



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 19, 2019

5:00 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**

CLOSED SESSION - 5:00 P.M.

CALL TO ORDER

Mayor Matas called the Closed Session to order at 5:01 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—EXISTING LITIGATION

(Gov. Code section 54956.9(d)(1).)

Name of Case: Garcia, et al. v. City of Desert Hot Springs, et al., Case Number PSC1807458

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Gov. Code section 54956.9(d)(1).)

Name of Case: Coachillin' Holdings, LLC. V. City of Desert Hot Springs, et al; Superior Court, County of Riverside, Case Number PSC 1907920

PRESENTATIONS - 5:30 P.M.

3. Fire Truck Presentation

The "Fire Truck Presentation" was rescheduled to December 3, 2019 due to the weather.

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, Robert Griffith

Mayor Pro Tem: Jan Pye

Mayor: Scott Matas

INVOCATION

Pastor Matt Dudley gave the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Gardner led the Pledge of Allegiance.

CITY ATTORNEY REPORT ON CLOSED SESSION

Jennifer Mizrahi, City Attorney, advised that there was no reportable action.

APPROVAL OF THE AGENDA

Action: Betts moved to approve the November 19, 2019 Regular Meeting agenda; and approve the Consent Calendar (with Council Member Betts voting no on Item 15), 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

Russ Martin spoke regarding the Mission Springs Water District and the formation of Assessment District No. 18.

Mike Picardi spoke regarding Veterans Day events; and tendered his resignation from the Community and Cultural Affairs Commission effective immediately.

Ron Reid expressed concerns regarding the parking lot lights at the KMart shopping center.

Ted Mayrhofer reported on the November 14, 2019 Public Safety Commission meeting.

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

Terressa Powell expressed concerns regarding the holiday parade route.

Alexis Brodie, Library Branch Manager, gave library updates.

Dana Johnson spoke regarding homelessness; and introduced Pastor Matt Dudley.

Matt Dudley introduced himself as the new Pastor at Christian Center.

Martin Carreon spoke regarding the City Attorney; and expressed a safety issue on Palm Drive.

CITY MANAGER REPORT

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

Christina Archuleta, Code Compliance Manager, announced an enhanced way to report violations.

Tyrell Davis, Cal Fire Division Chief, announced the "Community Emergency Response Team (CERT)" Program.

Eric Cadden, Riverside County Emergency Management Department, provided an overview of the CERT Program.

Luke Rainey, Deputy City Manager, provided an update regarding the park grant application for the proposed park at 12th Street and Palm Drive.

MAYOR AND COUNCIL MEMBER REPORTS

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

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

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.

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

PUBLIC HEARINGS:

4. **Zoning Map Amendment (ZMA) 01-19, and General Plan Amendment (GPA) 01-19: Applications to Change the Zoning and General Plan Land Use Designations from R/VS-L (Residential Visitor Serving Low Density) and R-L (Low Density Residential) to V-S-V (Visitor Serving Village) on a 108 Acre Site Located on Both Sides of Yerxa Road North of San Geronio Street**

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 the Applicant;
- 5) Take testimony from those in favor;
- 6) Take testimony from those opposed;
- 7) Take 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) A) Find that the Project is exempt from CEQA Under Section 15061(B)(3) of the California Code of Regulations, Title 14, Sections 15000 Et Seq. (The "Guidelines");
B) Approval of the project subject to the proposed Conditions of Approval;
- C) Adopt a "Resolution of the City Council of the City of Desert Hot Springs, California, 1) Finding That the Project Described Herein Is Exempt from CEQA Under Section 15061(B)(3) of the California Code of Regulations, Title 14, Sections 15000 Et Seq. (The "Guidelines"), and 2) Approving General Plan

Amendment No. 01-19 and Zoning Map Amendment No. 01-19 Amending the General Plan Land Use Designation from R/Vs-L (Residential Visitor Serving Low Density) & R-L (Low Density Residential) to V-S-V (Visitor Serving Village)"; and

- D) Introduce for First Reading and read by title only "An Ordinance of the City Council of the City of Desert Hot Springs, California, 1) Finding That the Project Described Herein Is Exempt from CEQA Under Section 15061(B)(3) of the California Code of Regulations, Title 14, Sections 15000 Et Seq. (The "Guidelines"), 2) and Amending the City's Zoning Map 01-19 to Reflect a Change in Zoning Map from R/Vs-L (Residential Visitor Serving Low Density) & R-L (Low Density Residential) to V-S-V (Visitor Serving Village) for the 108 Acre Site Located at the Bubbling Wells Ranch Site on Both Sides of Yerxa Road North of San Geronio Street (APN's: 656-140-002, 005, 007, 011, 016, 014, 018 & 656-255-003, 005, 007 and 656-150-011)"

Council Member Gardner recused in accordance with the campaign contribution ordinance.

