



## **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**

**MAY 21, 2019**

**4:30 P.M. – CLOSED SESSION**

**5:30 P.M. – PRESENTATIONS**

**6:00 P.M. – REGULAR SESSION**

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

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### **CLOSED SESSION - 4:30 P.M.**

#### **CALL TO ORDER**

Mayor Matas called the Closed Session to order at 4:30 P.M.

#### **ROLL CALL**

##### **Present:**

Council Members: Russell Betts, Gary Gardner, Anayeli Zavala

Mayor Pro Tem: Jan Pye

Mayor: Scott Matas

#### **PUBLIC COMMENTS**

There were no comments.

Jennifer Mizrahi, City Attorney, announced the Closed Session items; and requested the addition of a Closed Session urgency item pursuant to California Government Code Section 54956.9 (d)(2) - Significant Exposure to Litigation.

Action: Gardner moved to approve the addition of an urgency Closed Session item following the Open Session with findings that there was an urgent need to discuss the matter, and that the matter came to the attention of the City subsequent to the posting of the agenda, motion seconded by Zavala, motion carried 4/1 by the following vote:

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

### **CLOSED SESSION:**

1. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: Two Potential Cases
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

### **URGENCY ITEM: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(2) of Section 54956.9: (1 case). The facts and circumstances involve issues pertaining a certain developer who has threatened litigation against the City, although no formal claim has been filed.

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

3. **Desert Valley Disposal Solid Waste Update**  
*Desert Valley Disposal, Chris Cunningham*

Chris Cunningham, Desert Valley Disposal, presented the current state of recycling as a result of various State legislation; and responded to questions.

### **RECESS**

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

### **CALL TO ORDER**

Mayor Matas called the Regular Session to order at 6:03 P.M.

### **ROLL CALL**

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

## **INVOCATION**

There was no Invocation.

## **PLEDGE OF ALLEGIANCE**

Council Member Betts 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 May 21, 2019 Regular Meeting agenda; and approve the Consent Calendar in its entirety, motion seconded by Gardner, motion carried 5/0 by the following vote:

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

## **PUBLIC COMMENTS**

Simone Sandoval spoke regarding the “DHS Agua Warriors” efforts in advocating to keep local control of Desert Hot Springs water; and requested City endorsement.

Estela Rojas spoke regarding the “DHS Agua Warriors” efforts in advocating to keep local control of Desert Hot Springs water; and requested City endorsement.

John Thatcher spoke regarding the “DHS Agua Warriors” efforts in advocating to keep local control of Desert Hot Springs water; and requested City endorsement.

Frank Elmore spoke regarding the “DHS Agua Warriors” efforts in advocating to keep local control of Desert Hot Springs water; and requested City endorsement.

Ivy Bader spoke regarding the “DHS Agua Warriors” efforts in advocating to keep local control of Desert Hot Springs water; and requested City endorsement.

Richard Cromwell IV spoke regarding the “DHS Agua Warriors” efforts in advocating to keep local control of Desert Hot Springs water; and requested City endorsement.

Katherine Dickerson inquired about a development impact fee study.

Donna Wardean spoke regarding the Memorial Day event.

Robert Griffith spoke regarding the Hoteliers Association.

## CITY MANAGER REPORT

Charles Maynard, City Manager, responded to Katherine Dickerson's inquiry regarding a development impact fee study.

Danny Porras, Public Works Director, reported on the status of the new traffic signal at Palm Drive and Camino Aventura.

## MAYOR AND COUNCIL MEMBER REPORTS

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 Betts reported on the various meetings and events he attended; asked about the "proposed fire station" signs.

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

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

A Moment of silence was held in memory of long-time Desert Hot Springs High School teacher, John Mesicek.

## PUBLIC HEARINGS:

### 4. Desert Valley Disposal Placing Delinquent Disposal Billings on the County Tax Roll for Fiscal Year 2019-20

*Finance Director, Linda Kelly*

**Recommendation:**

- 1) Staff Report;
- 2) Entertain questions of Staff from the City Council;
- 3) Open the Public Hearing;
- 4) Take testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions of Staff; and
- 7) Adopt a Resolution of the City Council of the City of Desert Hot Springs, California, Placing the Delinquent Desert Valley Disposal Billings on the Fiscal Year 2019-20 County Tax Roll, after Holding a Public Hearing.

