



## **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**

**SEPTEMBER 3, 2019**

**5:00 P.M. – CLOSED SESSION**

**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 - 5:00 P.M.**

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **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:**

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. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Name of case: Garcia v. City of Desert Hot Springs, et al. (Best Development Group, LLC as Real Party in Interest)  
Riverside County Superior Court Case No. RIC1903260

3. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
In the Matter of the Administration of the D.H.S. Drugs, Inc. Profit Sharing Plan  
Riverside Superior Court Case No. PRIN1801126
4. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**  
Potential Initiation of litigation pursuant to paragraph (4) of subdivision (d) of  
Section 54956.9: One Potential Case

### **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**

**PUBLIC HEARINGS:**

5. [An Urgency Interim Ordinance Adopting a Moratorium on the Establishment of Any Marijuana Facility, or Any Use or Activity Related Thereto, for Properties Located in the Downtown Area near City Hall, Specifically on Pierson Boulevard between Cactus Drive and Mesquite Avenue, on Palm Drive between Acoma and 1st Street, on 1st Street between Cactus Drive and Mesquite Avenue, and on Acoma Avenue between Cactus Drive and Palm Drive](#)

*Community Development Director, Rebecca Deming*

*Packet Page 9*

**Recommendation:**

- 1) Staff Report;
- 2) Entertain Questions of Staff from City Council;
- 3) Open the Public Hearing;
- 4) Take Public Testimony from those in favor;
- 5) Take Public Testimony from those opposed;
- 6) Take Public Testimony from those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council discussion and questions to Staff; and
- 9) Adopt an Urgency Interim Ordinance of the City Council of the City of Desert Hot Springs Adopting a Moratorium on the Establishment of Any Marijuana Facility, as Defined in Chapter 17.180 of the Desert Hot Springs Municipal Code, or Any Use or Activity Related Thereto, for Properties Located in the Downtown Area near City Hall, Specifically on Pierson Boulevard between Cactus Drive and Mesquite Avenue, on Palm Drive between Acoma and 1st Street, on 1st Street between Cactus Drive and Mesquite Avenue, and on Acoma Avenue between Cactus Drive and Palm Drive.

**ADMINISTRATIVE CALENDAR:**

6. [Harborside Water Tower Mural](#)

*Assistant City Manager, Doria Wilms*

*Packet Page 17*

**Recommendation:** Approve the below recommendations from the Community and Cultural Affairs Commission to allow for the Installation of a Painted Mural on an existing Water Tower located on the Harborside Project Site (Palm Drive and I-10 Freeway):

- 1) Apply \$2625.00 of AIPP contributions previously paid by the Harborside Project toward the installation of a painted mural on an existing Water Tower at the Harborside Project site;
- 2) Approve the utilization of additional AIPP Funds in the amount of \$21,194.40, which includes \$19,029.00, for the remaining costs of the mural once the applicants original

- AIPP contribution of \$2625.00 are applied to the total project cost of \$21,654.00, as well as a standard 10% project contingency in the amount of \$2165.40; and
- 3) Recommendation to allow for the installation of the mural in lieu of the previously conditioned landscaping surrounding the perimeter of the Water Tower structure.

