



## **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**

**DECEMBER 3, 2019**

**5:00 P.M. – CLOSED SESSION**

**5:15 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 - 5:00 P.M.**

#### **CALL TO ORDER**

Mayor Matas called the Closed Session to order at 5:02 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 Item.

## **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

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

### **2. Fire Truck Presentation**

At this time, members of the public and the City Council viewed the City's new fire truck.

### **3. 2020 Census Presentation**

Tom Tuckwood, US Census Bureau, presented an overview of the 2020 Census.

### **4. Introduction and Swearing-In of Two New Police Officers**

*Chief of Police, Jim Henson; and City Clerk, Jerryl Soriano*

Jim Henson, Chief of Police, introduced Officers, Philip Estrada and Celia Romero.

Jerryl Soriano, City Clerk, administered the Oath.

## **RECESS**

## **REGULAR SESSION - 6:00 P.M.**

## **CALL TO ORDER**

Mayor Matas called the Regular Session to order at 6:01 P.M.

## **ROLL CALL**

Present:

Council Members: Russell Betts, Gary Gardner, Robert Griffith

Mayor Pro Tem: Jan Pye

Mayor: Scott Matas

## **SELECTION OF MAYOR PRO TEM**

Action: Gardner moved to ratify Mayor Matas' selection of Robert Griffith as Mayor Pro Tem, motion seconded by Betts, motion carried 5/0 by the following vote:

Vote:

AYES: 5 - Betts, Matas, Pye, Gardner, Griffith

Passed

NOES: 0 - (None)

## **INVOCATION**

Pastor James Baylark gave the Invocation.

## **PLEDGE OF ALLEGIANCE**

Council Member Betts 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: Gardner moved to approve the December 3, 2019 Regular meeting agenda; and approve the Consent Calendar in its entirety (with Council Member Betts voting no on Item 23) , 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)

## **PUBLIC COMMENTS**

Cyndi Conner expressed concerns regarding the sidewalk vendor ordinance.

Crystal Baylark invited the community to an upcoming Town Hall meeting at First Community Baptist Church.

Chuck Parker spoke regarding the Salton Sea; and requested a letter of support for the Salton Sea Coalition.

Bob Terry spoke regarding the Salton Sea.

Betty Stampley invited the community to an event at the First Community Baptist Church.

Melanie Lyons, Senior Center Director, invited the City Council to the Senior Center's annual holiday party.

Shandry Garon expressed concerns regarding traffic at Desert Springs Middle School; and expressed the need for a crossing guards.

## CITY MANAGER REPORT

Danny Porras, Public Works Director, provided an update regarding the safety improvement projects along Palm Drive; and the parking lot lighting at the KMart shopping center.

Doria Wilms, Assistant City Manager, introduced the City's new Economic Development Manager, Denise Hamet.

Roberta Crncic, Executive Program Manager, invited the community to the 2019 Parade of Lights and Holiday Festival.

## MAYOR AND COUNCIL MEMBER REPORTS

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

Council Member Pye reported on the various meetings and events she attended.

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

Mayor Pro Tem Griffith reported on

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

## PUBLIC HEARINGS:

5. 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

*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;
  - 6) Opportunity for Applicant Rebuttal
  - 7) Close the Public Hearing;
  - 8) City Council discussion and questions to Staff; and
  - 9) Recommendation to continue the Public Hearing off calendar to a date uncertain for the following:
    - A) Certification of the Addendum to the Final Environmental Impact Report and Mitigation Monitoring Program for the Tuscan Hills Specific Plan; and
    - B) 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

- C) Tentative Tract Map Nos. 36774, 37300, 37301, 37302, and 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, and 638-330-001, 002, 003, and 632-270-006)

*Mayor Pro Tem Griffith recused because he voted on the Project when he served on the Planning Commission.*

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

Mayor Matas opened the Public Hearing.

Shandra Garon inquired about the item/project.

Action: Betts moved to continue the Public Hearing to a date uncertain, motion seconded by Gardner, motion carried 4/0 by the following vote:

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

6. [Annexation No. 37 to the City of Desert Hot Springs Community Facilities District No. 2010-1 \(Services\) for APN 665-110-006. Located East of Little Morongo Road, and North of Dillon Road.](#)

*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 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. 37)
  - 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. 37).