Linda Kelly, Finance Director, presented the staff report and responded to questions.

Mayor Matas opened the Public Hearing.

(Name inaudible) inquired as to why his property was subject to a lien.

Mayor Matas referred the resident to Chris Cunningham, Desert Valley Disposal; and tabled the item.

*Item 5 was considered at this time.*

There was no additional public testimony.

Mayor Matas closed the Public Hearing.

Action: Betts moved to approve staff recommendation and adopt *Resolution No. 2019-018*, motion seconded by Zavala, motion carried 5/0 by the following vote:

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

#### **ADMINISTRATIVE CALENDAR:**

5. **Professional Services Agreement to Prepare Cost Allocation Plans and User Fee Study for the City**

*Finance Director, Linda Kelly*

**Recommendation:** Authorize the City Manager to execute a Professional Services Agreement with Revenue & Cost Specialists, LLC to prepare a Cost Allocation Plan and a Federal OMB A-87 Cost Allocation Plan and User Fee Study; and to authorize the City Manager to execute all necessary agreements, approved as to form by the City Attorney.

Geoffrey Buchheim, Finance Manager, presented the staff report and responded to questions.

Action: Gardner 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)

*Item 4 resumed at this time.*

6. **Award Construction Contract for the Palm Drive Bicycle and Pedestrian Improvement Project 2016-02**

*Public Works Director, Daniel Porras, P.E.*

**Recommendation:** Award a Construction Contract Agreement to the lowest responsible qualified bidder, Desert Concepts Construction Inc.; authorize the City Manager to execute the Agreement for the Palm Drive Bicycle and Pedestrian Improvement Project with Desert Concepts Construction, Inc. in an amount not to exceed \$1,749,890; and approve additional project expenses which include a 10% contingency of \$174,989, as-needed materials testing of \$10,000, as-needed inspection services of \$45,000, and SCE connection fee of \$54,742 which brings a total project budget of \$2,034,621.

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

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)

7. [Options to Fill City Council Vacancy Created by the Resignation of Council Member, Anayeli Zavala](#)

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** 1) Consider an appointment process and timeline to fill the vacancy created by the resignation of Council Member, Anayeli Zavala, and provide direction to Staff; and  
2) Adopt a Resolution of the City Council to appoint a qualified individual to fill the Office of City Council Member vacated by the resignation of Anayeli Zavala and waiving the option of a special election; OR  
3) Direct the City Clerk to prepare a Resolution of the City Council giving call and notice of a special election for action at a future meeting.

Jerryl Soriano, City Clerk, presented the staff report and responded to questions.

A discussion ensued.

Action: Gardner moved to set a process for appointing an individual to fill the City Council vacancy, plan a future meeting to interview candidates, and adopt *Resolution No. 2019-019*, motion seconded by Betts, motion carried 4/0 by the following vote:

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

8. [Landscape and Lighting Maintenance District No. 1 Intention Proceedings for the Levy and Collection of Assessments](#)

*Finance Director, Linda Kelly*

**Recommendation:** 1) Adopt a Resolution of the City Council, declaring its intention for the levy and collection of assessments for the Citywide Landscape and Lighting maintenance District No. 1, Zone A and Zone B, for the Fiscal Year 2019-20; and  
2) Adopt a Resolution of the City Council, Approving the Annual Engineer's Report regarding the proposed levy and collection of assessments for the Landscape and Lighting Maintenance District No. 1 for the Fiscal Year 2019-20.

*Council Member Betts recused due to a potential conflict of interest.*

Linda Kelly, Finance Director, presented the staff report.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2019-020 (Intention)* and *Resolution 2019-021 (Engineer's Report)*, motion seconded by Gardner, motion carried 4/0 by the following vote:

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

9. [Landscape and Lighting Maintenance District No. 2 Intention Proceedings for the Levy and Collection of Assessments](#)

*Finance Director, Linda Kelly*

**Recommendation:** 1) Adopt a Resolution of the City Council Declaring its intention for the levy and collection of assessments for Landscape and Lighting Maintenance District No. 2, Zones 1 through 15, 17 and 18, for Fiscal Year 2019-20; and  
2) Adopt a Resolution of the City Council approving the Annual Engineer's Report regarding the proposed levy and collection of assessments for Landscape and Lighting Maintenance District No. 2, Zones 1 through 15, 17 and 18, for Fiscal Year 2019-20.

