



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

NOVEMBER 5, 2019

4:15 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**

CLOSED SESSION - 4:15 P.M.

CALL TO ORDER

Mayor Matas called the Closed Session to order at 4:15 P.M.

ROLL CALL

Present:

Council Members: Russell Betts, Gary Gardner, Robert Griffith
Mayor Pro Tem: Jan Pye
Mayor: Scott Matas

PUBLIC COMMENTS

None.

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

CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

2. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Pursuant to CA Government Code Section 54957

3. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to CA Government Code 54957

Title: City Attorney

PRESENTATIONS - 5:15 P.M.

4. Coachella Valley Mosquito and Vector Control (CVMVCD) Presentation

CVMVCD General Manager, Jeremy Wittie, M.S.

Jeremy Wittie, CVMVCD General Manager, presented an overview West Nile Virus and St. Louis Encephalitis; and the District's approach to manage mosquito sources.

5. Cabot's Pueblo Museum Presentation

Executive Director, Irene Rodriguez

Irene Rodriguez, Cabot's Pueblo Museum Executive Director, presented updates regarding Museum visitation statistics and current projects.

6. Service Recognition Presented to Former Planning Commissioner, Scott De la Torre

Mayor and City Council

Mayor Matas and the City Council presented a Certificate of Recognition to Scott De la Torre for his service on the Planning Commission.

7. Recognition of L.E.A.D. (Leadership, Education, Action, and Development) Group 2

Human Resources Director, Pamela Meuse

Pam Meuse, Human Resources Director, provided an overview of the L.E.A.D. Program and introduced L.E.A.D. Group 2.

Mayor Matas, the City Council, and Pam Meuse, presented Certificates of Recognition to the members of LEAD Group 2: Craig Barnes, IT Technician; Ramy Beshara, Associate Engineer; Monica Guerra, Payroll and HR Specialist; Viviana Gonzalez-Osorio, Management Analyst; Tiyler Messer, Code Compliance Officer;

Richard Min, Building Inspector; Ana Morales, Administrative Assistant; Maddison Phillips, Police Officer; Kenneth Talley, Animal Control Officer; and Klarissa Vera, Administrative Assistant.

RECESS

The City Council recessed at 5:56 P.M.

REGULAR SESSION - 6:00 P.M.

CALL TO ORDER

Mayor Matas called the Regular Session to order at 6:04 P.M.

ROLL CALL

Present:

Council Members: Russell Betts, Gary Gardner, Robert Griffith
Mayor Pro Tem: Jan Pye
Mayor: Scott Matas

INVOCATION

Mayor Pro Tem Pye gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Griffith led the Pledge of Allegiance.

CITY ATTORNEY REPORT ON CLOSED SESSION

Charles Maynard, City Manager, advised that under Closed Session Item 2, the City Council voted 4-1 (Council Member Betts opposed) to terminate the Legal Services Agreement for city attorney services with *Quintanilla & Associates* effective immediately; and under Closed Session Item 3, the City Council voted 4-1 (Council Member Betts opposed) to enter into an agreement with *Stream Kim Hicks Wrage and Alfaro* for city attorney services commencing immediately following approval as an urgency item in open session.

Mayor Matas advised that there was no reportable action for Closed Session Item 1.

Action: Gardner moved to approve the addition of an urgency item with the findings that the matter came to the attention of the City subsequent to the posting of the agenda, and that there was an urgent need to act, motion seconded by Pye, motion carried 5/0 by the following vote:

Vote:
Passed

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

URGENCY ITEM: Approval of a Legal Services Agreement with Stream Kim Hicks Wrage and Alfaro for City Attorney Services

Action: Gardner moved to approve a Legal Services Agreement with Stream Kim Hicks Wrage and Alfaro for city attorney services, motion seconded by Griffith, motion carried 4/1 by the following vote:

Vote:
Passed

AYES: 4 - Matas, Pye, Gardner, Griffith
NOES: 1 - Betts

APPROVAL OF THE AGENDA

Action: Pye moved to approve the November 5, 2019 Regular Meeting agenda; and approve the Consent Calendar in its entirety, motion seconded by Betts, motion carried 5/0 by the following vote:

Vote:
Passed

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

PUBLIC COMMENTS

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

Dana Johnson expressed thanks to the City; and spoke regarding the Food Now Chili Cook Off event.