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

Mayor Matas opened the Public Hearing.

David Purpera, representing the Applicant, addressed the City Council.

Jessica Vicedo spoke in favor of the Project.

Charla Heimer, ROR Capital Investments, spoke in favor of project.

Gerald McKenna spoke opposed to the Project and submitted a letter of opposition, a copy of which was distributed and made a part of the record.

Jeff Colleski spoke in a neutral position.

David Purpera, representing the Applicant, provided rebuttal statements.

Mayor Matas closed the Public Hearing.

Rebecca Deming, Community Development Director, responded to questions.

Action: Pye moved to approve staff recommendation and adopt *Resolution No. 2019-052*, motion seconded by Matas, motion carried 4/0 by the following vote:

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

Item 9 was considered at this time.

5. An Ordinance Amending Table 17.08.02 of the Desert Hot Springs Municipal Code Titled "Residential Development Standards"

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 Table 17.08.02 of the Desert Hot Springs Municipal Code Titled "Residential Development Standards" related to setbacks for substandard lots within the R-M (Residential Medium Density), R-MH (Residential Mobile Home), R-H (Residential High Density) and R-VS (Residential Visitor Serving) Zones, and clarifying the notes thereof."

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

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)

6. An Ordinance Amending Desert Hot Springs Municipal Code Chapter 12.04 Regarding Camping Restrictions

Code Compliance Manager, Christina Archuleta

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, California, amending Chapter 12.04 of the Desert Hot Springs Municipal Code regarding camping restrictions."

Christina Archuleta, Compliance Manager, presented the staff report; and responded to questions.

Mayor Matas opened the Public Hearing.

There was no public testimony.

Mayor Matas closed the Public Hearing.

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)

7. An Ordinance Amending Title 6 of the Desert Hot Springs Municipal Code to Prohibit Roosters Within City Limits

Chief of Police, Jim Henson

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 Sections 6.04.020, and deleting Chapter 6.05 "Crowing Roosters" of County Code Title 6 "Animals Generally," which is incorporated by reference into the Desert Hot Springs Municipal Code pertaining the banning of roosters within the City.

Jim Henson, Chief of Police, presented the Staff report; and responded to questions.

Mayor Matas opened the Public Hearing.

Ted Mayrhofer spoke in favor.

Mayor Matas closed the Public Hearing.

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

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

ADMINISTRATIVE CALENDAR:

8. Award Construction Contract for the Palm Drive Street Lighting and Safety Improvement Project (City Project No. 2017-14)

Public Works Director, Daniel Porras

Recommendation: 1) Reject the apparent lowest bid from Onyx Paving Inc. as non-responsive;
2) Award the Construction Agreement to the lowest responsible bidder, All American Asphalt; and
3) Authorize the City Manager to execute the agreement by and between All American Asphalt and the City of Desert Hot Springs for the construction of the Palm Drive Street Lighting and Safety Improvement Project City Project No. 2017-14 in the amount of \$2,099,222, and approve a contingency amount of \$209,922.20 (10%), as-needed Inspection Services of \$60,000, as-needed Material/Equipment Testing of \$15,000, and SCE Street Light Fee of \$100,000 which brings the total construction budget to \$2,484,144.20.

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

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

Action: Pye moved to approve staff recommendation, 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

9. Resolution of Initiation and Resolution of Intention to Annex 259 Assessable Parcels Commonly Known as Rancho Del Oro to the City of Desert Hot Springs Landscape and Lighting Maintenance District No. 2

Public Works Director, Daniel Porras

Recommendation: 1) Adopt a Resolution Initiating Proceedings to Annex Property to Landscape and Lighting Maintenance District No. 2 (Annexation No. 18, Zone 19) for Fiscal Year 2020-21, including ordering the Engineer's Report.

