



## **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**

**JUNE 18, 2019**

**4:00 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 - 4:00 P.M.**

#### **CALL TO ORDER**

Mayor Matas called the Closed Session to order at 4:00 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 public comments.

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

**CLOSED SESSION:**

**1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

(Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Sungrow Consulting v. City of Desert Hot Springs, et al., Riverside County Superior Court Case No. PSC1800747

**2. REAL PROPERTY NEGOTIATIONS**

(Pursuant to Government Code Section 54956.8)

Property: Assessor's Parcel Numbers 639-114-001 through -011

Agency Negotiator: Charles Maynard, City Manager

Negotiating Parties: City of Desert Hot Springs and DCB United, LLC

Under Negotiation: Price and terms of payment

**3. CONFERENCE WITH LABOR NEGOTIATORS:**

Pursuant to Government Code §54957.6

Agency Designated Representatives: City Manager, Charles Maynard  
Deputy City Manager, Luke Rainey  
City Attorney, Jennifer Mizrahi

Employee Organization: Police Officers Association (DHSPOA)

**4. CONFERENCE WITH LABOR NEGOTIATORS:**

Pursuant to Government Code §54957.6

Agency Designated Representatives: City Manager, Charles Maynard  
Deputy City Manager, Luke Rainey  
City Attorney, Jennifer Mizrahi

Employee Organization: Desert Hot Springs Employee's Union

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

**5. Introduction and Swearing-In of New Police Officer**

*Acting Police Chief, Jim Henson; and City Clerk, Jerryl Soriano*

Jim Henson, Acting Police Chief, introduced Officer Laurence Keegan.

Jerryl Soriano, City Clerk, administered the Oath.

**RECESS**

**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**

The Invocation was given by a representative of the Ministerial Fellowship. (Name was not provided)

## **PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Pye led the Pledge of Allegiance.

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

Jennifer Mizrahi, City Attorney, advised that a Purchase and Sale Agreement under Item No. 2 was approved by a vote of 5-0; that a Memorandum of Understanding was approved with the Desert Hot Springs Police Officers Association under Item No. 3 by a vote of 5-0; and that a Memorandum of Understanding was approved with the Desert Hot Springs Employees Union under Item No. 4 by a vote of 5-0.

## **APPROVAL OF THE AGENDA**

Action: Betts moved to approve the June 18, 2019 Regular Meeting agenda; and approve the Consent Calendar in its entirety (with Council Member Betts and Mayor Matas recused from Items 19 and 20), 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**

Ted Mayrhofer reported on the June 13, 2019 Public Safety Commission meeting.

Brad Anderson spoke regarding the Coachella Valley Mosquito and Vector Control District.

Bobbi Ray expressed concerns regarding issues at her residence.

Brenda Fitch stated that she was the landlord of previous speaker and responded to the concerns expressed.

Eddie Johnson commended the City regarding the new traffic signal at Camino Aventura and Palm Drive.

## **CITY MANAGER REPORT**

Jim Henson, Acting Police Chief, reported on reduction in crime.

Danny Porras, Public Works Director, reported on the new entryway landscaping at Palm Drive and the I-10 Freeway; and the safety improvement projects along Palm Drive.

## **MAYOR AND COUNCIL MEMBER REPORTS**

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

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

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

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

## **PUBLIC HEARINGS:**

### **6. Landscape and Lighting Maintenance District No. 1 Levy and Collection of Assessments to Fund Improvements for Fiscal Year 2019-20**

*Acting Finance Director, Geoffrey Buchheim*

**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, State of California, Approving the Levy and Collection of Assessments to Fund Improvements within Landscape and Lighting Maintenance District No. 1 for Fiscal Year 2019-20.

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

Geoffrey Buchheim, Acting Finance Director, presented the staff report.

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2019-028*, motion seconded by Gardner, motion carried 4/0 by the following vote:

Vote:  
Passed

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

**7. Landscape and Lighting Maintenance District No. 2 Levy and Collection of Assessments to Fund Improvements for Fiscal Year 2019-20**

*Acting Finance Director, Geoffrey Buchheim*

- 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, State of California, Approving the Levy and Collection of Assessments to Fund Improvements within Landscape and Lighting Maintenance District No. 2 for Fiscal Year 2019-20.

*At this time, straws were drawn for Item 7 under the Rule of Necessity because a majority of the City Council present had a potential conflict of interest.*

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

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. 2019-029*, 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

**8. Drainage Assessment District No. 1 Levy and Collection of Assessments to Fund Improvements for Fiscal Year 2019-20**

*Acting Finance Director, Geoffrey Buchheim*

- 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 of Desert Hot Springs, County of Riverside, California, Approving and Ordering the Levy and Collection of Assessments within Drainage Assessment District No. 1 for Fiscal Year 2019-20.

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

Mayor Pro Tem Pye assumed the Chair.

Geoffrey Buchheim, Acting Finance Director, presented the staff report.

Mayor Pro Tem Pye opened the Public Hearing.

There was no testimony.

Mayor Pro Tem Pye closed the Public Hearing.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2019-030*, motion seconded by Zavala, motion carried 3/0 by the following vote:

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

### **ADMINISTRATIVE CALENDAR:**

#### **9. Desert Valley Disposal Agreement for Trash Abatement Program**

*Acting Finance Director, Geoffrey Buchheim*

**Recommendation:** Authorize the City Manager to negotiate and execute and agreement with Desert Valley Disposal for abatement of illegal dumping and roadside litter for an amount not to exceed \$185,000.

Geoffrey Buchheim, Acting Finance Director, presented the staff report.

A discussion ensued.