Eddie Johnson spoke regarding the Veteran banners.

Sam Messler, DiversityDHS, spoke regarding the DHS Pride Festival.

Jay Cooley, DiversityDHS, spoke regarding the DHS Pride Festival and presented a video.

CITY MANAGER REPORT

Charles Maynard, City Manager, advised that a new art piece and entry monument would be installed at Palm Drive and Paul Road.

Danny Porras, Public Works Director, provided an update regarding the safety improvement projects along Palm Drive.

Doria Wilms, Assistant City Manager, advised that parking lot construction at the new City Hall project site would begin soon.

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.

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

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

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

PUBLIC HEARINGS:

Item 12 was considered at this time.

Item 13 was considered at this time.

8. Annexation No. 35 to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) for APN 665-030-051 Located East of Little Morongo Road and South of 14th Avenue

Finance Director, Geoffrey Buchheim

- Recommendation:**
- 1) Staff Report;
 - 2) Entertain questions of staff from the City Council;
 - 3) Open the Public Hearing;
 - 4) Take public testimony;
 - 5) Close the Public Hearing;
 - 6) City Council discussion and questions to Staff;
 - 7) Adopt a Resolution calling an election to submit to the qualified electors the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2010-1 (Services) (Annexation No. 35);
 - 8) Hold the election;
 - 9) Canvass the election; and
 - 10) Adopt a Resolution declaring election results for annexation to Community Facilities District No. 2010-1 (Services) (Annexation No. 35)

Geoffrey Buchheim, Finance Director, presented the staff report.

Action: Griffith moved to adopt *Resolution No. 2019-047 (Calling the Election)*, motion seconded by Gardner, motion carried 5/0 by the following vote:

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

Jerryl Soriano, City Clerk, canvassed the election and advised that the property owner voted in favor of the annexation.

Action: Griffith moved to adopt *Resolution No. 2019-048* (Election Results), 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. Annexation No. 36 to the City of Desert Hot Springs Community Facilities District No. 2010-1 (Services) for APN 665-030-052 Located East of Little Morongo Road and South of 14th Avenue

Finance Director, Geoffrey Buchheim

Recommendation:

- 1) Staff Report;
- 2) Entertain questions of staff from the City Council;
- 3) Open the Public Hearing;
- 4) Take public testimony;
- 5) Close Public Hearing;
- 6) City Council discussion and questions of Staff;
- 7) Adopt a Resolution calling an election to submit to the qualified electors the question of levying a special tax within the area proposed to be annexed to Community Facilities District No. 2010-1 (Services) (Annexation No. 36);
- 8) Hold the election;
- 9) Canvass the election;
- 10) Adopt a Resolution declaring election results for annexation to Community Facilities District No. 2010-1 (Services) (Annexation No. 36)

Geoffrey Buchheim, Finance Director, presented the staff report.

Action: Gardner moved to adopt *Resolution No. 2019-049* (Calling the Election), motion seconded by Griffith, motion carried 5/0 by the following vote:

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

Jerryl Soriano, City Clerk, canvassed the election and advised that the property owner voted in favor of the annexation.

Action: Griffith moved to adopt *Resolution No. 2019-050* (Election Results), motion seconded by Gardner, motion carried 5/0 by the following vote:

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

10. An Ordinance Amending Chapter 17.108 (Home Occupancy Permits) of Title 17 (Zoning) of the Desert Hot Springs Municipal Code to Adopt Regulations for Microenterprise Home Kitchen Operation

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 and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, Amending Chapter 17.108 (Home Occupancy Permits) of Title 17 (Zoning) of the Desert Hot Springs Municipal Code to Adopt Regulations for Microenterprise Home Kitchen Operations."

Rebecca Deming, Community Development Director, presented the staff report and responded to questions.

