



## **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**

**JULY 2, 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 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 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

### **2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION**

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Robert E. Garcia and Gary Garcia v. City of Desert Hot Springs,

Riverside Superior Court Case No. RIC1903260

## **PRESENTATIONS - 5:15 P.M.**

### **3. Recognition of Service for Council Member, Anayeli Zavala**

*City Council*

Mayor Matas and the City Council presented a plaque to Council Member Anayeli Zavala in recognition of her service to the City of Desert Hot Springs.

### **4. Swearing-In of Appointed Council Member, Robert Griffith**

*City Clerk, Jerryl Soriano, CMC*

Jerryl Soriano, City Clerk, administered the Oath to Appointed Council Member, Robert Griffith.

## **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, Gary Gardner, Robert Griffith

Mayor Pro Tem: Jan Pye

Mayor: Scott Matas

## **INVOCATION**

There was no Invocation.

## **PLEDGE OF ALLEGIANCE**

Council Member Griffith led the Pledge of Allegiance.

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

Jennifer Mizrahi, City Attorney, advised that the City Council approved a Settlement Agreement under Closed Session Item No. 1 by a vote of 4-0 (with Council Member Betts dissenting).

## **APPROVAL OF THE AGENDA**

Action: Betts moved to approve the July 2, 2019 Regular Meeting agenda; and approve the Consent Calendar in its entirety (with Council Member Griffith abstaining from Item 16), motion seconded by Gardner, motion carried 5/0 by the following vote:

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

## **PUBLIC COMMENTS**

Bob Terry spoke regarding wastewater from cannabis cultivation facilities.

Fabian Joliel introduced himself and stated that he was a new business owner in the City.

Dwayne Prejean expressed concerns regarding a vacation rental property next to his residence.

Eddie Johnson expressed thanks to City Staff for the upkeep of Veterans Park.

Monica Idnani announced that she and Victoria Llorca are now employed with Mission Springs Water District.

Melanie Lyons, Senior Center Manager, commended the City for the improvements at the Senior Center.

## **CITY MANAGER REPORT**

Christina Archuleta, Compliance Manager, announced that the public can anonymously report violations or illegal activities related to cannabis through the cannabis hotline number at (760) 329-6500.

Danny Porras, Public Works Director, gave updates regarding 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.

Council Member Griffith reported that he met with organizers of the "Hot Springs Connection" Conference which will be held in the City in November.

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

## **PUBLIC HEARINGS:**

### **5. Resolution Affirming the Report of Public Nuisance Abatement Costs and Placing Them on the Tax Roll 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 Public Hearing;
- 4) Take testimony from those in favor;
- 5) Take testimony from those opposed;
- 6) Take testimony from those in a neutral position;
- 7) Close the Public Hearing; and
- 8) City Council discussion and questions to Staff; and
- 9) Adopt a Resolution of the City Council of the City of Desert Hot Springs, State of California Ordering Confirmation of the Special Assessments Against Parcels of Land within the Public Nuisance Abatement Costs for Fiscal Year 2019-20.

Christina Archuleta, Compliance Manager, presented the staff report.

Mayor Matas opened the Public Hearing.

*At 7:03 P.M., Mayor Matas tabled the Hearing to provide opportunity for affected individuals to meet with Staff; and advised that if there was no resolution, the individuals could provide testimony when the item resumes. Item 6 was considered at this time.*

*The Public Hearing resumed at 7:19 P.M.*

There was no public testimony.

Mayor Matas closed the Public Hearing.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2019-035*, motion seconded by Pye, motion carried 5/0 by the following vote:

Vote:  
Passed

AYES: 5 - Betts, Matas, Pye, Gardner, Griffith  
NOES: 0 - (None)

**6. 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*

**Recommendation:** 1) Staff Report;  
2) Entertain Questions of Staff from City Council;  
3) Open the Public Hearing;  
4) Take testimony from those in favor;  
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 for First Reading, and read by title only, "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 17.12.390 Mobile Food Vending Vehicle Parks, of the Desert Hot Springs Municipal Code.

*Council Member Griffith recused because he voted on the matter when he served on the Planning Commission.*

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

Mayor Matas opened the Public Hearing.

There was no public testimony.

Mayor Matas closed the Public Hearing.

A discussion ensued.

Action: Betts moved to approve staff recommendation amended to reflect the removal of: fencing and security camera requirements; and distance to toilet and handwashing facility requirements, motion seconded by Pye, motion carried 4/0 by the following vote:

Vote:  
Passed

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

*Item No. 5 resumed at this time.*

## **ADMINISTRATIVE CALENDAR:**

### **7. Funding Request in the Amount of \$32,000.00 to be Utilized by Palm Springs Unified School District for the Multi-City Collaboration for Drug Education Program**

*Assistant City Manager, Doria Wilms*

**Recommendation:** Approve a funding request in the amount of \$32,000.00 to be utilized by Palm Springs Unified School District for the Multi-City Collaboration for Drug Education Program.