7. [Appointment to the Planning Commission to Fill Vacancy for Unexpired Term](#)  
*City Clerk, Jerryl Soriano, CMC* *Packet Page 33*  
**Recommendation:** Ratify Council Member Griffith's appointment to the Planning Commission to fill one (1) vacancy consisting of an unexpired term ending January 2020.
8. [Year-End Budget Adjustments for the Fiscal Year 2018-2019](#)  
*Acting Finance Director, Geoffrey Buchheim* *Packet Page 43*  
**Recommendation:** Approve year-end budget adjustments for Fiscal Year 2018-2019.
9. [Placement of a \\$3 Million Cap on the Emergency Reserve Fund](#)  
*Acting Finance Director, Geoffrey Buchheim* *Packet Page 47*  
**Recommendation:** Adopt a Resolution of the City Council placing a \$3 million cap on the Emergency Reserve Fund funded by marijuana tax revenues.
10. [An Ordinance Amending Chapter 3.44 \(Purchasing\) of the Desert Hot Springs Municipal Code, Clarifying and Amending Procurement Procedures; and Amending Chapter 3.45 \(Public Works Projects\), Increasing Competitive Bidding Threshold Amounts in Accordance With State Law](#)  
*Deputy City Manager, Luke Rainey* *Packet Page 57*  
**Recommendation:** 1) Approve for First Reading and read by title only: "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Chapter 3.44 (Purchasing) of the Desert Hot Springs Municipal Code, clarifying and amending procurement procedures; and amending Chapter 3.45 (Public Works Projects), increasing competitive bidding threshold amounts in accordance with State law; and  
2) Adopt a Resolution of the City Council repealing Resolution No. 2009-016 (which would take effect upon the effective date of the proposed Ordinance).
11. [2019-2020 Reimbursement Agreement with Palm Springs Unified School District for School Resource Officer \(SRO\) Services at Desert Hot Springs High School](#)  
*Acting Police Chief, Jim Henson* *Packet Page 81*  
**Recommendation:** Authorize the City Manager to enter into a Reimbursement Agreement, subject to approval as to form by the City Attorney, with the Palm Springs Unified School District for the City to provide a School Resource Officer for the Desert

Hot Springs High School in exchange for a reimbursement from the District to the City of an amount not to exceed \$128,525.00.

12. [Designation of Voting Delegate and Alternate\(s\) for the 2019 League of California Cities Annual Conference in Long Beach, California](#)

*City Clerk, Jerryl Soriano, CMC*

*Packet Page 91*

**Recommendation:** Appoint a voting delegate and up to two (2) alternates for the 2019 League of California Cities Annual Conference in Long Beach, California.

**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.*

13. [City Council Special Meeting Minutes: June 25, 2019](#)

**City Council Regular Meeting Minutes: July 2, 2019**

*City Clerk, Jerryl Soriano, CMC*

*Packet Page 93*

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

14. [Second Reading and Adoption of an Ordinance Amending Chapter 5.52 Permitting and Regulating Mobile Food Vending Vehicles, Amending Chapter 17.136 Temporary Use Permits, and Adding Section 17.12.390 Mobile Food Vending Vehicle Parks of the Desert Hot Springs Municipal Code](#)

*Community Development Director, Rebecca Deming*

*Packet Page 107*

**Recommendation:** Approve Second Reading, read by title and adopt: "An Ordinance of the City Council of the City of Desert Hot Springs, amending Chapter 5.52 Permitting and Regulating Mobile Food Vending Vehicles, amending Chapter 17.136 Temporary Use Permits and adding Section 7.12.390 Mobile Food Vending Vehicle Parks, of the Desert Hot Springs Municipal Code.

15. [Mayor's Appointments to Various Intergovernmental Boards and Committees](#)

*City Clerk, Jerryl Soriano, CMC*

*Packet Page 121*

**Recommendation:** Ratify Mayor Matas' appointments to the various intergovernmental Boards and Committees.

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

*Acting Finance Director, Geoffrey Buchheim*

*Packet Page 127*

**Recommendation:** Receive and file.

17. [Payment Register and City Council Expenditures Report for the Month of July 2019](#)  
*Acting Finance Director, Geoffrey Buchheim* *Packet Page 197*  
**Recommendation:** Receive and file.
  
18. [Treasurer's Report for the Month of June 2019](#)  
*Acting Finance Director, Geoffrey Buchheim* *Packet Page 269*  
**Recommendation:** Receive and file.
  
19. [Treasurer's Report for the Month of July 2019](#)  
*Acting Finance Director, Geoffrey Buchheim* *Packet Page 277*  
**Recommendation:** Receive and file.

### **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://www.cityofdhs.org) at [www.cityofdhs.org](http://www.cityofdhs.org) for meeting locations and the most up to date information.*

September 10	Planning Commission	6:00 p.m.
September 11	CCAC	CANCELLED
September 12	Public Safety Commission	6:00 p.m.
September 17	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.