*At this time, straws were drawn under the Rule of Necessity because a majority of the City Council present had a potential conflict of interest.*

*Mayor Matas and Council Member Betts recused.*

Linda Kelly, Finance Director, presented the staff report.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2019-022 (Intention)* and *Resolution 2019-023 (Engineer's Report)*, motion seconded by Gardner, motion carried 3/0 by the following vote:

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

10. [Drainage Assessment District No. 1 Intention Proceedings for the Levy and Collection of Assessments](#)

*Finance Director, Linda Kelly*

**Recommendation:** 1) Adopt a Resolution of the City Council, declaring its intention for the levy and collection of assessments for the Drainage Assessment District No. 1 for Fiscal Year 2019-20; and

- 2) Adopt a Resolution of the City Council, for approval of the Annual Engineer's Report regarding the proposed levy and collection of assessments for the Drainage Assessments District No. 1 for Fiscal Year 2019-20.

Linda Kelly, Finance Director, presented the staff report.

*Mayor Matas and Council Member Betts recused due to a potential conflict of interest.*

Action: Gardner moved to approve staff recommendation and adopt Resolution No. 2019-024 (Intention) and Resolution 2019-025 (Engineer's Report), motion seconded by Zavala, motion carried 3/0 by the following vote:

|              |                                |
|--------------|--------------------------------|
| <u>Vote:</u> | AYES: 3 - Zavala, Pye, Gardner |
| Passed       | NOES: 0 - (None)               |
|              | RECUSED: 2 - Betts, Matas      |

11. [Consideration of a Revised City Council Meeting Schedule for Summer/Winter 2019](#)

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Take whatever action the City Council deems appropriate.

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

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

**CONSENT CALENDAR:**

12. [City Council Regular Meeting Minutes: May 7, 2019](#)

*City Clerk, Jerryl Soriano, CMC*

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

13. [Second Reading and Adoption of an Ordinance Amending Chapter 4.24 of the Desert Hot Springs Municipal Code to Revise the Procedures for the Issuance of Administrative Citations](#)

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Approve Second Reading, read by title and adopt: "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Chapter 4.24 "Administrative Citation Procedure" of Title 4 "Code Enforcement" of the Desert Hot Springs Municipal Code to revise the procedures for the issuance of administrative citations."



14. [Approve and Authorize Submittal of California Emergency Management Agency Form CAL OES 130 Designating Personnel to Act as the Agent for the City When Seeking Financial Assistance After a Disaster](#)

*Finance Director, Linda Kelly*

**Recommendation:** Approve the Form 130 Disaster Designees as the City Manager, Deputy City Manager, and Finance Director; direct the City Clerk to certify; and direct Staff to submit the CalOES Form 130 to the California Office of Emergency Services.

15. [Delegation of Investment Authority to the City Treasurer](#)

*Finance Director, Linda Kelly*

**Recommendation:** Adopt a Resolution of the City Council approving delegation of investment authority and other related duties to the City Treasurer, as authorized by the City's Investment Policy, and approve and adopt the attached Investment Policy for Fiscal Year 2019-2020

16. [Fiscal Year 2019-2020 Appropriations \(Gann\) Limit](#)

*Finance Director, Linda Kelly*

**Recommendation:** Approve by minute order the Fiscal Year 2019-2020 Appropriations Limit as required by Article XIII B of the California State Constitution.

17. [Payment Register and City Council Expenditures Report for the Month of April 2019](#)

*Finance Director, Linda Kelly*

**Recommendation:** Receive and file.

18. [Treasurer's Report for the Month of April 2019](#)

*Finance Director, Linda Kelly*

**Recommendation:** Receive and file.

[PUBLIC COMMENTS](#)

David Desmarais spoke regarding "Desert Hot Springs Cruise-In" weekly event.

[ADJOURN](#)

Mayor Matas adjourned the meeting at 7:38 P.M.

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Jerryl Soriano, CMC, City Clerk