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

A discussion ensued.

Betts moved to deny the funding request. The motion failed for lack of a second.

Action: Pye moved to approve the funding request (in September 2019 for FY 2019-20), motion seconded by Matas, motion carried 3/2 by the following vote:

Vote: AYES: 3 - Matas, Pye, Griffith  
Passed NOES: 2 - Betts, Gardner

### **8. Resolution in Support of Balanced Energy Solution and Local Choice**

*Assistant City Manager, Doria Wilms*

**Recommendation:** Adopt a Resolution of the City Council Supporting Balanced Energy Solution and Local Choice.

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

Action: Betts moved to approve staff recommendation and adopt *Resolution No. 2019-036*, motion seconded by Gardner, motion carried 5/0 by the following vote:

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

### **9. City Application for Statewide Park Program Grant Funds**

*Deputy City Manager, Luke Rainey*

**Recommendation:** 1) Adopt a Resolution of the City Council of the City of Desert Hot Springs, California, approving the application for statewide park development and community revitalization program grant funds; and  
2) Approve an Exemption to CEQA based on the finding that the project is Exempt under Section 15303 and 15316 under Title 14 of the California Code of Regulations.

Action: Betts moved to approve staff recommendation and adopt *Resolution No. 2019-037*, motion seconded by Pye, motion carried 5/0 by the following vote:

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

*The City Council recessed at 8:04 P.M.*

*The City Council reconvened at 8:13 P.M.*

**10. Resolution of Intention to Create a Special Tax Area Zone for APN's 661-550-001 through 661-550-019 and 661-551-001 through 661-551-007 Located North of Mission Lakes Boulevard and East of Little Morongo Road, to the Desert Hot Springs Special Public Safety Tax Area**

*Acting Finance Director, Geoffrey Buchheim*

**Recommendation:** Adopt a Resolution of Intention which establishes the time and place of the Public Hearing to establish Zone 45 within the Special Public Safety Tax Area for Police and Fire Protection Services and authorizing an election.

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

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

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2019-038*, motion seconded by Griffith, motion carried 4/0 by the following vote:

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

**11. Amendment No. Two to the Reimbursement Agreement for the North Indian Canyon Drive Project**

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

**Recommendation:** Approve Amendment No. Two of the Reimbursement Agreement between County of Riverside, City of Palm Springs, Coachella Valley Association of Governments and the City of Desert Hot Springs for the North Indian Canyon Drive Project.

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

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

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

**12. John Furbee Aquatic Center Pool Maintenance Contract**

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



**Recommendation:** Award the John Furbee Aquatic Center Pool Maintenance Contract to 1 Stop Pool Pros as the most qualified bidder; and authorize the City Manager to execute an Agreement between 1 Stop Pool Pros and the City of Desert Hot Springs in an amount not to exceed \$434,670.00, with an additional \$ 43,467.00 for contingency for a three year agreement, for the John Furbee Aquatic Center Pool Maintenance Services.

Nick Haecker, Public Works Manager, presented the staff report and responded to questions.

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

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

### **13. Graffiti Abatement Services Contract**

*Acting Police Chief, Jim Henson*

**Recommendation:** Award a contract to Graffiti Protective Coatings, Inc. (GPC) for Graffiti Abatement Services and authorize the City Manager to execute a Professional Services Agreement for a three (3) year term with a total not to exceed amount of \$270,000 (\$90,000.00 per year).

Jim Henson, Acting Police Chief, 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 - Betts, Matas, Pye, Gardner, Griffith  
Passed NOES: 0 - (None)

### **14. Towing Franchise Services**

*Acting Police Chief, Jim Henson*

**Recommendation:** Authorize the City Manager to enter into an agreement with E&C Towing and AARCO Towing to exclusively provide rotational towing service per the towing franchise agreement. These services will be provided within the City limits for the Police Department, as well as other City Departments on an as need basis.

Jim Henson, Acting Police Chief, 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 - Betts, Matas, Pye, Gardner, Griffith  
Passed NOES: 0 - (None)



**15. On Call Environmental Services Contract**

*Community Development Director, Rebecca Deming*

**Recommendation:** Authorize the City Manager to execute the Professional Services Agreement by and between the City of Desert Springs and Chambers Group Inc. for On-call Environmental Services.

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

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

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

**CONSENT CALENDAR:**

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

*City Clerk, Jerryl Soriano, CMC*

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

*Council Member Griffith abstained.*

**17. Payment Register and City Council Expenditures Report for the Month of May 2019**

*Acting Finance Director, Geoffrey Buchheim*

**Recommendation:** Receive and file.

**18. Treasurer's Report for the Month of May 2019**

*Acting Finance Director, Geoffrey Buchheim*

**Recommendation:** Receive and file.

**PUBLIC COMMENTS**

None.

**ADJOURN**

Mayor Matas adjourned the meeting at 8:46 P.M.

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Jerryl Soriano, CMC, City Clerk