIC COMMENTS

There were no comments.

ADJOURN

Mayor Matas adjourned the meeting at 7:15 P.M.

Jerryl Soriano, CMC, City Clerk

