



## **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**

**DECEMBER 12, 2018**

**5:30 P.M. – PRESENTATIONS**

**6:00 P.M. – REGULAR SESSION**

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

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

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

Jim Henson, Deputy Police Chief, introduced Officer Andrew Duncan.

Jerryl Soriano, City Clerk, administered the Oath.

#### **RECESS**

The City Council recessed at 5:37 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, Joe McKee, Jan Pye  
Mayor Pro Tem: Anayeli Zavala  
Mayor: Scott Matas

## **INVOCATION**

Council Member McKee gave the Invocation.

Pastor Kephyan Sheppard gave a blessing.

## **PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Zavala led the 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.

Action: McKee moved to approve the Minutes as presented, motion seconded by Pye, motion carried 5/0 by the following vote:

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

3. **Certification of the November 6, 2018 General Municipal Election Results**  
*City Clerk, Jerryl Soriano, CMC*  
**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.

Action: McKee moved to approve staff recommendation and adopt *Resolution No. 2018-075*, motion seconded by Betts, motion carried / by the following vote:

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

### **INSTALLATION OF OFFICERS**

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

**Gary Gardner, Council Member**  
**Jan Pye, Council Member**  
**Scott Matas, Mayor**

Jerryl Soriano, City Clerk, administered the Oath and presented Certificates of Election to Council Members Gary Gardner and Jan Pye, and Mayor, Scott Matas.

## **RECESS**

The City Council recessed at 6:30 P.M.

## **REGULAR SESSION – 6:00 P.M.**

### **CALL TO ORDER**

Mayor Matas called the Regular Session to order at 6:41 P.M.

### **NEW ROLL CALL**

Present:

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

### **SELECTION OF MAYOR PRO TEM**

Action: Betts moved to ratify Mayor Matas' nomination of Jan Pye as Mayor Pro Tem, motion seconded by Zavala, motion carried 5/0 by the following vote:

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

### **APPROVAL OF THE AGENDA**

Action: Betts moved to approve the December 12, 2018 Adjourned Regular Meeting agenda and re-arrange Items 8 and 11 for earlier consideration, 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**

Donna Wardean congratulated new Police Officer Andrew Duncan and the City Council; and spoke regarding the Women's Club fund raiser event.

Deborah McGarrey, Southern California Gas Company, Public Affairs Manager, spoke regarding failed State legislation and potential future proposals to require the electrification of buildings that would affect natural gas and the overall energy portfolio.

Judy Shea commended the City for the Holiday Parade and Tree Lighting event and spoke regarding the Senior Center.

Mark McKinney spoke regarding a new business called the the Micro Buddery.

Bruce Hutchinson spoke regarding the Fall Festival event.

### **CITY MANAGER REPORT**

Charles Maynard, City Manager, reported on the Holiday Parade and Tree Lighting event; and introduced Rebecca Deming, Community Development Director.

Daniel Porras, Public Works Director, provided an update regarding the Camino Aventura traffic signal project.

### **MAYOR AND COUNCIL MEMBER REPORTS**

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

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

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.

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

### **PUBLIC HEARINGS:**

*Item 8 was considered at this time.*

**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*

**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.

*Council Member Gardner recused from Items 4, 5, and 6.*

*Council Member Betts recused.*

Scott Taschner, Senior Planner, presented the staff report.

Mayor Matas opened the Public Hearing.

Chris Ifeanyi, Applicant, provided testimony.

Chuck McDaniel spoke opposed.

Arthur Davis spoke opposed.

Susan Chapdelaine spoke opposed.

Edel Farmer spoke opposed.

Julie Marsh spoke opposed.

Mark Thesin spoke opposed.

Jeff Marsh spoke opposed.

Arthur Davis provided additional testimony.

Chris Ifeanyi, Applicant, provided rebuttal.

Ron Lindeman spoke in support.

Mayor Matas closed the Public Hearing.

A discussion ensued.

Action: Zavala moved to uphold the Planning Commission's decision to deny the application with the following findings: *1) that the proposed development would not be compatible with existing and future developments within the land use district and general area, and 2) that the architectural design of the proposed project is incompatible with the character of the surrounding neighborhood and will not maintain the harmonious, orderly and attractive development contemplated by the Zoning Ordinance and the General Plan*; waive the application fees for re-applying for new architecture at the site; and direct Staff to work with the Applicant to reduce fees for future projects, motion seconded by Pye, motion carried 3/0 by the following vote:

Vote: AYES: 3 - Zavala, Matas, Pye  
Passed NOES: 0 - (None)  
RECUSED: 2 - Betts, Gardner

**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*

**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)

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

Mayor Matas opened the Public Hearing.

Chester Allen, Applicant, addressed the City Council.

There was no testimony.

Mayor Matas closed the Public Hearing.

Action: Betts moved to approve the recommendation and adopt *Resolution No. 2018-076*, motion seconded by Zavala, motion carried 4/0 by the following vote:

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

**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*

**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)

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

A discussion ensued. Staff responded to questions.

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

A discussion ensued.

Action: Matas moved to continue the Public Hearing to January 15, 2019, motion seconded by Zavala, motion carried 4/0 by the following vote:

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

**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*

**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.

Action: Betts moved to refer the matter to the Planning Commission, motion seconded by Matas, motion carried 5/0 by the following vote:

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

**ADMINISTRATIVE CALENDAR:**

**8. Audited Financial Statements for the Fiscal Year 2017-2018**

*Finance Director, Linda Kelly*

**Recommendation:** Receive and file.

*Item 8 was considered prior to Item 4.*

Frances Kuo, The Pun Group, presented the Audited Financial Statements for FY 2017-18.

The item was received and filed.

**9. Desert X - Sponsorship Request**

*Assistant to the City Manager, Doria Wilms*

**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.

Doria Wilms, Assistant to the City Manager, presented the staff report.



Jenny Gill, Desert X Executive Director, addressed the City Council.

A discussion ensued.

Action: Zavala moved to approve the sponsorship request in the amount of \$25,000 from the Art in Public Places Fund, motion seconded by Betts, motion carried 5/0 by the following vote:

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

**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.*

**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."

Christina Archuleta, Code Compliance Supervisor, presented the staff report and responded to questions.

Action: Betts 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)

**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*

**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.

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

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

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

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

*Linda Kelly, Finance Director*

**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.

Linda Kelly, Finance Director, presented the staff report and noted corrections.

Action: Pye 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)

**PUBLIC COMMENTS**

There were no public comments.

**ADJOURN TO CLOSED SESSION**

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

The City Council adjourned to Closed Session at 10:00 P.M.

**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**

The City Council reconvened in Open Session at 10:20 P.M.

### **CITY ATTORNEY REPORT ON CLOSED SESSION**

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

### **ADJOURN**

The City Council adjourned at 10:21 P.M.

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Jerryl Soriano, CMC, City Clerk