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)

#### **10. Consideration of New Market Tax Credit Financing Documents Necessary to Wind Down the Financing**

*Acting Finance Director, Geoffrey Buchheim*

**Recommendation:** 1) Adopt a Resolution of the City Council of the City of Desert Hot Springs, County of Riverside, State of California, approving certain matters relating to the exit of a New Markets Tax Credit Financing for the Health and Wellness Center and approving forms of documents and certain actions related thereto;  
2) Approve the Membership Interest Purchase Agreement;  
and

- 3) Delegate authority to the City Manager to negotiate and execute all documents, including certifications, and proofs necessary to exit the New Markets Tax Credit Financing, upon approval as to form by the City Attorney and Special Counsel.

Geoffrey Buchheim, Acting Finance Director, presented the staff report.

Action: Pye moved to approve staff recommendation and adopt *Resolution No. 2019-031*, motion seconded by Betts, motion carried 5/0 by the following vote:

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

**11. Appointment to the Desert Hot Springs Health and Wellness Foundation Board**

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Appoint a Director to the Health and Wellness Foundation Board of Directors.

Jerryl Soriano, City Clerk, presented the staff report.

Action: Matas moved to appoint Council Member Gardner to the Health and Wellness Foundation Board, motion seconded by Betts, motion carried 5/0 by the following vote:

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

**12. (Successor Agency) Resolution Approving Purchase and Sale Agreement and Joint Escrow Instructions With Karnail Singh, Satnam Kaur, Malkiat Singh Randhawa, and Kanwardeep Kaur for Real Property Located at 66071 and 66079 Pierson Boulevard (APNs 641-021-006 and 641-021-048)**

*Acting Finance Director, Geoffrey Buchheim*

**Recommendation:** Adopt a Resolution of the Successor Agency to the Redevelopment Agency of the City of Desert Hot Springs approving Purchase and Sale Agreement and Joint Escrow Instructions between the Successor Agency to the Redevelopment Agency of the City of Desert Hot Springs and Karnail Singh, Satnam Kaur, Malkiat Singh Randhawa, and Kanwardeep Kaur with respect to the real property located at 66071 and 66079 Pierson Boulevard, Desert Hot Springs, California (APNs 641-021-006 and 641-021-048) and approving certain related actions.

Geoffrey Buchheim, Acting Finance Director, presented the staff report.

Action: Zavala moved to approve staff recommendation and adopt *Resolution No. SA-2019-001*, motion seconded by Gardner, motion carried 5/0 by the following vote:

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

**13. Appointment to the Public Safety Commission to Fill Vacancy for Unexpired Term**

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Ratify Council Member Zavala's appointment to the Public Safety Commission to fill one (1) vacancy consisting of an unexpired term ending January 2020.

Action: Zavala moved to appoint Florence Martin to the Public Safety Commission, motion seconded by Pye, motion carried 5/0 by the following vote:

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

**14. Second Amendment to the General Plan Update Contract with MIG, Inc.**

*Community Development Director, Rebecca Deming*

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

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

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

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

**15. Award Street Sweeping Services - Project 2019-08**

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

**Recommendation:** Award the Street Sweeping Services Contract to M&M Sweeping, as the lowest responsible bidder, and authorize the City Manager to execute an agreement between M&M Sweeping and the City of Desert Hot Springs, in an amount not to exceed \$70,740.00, with an additional \$+14,148.00 for contingency annually, for City-wide Street Sweeping Services.

Nich Haecker, Public Works Manager, 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)

**16. First Amendment to Professional Services Agreement for Public Works Inspections Services**

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

**Recommendation:** Authorize the City Manager to execute a First Amendment to the Professional Services Agreement between the City of Desert Hot Springs and Ray Torres, extending the contract term until June 30, 2020, with an amount not to exceed \$109,678 annually for Contract Public Works Inspection Services, upon approval as to form by the City Attorney.

Danny Porras, Public Works Director, presented the staff report.

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

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

**17. Funding Request from OneFuture Coachella Valley**

*City Clerk, Jerryl Soriano, CMC*

**Recommendation:** Consider a funding request in the amount of \$25,000 from OneFuture Coachella Valley.

A discussion ensued.

Sheila Thornton, OneFuture Coachella Valley President/CEO, responded to questions.

A discussion ensued.

Action: Pye moved to approve funding request in the amount of \$25,000 (in September 2019 for FY 2019-20), motion seconded by Zavala, motion carried 5/0 by the following vote:

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

**CONSENT CALENDAR:**

**18. City Council Regular Meeting Minutes: June 4, 2019**

*City Clerk, Jerryl Soriano, CMC*

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

**19. Community Facilities District 2006-1, Improvement Area No. 1, Levy and Collection of Special Taxes for Fiscal Year 2019-20**

*Acting Finance Director, Geoffrey Buchheim*

**Recommendation:** Adopt a Resolution of the City Council Ordering the Levy and Collection of Special Taxes within Community Facilities District No. 2006-1 Improvement Area No. 1, for Fiscal Year 2019-20.

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

*Mayor Matas recused due to a potential conflict of interest.*

**20. Community Facilities District No. 2010-1 Levy and Collection of Special Taxes to Fund the Maintenance of the Improvements for Fiscal Year 2019-20**

*Acting Finance Director, Geoffrey Buchheim*

**Recommendation:** Adopt a Resolution of the City Council of the City of Desert Hot Springs, California, Approving the Levy and Collection of Special Taxes within the Community Facilities District No. 2010-1 (Services) for Fiscal Year 2019-20.

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

*Mayor Matas recused due to a potential conflict of interest.*

**PUBLIC COMMENTS**

None.

**ADJOURN**

Mayor Matas adjourned the meeting at 7:46 P.M.

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Jerryl Soriano, CMC, City Clerk