Geoffrey Buchheim, Finance Director, advised that ballot was not received from the property owner and recommended continuance.

Action: Gardner moved to continue to January 21, 2020, motion seconded by Griffith, motion carried 5/0 by the following vote:

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

7. [Creating Special Tax Area 43 \(Mirali Zarrabi\) for APN 665-110-006 Located North of Dillon Road and East of Little Morongo Road Within the Desert Springs Special Public Safety Tax Area](#)

*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 of Staff;  
7) Hold the election;  
8) Canvass the election; and  
9) Adopt an Ordinance Establishing a Special Public Safety Tax Area Zone 43 (Mirali Zarrabi).

Geoffrey Buchheim, Finance Director, advised that ballot was not received from the property owner and recommended continuance.

Action: Griffith moved to continue to January 21, 2020, motion seconded by Gardner, motion carried 5/0 by the following vote:

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

8. [Ortega Drive Vacation](#)

*Public Works Director, Daniel Porras*

**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) Adopt a Resolution of the City Council of the City of Desert Hot Springs, California, approving the vacation of Ortega Drive for public roadway purposes, generally located between Eliseo Road and Agua Cayendo Road, and reserving of easement for public utilities; and  
9) Direct the City Clerk to record the Resolution.

Daniel Porras, Public Works Director, presented the staff report; and responded to questions.

Mayor Matas opened the Public Hearing.

Maria Lease spoke in support.

Chandra Garon expressed concerns regarding crime rates.

Martin Carreon spoke in a neutral position.

Mayor Matas closed the Public Hearing.

A discussion ensued.

Action: Betts moved to approve staff recommendation and adopt *Resolution No. 2019-051*; with a future condition that any street remnants be removed to result in a contiguous property, motion seconded by Gardner, motion carried / by the following vote:

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

9. **AB 1600 Annual Report - Development Impact Fees and Resolution Making Findings and Reaffirming the Necessity of Certain Development Impact Fees**

*Finance Director, Geoffrey Buchheim*

**Recommendation:**

- 1) Staff Report
- 2) Entertain questions from Staff and 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) Review and accept the AB 1600 Annual Report on Development Impact Fees for the period ending June 30, 2019 (Exhibit 1); and
- 9) Adopt a Resolution of the City Council making findings and reaffirming the necessity of certain Development Impact Fees.

Geoffrey Buchheim, Finance Director, presented the staff report; and responded to questions.

Mayor Matas opened the Public Hearing.

Kenny Dickerson spoke opposed.

Mayor Matas closed the Public Hearing.

Action: Betts moved to approve staff recommendation and adopt *Resolution No. 2019-058*; with direction that the Master Facilities Plan date be referenced in the Resolution, motion seconded by Pye, motion carried 5/0 by the following vote:

Vote:  
Passed

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

### **ADMINISTRATIVE CALENDAR:**

**10. Audited Financial Statements and Housing Compliance Report for Fiscal Year 2018-2019**

*Finance Director, Geoffrey Buchheim*

**Recommendation:** Receive and file.

Geoffrey Buchheim, Finance Director, introduced Frances Kuo, The Pun Group.

Frances Kuo, The Pun Group, presented the Auditor's Report for FY 2018-19.

Martin Carreon inquired about pensions.

The Report was received and filed.

**11. Approval of Parcel Map No. 37606, for Moreland California Properties LLC, and Acceptance of Dedication of Easements for Street and Public Utility Purposes**

*Public Works Director, Daniel Porras*

**Recommendation:** 1) Find that the Parcel Map No. 37606 is in substantial conformance with the previously approved tentative map;  
2) Approve Parcel Map 37606 in accordance with the Conditions of Approval;  
3) Accept the dedication of easement offered on the map for street and public utility purposes;  
4) Authorize the City Clerk and City Engineer to sign the map evidencing the City Council's approval; and  
5) Authorize staff to process and file the map with the County Recorder's Office.

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

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

Vote:  
Passed

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

**12. Grocery Outlet - Traffic Signal Fair Share Agreement**

*Public Works Director, Daniel Porras*

**Recommendation:** Authorize the City Manager to execute the Agreement for Payment of Fair Share of Development Impact Fees by and between the City of Desert Hot Springs and Best Development Group LLC. for the fair share cost of the

installation of a new Traffic Signal at the intersection of Palm Drive and Park Lane.