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

Action: Betts moved to approve staff recommendation adding "manufacturing, warehousing, and distribution" as a prohibited use, motion seconded by Matas, motion carried 5/0 by the following vote:

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

11. Ordinances Amending Various Chapters of Desert Hot Springs Municipal Code Title 15 "Buildings and Construction" to Adopt the 2019 Editions of Various State and Uniform Codes"

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 and read by title only the following ordinances:
A) "An Ordinance of the City Council of the City of Desert Hot Springs amending Title 15 "Buildings and Construction"

of the Desert Hot Springs Municipal Code to repeal Chapter 15.24 and to add Chapter 15.22 “California Fire Code” to adopt the 2019 edition of the California Fire Code with selected appendices and amendments;” AND

B) “An Ordinance of the City Council of the City of Desert Hot Springs, California amending Chapter 4.08 “Enforcement Authority” and adding, repealing, amending, and renumbering various Chapters of Title 15 “Buildings and Construction” of the Desert Hot Springs Municipal Code in order to adopt by reference the 2019 editions of the California Building Code, California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Building Code, California Existing Building Code, California Green Building Standards Code, California Referenced Standards Code, International Property Maintenance Code, and to adopt local revisions to those Codes.”

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

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

Action: Pye 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)

ADMINISTRATIVE CALENDAR:

- 12. L.E.A.D. (Leadership, Education, Action, and Development) Group 2 - Community Project**
L.E.A.D. Team Members
Recommendation: Receive and file.

Item 12 was considered prior to Item 8.

LEAD Group 2 members comprised of: Craig Barnes, IT Technician; Ramy Beshara, Associate Engineer; Monica Guerra, Payroll and HR Specialist; Viviana Gonzalez-Osorio, Management Analyst; Tyler Messer, Code Compliance Officer; Richard Min, Building Inspector; Ana Morales, Administrative Assistant; Maddison Phillips, Police Officer; Kenneth Talley, Animal Control Officer; and Klarissa Vera, Administrative Assistant, presented the staff report.

The report was received and filed.

13. Stagnant Water Inspection and Abatement Warrant Release, Waiver, and Indemnity Agreement

Compliance Manager, Christina Archuleta

Recommendation: Approve the contract entitled, "Stagnant Water Inspection and Abatement Warrant Release, Waiver, and Indemnity Agreement By and Between the City Of Desert Hot Springs and Coachella Valley Mosquito and Vector Control District."

Item 13 was considered prior following Item 12, and prior to Item 8.

Christina Archuleta, Compliance Manager, presented the staff report.

Brad Anderson expressed concerns.

A discussion ensued.

Jeremy Wittie, Coachella Valley Mosquito and Vector Control District, General Manager, responded to questions.

Action: Gardner moved to approve staff recommendation, motion seconded by Pye, motion carried 4/1 by the following vote:

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

14. Approval of Parcel Map No. 37571 for Best Development Group, Acceptance of Dedications for Street and Public Utility Purposes, Acceptance of Subdivision Improvement Agreement and Related Bonds, and Acceptance of Utility Pole Undergrounding Agreement

Daniel Porras, Public Works Director

Recommendation:

- 1) Find that the Parcel Map No. 37571 is in substantial conformance with the previously approved tentative map;
- 2) Approve Parcel Map 37571 in accordance with the Conditions of Approval;
- 3) Accept the dedications as offered on the map for street and public utility purposes, drainage easements and direct access restrictions;
- 4) Accept the Subdivision Improvement Agreement, Performance Bond and Labor and Materials Bond once approved by the City Attorney and City Manager;
- 5) Authorize the City Clerk and Interim 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.
- 7) Approve the Agreement to Defer Undergrounding of Utilities and For Payment of Undergrounding of Costs, and authority the City Manager to make any changes to the Agreement if needed thereto to consummate the Project.

Daniel Porras, Public Works Director, 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)

15. Resolution of Intent to Vacate Ortega Drive

Public Works Director, Daniel Porras

Recommendation: Adopt a Resolution of the City Council of the City of Desert Hot Springs declaring its intent to vacate Ortega Drive in the City of Desert Hot Springs, which would set a time date and place for a City Council public hearing (proposed on December 3, 2019 at 6pm in the Carl May Center), and referring the matter to the planning commission for consideration of general plan consistency.

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

Maria Lease, expressed the had requested the street vacation.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2019-051*, 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: October 15, 2019

City Council Special Meeting Minutes: October 22, 2019

City Clerk, Jerryl Soriano, CMC

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

PUBLIC COMMENTS

None.

ADJOURN

Mayor Matas adjourned the meeting at 8:22 P.M.

Jerryl Soriano, CMC, City Clerk