- 2) Adopt a Resolution of Intention to Annex property to Landscape and Lighting Maintenance District No. 2 (Annexation No. 18, Zone 19) and to levy assessments on such property for Fiscal Year 2020-21, approve the Engineer's Report and set the date, time and place of a public hearing on the proposed annexation and assessments.

Item 9 was considered following Item 4.

Council Member Betts recused due to a potential conflict of interest. Owns real property within the Rancho del Oro subdivision.

Nicholas Haecker, Public Works Manager, presented the staff report.

Karen Miller and Paul Miller expressed concerns.

A discussion ensued.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2019-053*; and direction to staff regarding postponement of ballot mailing; letter mailing prior to ballots mailing; and initial site cleanup separate from the assessment only if the annexation passes, motion seconded by Pye, motion carried 4/0 by the following vote:

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

The City Council recessed at 8:07 P.M.

The City Council reconvened at 8:19 P.M.

10. Purchase of Public Works Heavy Equipment

Public Works Director, Daniel Porras

Recommendation: 1) Authorize the purchase of new public works heavy equipment, replacing noncompliant diesel heavy equipment in an amount not to exceed \$ 482,334.07; and
2) Appropriate \$482,334.07 in spending authority from the General Fund Balance Reserve for Future Operational and Capital Uses for the one-time purchase of new heavy equipment.

Nicholas Haecker, Public Works Manager, 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)

11. Resolution Authorizing Application for California Senate Bill 2 (SB 2) Planning Grants Program Fund

Community Development Director, Rebecca Deming

Recommendation: Adopt a Resolution of the City Council of the City of Desert Hot Springs authorizing application for, and receipt of, SB 2 Planning Grant Program Funds.

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

Action: Griffith moved to approve staff recommendation and adopt *Resolution No. 2019-055*, motion seconded by Betts, motion carried 5/0 by the following vote:

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

12. Recommendation from the "Policy, Rules, and Regulations City Council Sub-Committee" Regarding Adoption of the "City Council and Commission Guidelines and Procedures" ("Guidelines") and Two Ordinances Pertaining to the City Council

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

Recommendation: 1) Adopt a Resolution of the City Council adopting the Meeting Guidelines and Procedures Policy;
2) Introduce for First Reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California amending Section 2.20.125 "Disclosure of Campaign Contributions" of the Desert Hot Springs Municipal Code to provide that all persons accepting and/or providing campaign contributions must comply with all applicable state law and fair political practices commission's regulations; AND
3) Introduce for First Reading and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, California amending Section 2.04.040 of the Desert Hot Springs Municipal Code pertaining to vacancies and the appointment of a temporary city councilmember.

Council Member Gardner presented the report.

A discussion ensued.

Brad Anderson addressed the City Council.

Action: Gardner moved to approve Sub-Committee recommendation and adopt *Resolution No. 2019-056*, motion seconded by Griffith, motion carried / by the following vote:

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

CONSENT CALENDAR:

13. City Council Regular Meeting Minutes: November 5, 2019

City Clerk, Jerryl Soriano, CMC

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

14. Second Reading and Adoption of 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 Operations

City Clerk, Jerryl Soriano, CMC

Recommendation: Approve Second Reading, read by title only and adopt: " 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.

Ordinance No. 696

15. Second Reading and Adoption of 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"

City Clerk, Jerryl Soriano, CMC

Recommendation: Approve Second Reading, read by title only and adopt 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."

Council Member Betts voted "no" under "Approval of the Agenda."

Ordinance No. 697 (2019 California Fire Code)

Ordinance No. 698 (2019 Editions of Various State and Uniform Codes)

16. Payment Register and City Council Expenditures Report for the Month of September 2019

Finance Director, Geoffrey Buchheim

Recommendation: Receive and file.

17. Treasurer's Report for the Month of September 2019

Finance Director, Geoffrey Buchheim

Recommendation: Receive and file.

PUBLIC COMMENTS

None.

ADJOURN

Mayor Matas adjourned the meeting at 9:10 P.M.



Jerryl Soriano, CMC, City Clerk