



## **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**

**OCTOBER 1, 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: 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. **CONFERENCE WITH LABOR NEGOTIATORS**

(Gov. Code Section 54957.6)

Agency designated representatives: Jennifer Mizrahi, City Attorney

Unrepresented employee: City Manager

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

3. **Coachella Valley Rescue Mission - Cooling Center Presentation**

*Coachella Valley Rescue Mission*

Mark McGowan, Coachella Valley Rescue Mission, presented an overview of the cooling center that was located at the Word of Life Fellowship Center; and responded to questions.

4. **Food Now Presentation**

*Food Now Executive Director, Dana Johnson*

Dana Johnson, Executive Director, Family Services of the Desert, presented an overview of the services they provide.

5. **Desert Trial Academy Presentation**

*Desert Trial Academy*

There was no presentation given.

**RECESS**

**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: Betts, Gary Gardner, Robert Griffith

Mayor Pro Tem: Jan Pye

Mayor: Scott Matas

**INVOCATION**

Pastor James Baylark gave the Invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Matas led the Pledge of Allegiance.

## CITY ATTORNEY REPORT ON CLOSED SESSION

Jennifer Mizrahi, City Attorney, advised that the City Council approved a 1st Amendment to the Employment Agreement with City Manager, Charles Maynard, by a vote of 5-0.

## APPROVAL OF THE AGENDA

Action: Gardner moved to approve the October 1, 2019 Regular Meeting agenda; continue Item 6 to October 15, 2019; and approve the Consent Calendar in its entirety, motion seconded by Pye, motion carried 5/0 by the following vote:

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

## PUBLIC COMMENTS

Eddy Johonson commended the LEAD Team for the "Meet Your City" event; and introduced Maria, a resident who won several of the raffle prizes.

Donna Wardean commended the LEAD Team for the "Meet Your City" event; and expressed concerns regarding "Robolights."

Mike Picardi commended the LEAD Team for the "Meet Your City" event.

Dana Johnson, Family Services of the Desert, announced the Food Now "Chili Cook-Off" event.

Pamela Berry spoke regarding former Police Officer, Andrea Heath.

Bruce Hutchinson announced that his non-profit organization provides a monthly donation to Food Now/Family Services of the Desert; and stated that he would match any funding that the City provides to Food Now/Family Services of the Desert.

Reverend Crystal Baylard announced that the Women's Ministry would be holding an event regarding cervical and breast cancer.

## CITY MANAGER REPORT

Jim Henson, Acting Police Chief, advised that crossing guards were in place at Julius Corsini Elementary, Bella Vista Elementary, Two Bunch Palms Elementary, and Cabot Yerxa Elementary; and that traffic concerns surrounding the schools would soon be addressed.

Danny Porras, Public Works Director, gave updates regarding the safety improvement projects along Palm Drive; and installation of new street signs.

Charles Maynard, City Manager, advised that directional signs were being replaced to address complaints that the background color made the text difficult to read.

## **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.

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

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

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

Roberta Crncic, Executive Program Manager, announced that the annual "Parade of Lights and Holiday Festival" would be held on December 14, 2019, and that parade applications were available on the City's website.

## **PUBLIC HEARINGS:**

6. **Applications for Implementation of the Tuscan Hills Specific Plan, a Master Planned Residential Subdivision and a Proposed 334 Room Resort Hotel and Spa Located on a Vacant 554 Acre Property Located Along the North Side of Pierson Boulevard East of Foxdale Drive (Applicant: Walton Development & Management, Southwest USA)**

*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 Applicant;
  - 5) Take public testimony from those in favor;
  - 6) Take public testimony from those opposed;
  - 7) Take public testimony from those in a neutral position;
  - 8) Opportunity for Applicant rebuttal;
  - 9) Close the Public Hearing;
  - 10) City Council discussion and questions to Staff; and
  - 11) Recommendation from the Planning Commission to Certify the Addendum to the Final Environmental Impact Report and Mitigation Monitoring Program and approval of:
    - A) Resolution and Ordinance approving the Specific Plan 02-16, General Plan Amendment 03-16, and Zoning Ordinance Amendment 03-16 to establish development regulations and guidelines for the subject site; and
    - B) Tentative Tract Map Nos. 36774, 37300, 37301, 37302, & 37303 - to subdivide the properties into 585

lots plus streets, open space and detention basins for a vacant 554.8 acre site located on the north side of Pierson Boulevard east of Foxdale Drive on the former Desert Hot Springs Resort Cornerstone Specific Plan project site. APN's 638-340-003, 005, 006, 007, & 638-330-001, 002, 003, & 632-270-006.