*Mayor Pro Tem Griffith recused because he voted on the Project when he served on the Planning Commission.*

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

Shandra Garon inquired about utilizing the existing KMart shopping center for the Project.

Action: Betts moved to approve staff recommendation, motion seconded by Gardner, motion carried 4/0 by the following vote:

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

**13. Purchase of Twenty (20) New Kennel Doors and Side Panels for the Animal Care and Control Facility**

*Chief of Police, Jim Henson*

**Recommendation:** Authorize the purchase of twenty (20) new kennel doors and side panels to be installed at the Animal Care and Control Facility from Shor-Line in the amount of \$60,377.19 (includes the removal of existing doors and installation).

Jim Henson, Chief of Police, presented the staff report.

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

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

*The City Council recessed at 8:01 P.M.*

*The City Council reconvened at 8:08 P.M.*

**14. Community Development Block Grant (CDBG) Program for Fiscal Year 2020-2021**

*Public Works Director, Daniel Porras*

**Recommendation:** 1) Approve the rehabilitation of Hot Springs Park into Reflection Park; and  
2) Adopt a Resolution of the City Council authorizing participation in and authorizing the City Manager to approve all agreements and necessary documents associated with the Community Development Block Grant (CDBG) for Fiscal Year 2020-2021.

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

Action: Pye moved to approve staff recommendation and adopt *Resolution No. 2019-059*, 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. (Successor Agency) Recognized Obligation Payment Schedule (ROPS 20-21) for the Period of July 1, 2020 Through June 30, 2020**

*Finance Director, Geoffrey Buchheim*

**Recommendation:** Adopt a Resolution of the Successor Agency approving the Recognized Obligation Payment Schedule (ROPS 20-21) and Administrative Budget for the Successor Agency for the period of July 1, 2020 through June 30, 2021.

Geoffrey Buchheim, Finance Director, presented the staff report.

Action: Betts moved to approve staff recommendation and adopt *Resolution No. SA-2019-003*, motion seconded by Gardner, 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: November 19, 2019**

*City Clerk, Jerryl Soriano, CMC*

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

**17. Resolution Reporting Compliance with the Annual Inspection of Certain Occupancies Pursuant to Section 13146.2 and 13146.3 of the California Health and Safety Code**

*Cal Fire Division Chief, Tyrell Davis*

**Recommendation:** Adopt a Resolution of the City Council of the City of Desert Hot Springs reporting compliance with the annual inspection of certain occupancies pursuant to Section 13146.2 and 13146.3 of the California Health and Safety Code

*Resolution No. 2019-060*

**18. Contracts Management Report as of November 15, 2019**

*Finance Director, Geoffrey Buchheim*

**Recommendation:** Receive and file.

19. [Second Reading and Adoption of an Ordinance Amending the City's Zoning Map \(ZMA 01-19\)](#)

*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, 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) and 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 Gorgonio Street (APN's: 656-140-002, 005, 007, 011, 016, 014, 018 & 656-255-003, 005, 007 and 656-150-011)."

*Ordinance No. 699*

20. [Second Reading and Adoption of an Ordinance Amending Table 17.02.02 of the Desert Hot Springs Municipal Code Titled "Residential Development Standards"](#)

*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 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."

*Ordinance No. 700*

21. [Second Reading and Adoption of an Ordinance Amending Desert Hot Springs Municipal Code Chapter 12.04 Regarding Camping Restrictions](#)

*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 12.04 of the Desert Hot Springs Municipal Code regarding camping restrictions."

*Ordinance No. 701*

22. **Second Reading and Adoption of an Ordinance Amending Title 6 of the Desert Hot Springs Municipal Code to Prohibit Roosters Within City Limits**

*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 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.

*Ordinance No. 702*

23. **Second Reading and Adoption of: 1) An Ordinance Regarding Disclosure of Campaign Contributions; and 2) An Ordinance Pertaining to City Council Vacancies**

*City Clerk, Jerryl Soriano, CMC*

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

- 1) "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
- 2) "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."


- 1) *Ordinance No. 703*
- 2) *Ordinance No. 704*

**PUBLIC COMMENTS**

None.

**ADJOURN**

Mayor Matas adjourned the meeting 8:16 P.M.

  
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Jerryl Soriano, CMC, City Clerk