*The Public Hearing was continued to October 15, 2019 under "Approval of the Agenda."*

7. **An Ordinance Amending the Desert Hot Springs Municipal Code Regarding Sidewalk Vendors and Peddlers**

*City Attorney, Jennifer Mizrahi*

**Recommendation:** 1) Staff Report;  
2) Entertain questions of Staff from the 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) Introduce and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California, amending Section 5.28.010 "Purpose" and Section 5.28.085 "Sidewalk Vendor General Regulations" of Chapter 5.28 "Sidewalk Vendors and Peddlers" of Title 5 "Business Licenses and Regulations" of the Desert Hot Springs Municipal Code.

Christina Archuleta, Compliance Manager, presented the staff report.

Mayor Matas opened the Public Hearing.

There was no public testimony.

Mayor Matas closed the Public Hearing.

Action: Betts 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)

8. **An Ordinance Amending Chapters 3.20, 4.36, 5.04, 5.08, 5.12, 5.28, 5.36, 5.44, 5.50, 15.60, 17.08, 17.12, 17.40, 17.45, 17.76, 17.92, 17.144, 17.152, 17.156, 17.164, and 17.168 of the Municipal Code Providing More Consistent Rules and Procedures for the Denial, Suspension, Modification, and Revocation of Licenses and Permits and Appeals Thereof**

*City Attorney, Jennifer Mizrahi*

- Recommendation:**
- 1) Staff Report;
  - 2) Entertain questions of Staff from the 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 Amending Chapters 3.20, 4.36, 5.04, 5.08, 5.12, 5.28, 5.36, 5.44, 5.50, 15.60, 17.08, 17.12, 17.40, 17.45, 17.76, 17.92, 17.144, 17.152, 17.156, 17.164, and 17.168 of the Municipal Code Providing More Consistent Rules and Procedures for the Denial, Suspension, Modification, and Revocation of Licenses and Permits and Appeals Thereof."

Jennifer Mizrahi, City Attorney, presented the staff report.

Mayor Matas opened the Public Hearing.

There was no public testimony.

Mayor Matas closed the Public Hearing.

Action: Pye moved to approve staff recommendation, 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)

#### **ADMINISTRATIVE CALENDAR:**

**9. [Appointment to the Planning Commission to Fill Vacancy for Unexpired Term City Clerk, Jerryl Soriano, CMC](#)**

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

Jerryl Soriano, City Clerk, presented the staff report.

Action: Betts moved to ratify Council Member Betts' appointment of Dawn Griffiths to the Planning Commission, motion seconded by Griffith, motion carried 5/0 by the following vote:

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

**10. Budget Adjustments for the 2019-2020 Fiscal Year**

*Acting Finance Director, Geoffrey Buchheim*

**Recommendation:** Approve budget adjustments for Fiscal Year 2019-2020.

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

A discussion ensued.

Action: Betts moved to approve staff recommendation, recognizing that \$515,421 would go towards the Health and Wellness Fund and dedicated towards the youth in the community to continue John Furbree's legacy, 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. Discussion Item: Placing the Adoption of the City Council Sub-Committee on Policy, Rules and Regulation Recommendations Regarding Changes to the "City Council and Commission Guidelines and Procedures" ("Guidelines") as Well as Repealing Two Ordinances Pertaining to the City Council as Recommended by the Sub-Committee**

*Mayor Pro Tem, Jan Pye; and Council Member, Gary Gardner*

**Recommendation:** Consider whether to place the following on a future agenda for action:

1) Adoption of Updated Council and Commission Guidelines, as developed by the Policy, Rules, and Regulations Sub-Committee (Councilmembers Pye and Gardner); and Adoption of Sub-Committee recommendations to Repeal of DHSMC Section 2.20.125 "Disclosure of Campaign Contributions;" and DHSMC Section 2.04.040(B) "Vacancy – Appointment of Temporary Council Member."

Council Member Gardner presented the report.

Action: Gardner moved to approve placement on a future agenda, 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:**

**12. City Council Regular Meeting Minutes: September 17, 2019**

*City Clerk, Jerry Soriano, CMC*

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

13. **Supplemental CEQA (California Environmental Quality Act) Guidelines**

*City Attorney, Jennifer Mizrahi*

**Recommendation:** Adopt the attached Policy, as a condition of settlement in the matter of Robert E. Garcia and Gary Garcia v. City of Desert Hot Springs (Riverside County Superior Court Case No. RIC1903260).

**PUBLIC COMMENTS**

None.

**ADJOURN**

Mayor Matas adjourned the meeting at 7:26 P.M.

  
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Jerry Soriano, CMC, City Clerk