



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

JANUARY 21, 2020

4:00 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**

CLOSED SESSION - 4:00 P.M.

CALL TO ORDER

Mayor Matas called the Closed Session to order at 4:00 P.M.

ROLL CALL

Present:

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

3. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Potential Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: One Potential Case

4. 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 entity who has threatened litigation against the City, although no formal claim or action has been filed.

PRESENTATIONS - 5:15 P.M.

5. 2020 Census Proclamation

Mayor, Scott Matas

Mayor Matas presented the Proclamation to Dr. Arturo Hernandez and Tom Tuckwood with the United States Census Bureau.

6. Desert Hot Springs Multi-Year Financial Forecast Presentation

Urban Futures, Inc., Michael Busch

Geoffrey Buchheim, Finance Director, introduced Michael Busch, Urban Futures, Inc., who presented the Multi-Year Financial Forecast Report.

7. Introduction and Swearing-In of New Police Officer

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

Jim Henson, Chief of Police, introduced Officer Emmanuel Arista.

Jerryl Soriano, City Clerk, administered the Oath.

RECESS

The City Council recessed at 5:42 P.M.

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, Jan Pye
Mayor Pro Tem: Robert Griffith
Mayor: Scott Matas

INVOCATION

Reverend Kephyan Sheppard gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Griffith led the Pledge of Allegiance.

CITY ATTORNEY REPORT ON CLOSED SESSION

Jennifer Mizrahi, City Attorney, advised that under Closed Session Item 3, the City Council voted 4-1 (Council Member Betts opposed) to commence action.

APPROVAL OF THE AGENDA

Action: Gardner moved to approve the January 21, 2020 Regular Meeting agenda; 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

Melanie Lyons, Senior Center Manager, provided Senior Center updates and announcements.

Pat Yarborough spoke regarding services for senior citizens.

Beverly Whatley spoke regarding services for senior citizens; and expressed the need for a traffic signal on Palm Drive at Skys Haven.

CITY MANAGER REPORT

Daniel Porras, Public Works Director, reported on paving and safety improvement project along Palm Drive.

MAYOR AND COUNCIL MEMBER REPORTS

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

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

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

Mayor Pro Tem Griffith reported on the various meetings and events he attended.

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

PUBLIC HEARINGS:

8. Annexation No. 18, Zone 19 to the City of Desert Hot Springs Landscape and Lighting Maintenance District No. 2 (Rancho Del Oro)

Public Works Director, Daniel Porras

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 of the annexation;
5) Take public testimony from those opposed to the annexation;
6) Take public testimony from those in a neutral position;
7) Close the Public Hearing;
8) City Clerk tabulates the assessment ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment and declares the results;
9) If no majority protest, City Council to adopt a "Resolution Ordering the Annexation of property (Annexation No. 18, Zone 19) to the City of Desert Hot Springs Landscape and Lighting Maintenance District No. 2 and Levying Assessment; OR
If a majority protest exists, it is recommended that the City Council not adopt the resolution.

Council Member Betts recused. Owns property within the Subdivision.

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

Mayor Matas opened the Public Hearing.

Andre Richards spoke opposed to the annexation.

Brian Cross spoke opposed to the annexation.

Jeanine McCloud spoke opposed to the annexation.

Chris Robertson spoke opposed to the annexation.

Karen Pacheco spoke opposed to the annexation.

Julius Colangelo spoke opposed to the annexation.

Christy Courtney spoke opposed to the annexation.

Mayor Matas closed the Public Hearing.

A discussion ensued.

At this time, the City Council tabled the Public Hearing while City Clerk Staff canvassed the election of returned ballots.

Item 9 was considered at this time.

At 8:00 P.M., the City Council reconvened the Public Hearing.

Jerryl Soriano, City Clerk, advised that the final vote count resulted in 66 "yes" votes and 47 "no" votes. Therefore, the assessment passed due to no majority protest.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2020-001*, motion seconded by Pye, motion carried 4/0 by the following vote:

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

9. (Continued from December 3, 2019) 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 continued from December 3, 2019;
 - 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, presented the staff report.

Mayor Matas opened the Public Hearing.

There was no public testimony.

Mayor Matas closed the Public Hearing.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2020-002* (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 results and advised that the property owner voted in favor of the annexation.

Action: Gardner moved to approve staff recommendation and adopt *Resolution No. 2020-003* (declaring election results), motion seconded by Pye, motion carried 5/0 by the following vote:

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

10. (Continued from December 3, 2019) 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 continued from December 3, 2019;
- 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, presented the staff report.

Mayor Matas opened the Public Hearing.

There was no public testimony.

Mayor Matas closed the Public Hearing.

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

Action: Griffith moved to approve staff recommendation and adopt *Ordinance No. 705*, motion seconded by Gardner, motion carried 4/1 by the following vote:

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

ADMINISTRATIVE CALENDAR:

11. Addendum to the Third Amendment and Restatement of the Coachella Valley Association of Governments (CVAG) Joint Powers Agreement

City Clerk, Jerryl Soriano, CMC

Recommendation: Approve the addendum to the Third Amendment and Restatement of the CVAG Joint Powers Agreement, which establishes the Torres Martinez Desert Cahuilla Indians as formal members.

Jerryl Soriano, City Clerk, presented the staff report.

Action: Griffith 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. Resolution Authorizing the Issuance of Special Tax Refunding Bonds for and on Behalf of the City of Desert Hot Springs Community Facilities District No. 2006-1 Improvement Area No. 1, Approving and Directing the Execution of a Fiscal Agent Agreement, Approving Sale of Such Bonds, and Approving other Related Documents and Actions

Finance Director, Geoffrey Buchheim

Recommendation: Adopt a Resolution of the City Council authorizing the issuance of refunding bonds for and on behalf of Community Facilities District No. 2006-1 Improvement Area 1, approving the sale of such bonds and approving other related documents and actions described herein.

Geoffrey Buchheim, Finance Director, presented the staff report.

Michael Busch, Urban Futures, responded to questions.

Action: Betts moved to approve staff recommendation and adopt *Resolution No. 2020-004*, motion seconded by Gardner, motion carried / by the following vote:

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

13. Consideration of an Ordinance Increasing the Salary of City Councilmembers and Mayor

Deputy City Manager, Luke Rainey

Recommendation: Consider introducing for First Reading and read by title only, "An Ordinance of the City Council Amending Section 2.04.020 of Chapter 2.04 "City Council" of the Desert Hot Springs Municipal Code Increasing the Salary of City Councilmembers and Mayor."

Luke Rainey, Deputy City Manager, presented the staff report.

Dwayne Prason spoke in support.

Jessica Gilbert spoke in support.

James Nindel spoke in support.

A discussion ensued.

Action: Pye moved to approve 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. Discussion Item: American Dog Kennel Breeding Ordinance

Mayor, Scott Matas

Recommendation: Consider whether to place an item regarding "American Dog Kennel Breeding Ordinance" on a future agenda for action.

Mayor Matas presented the report.

A discussion ensued.

Action: Pye 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)

The City Council recessed at 7:45 P.M.

The City Council re-convened Item No. 8 at 8:00 P.M.

CONSENT CALENDAR:

15. City Council Regular Meeting Minutes: December 3, 2019

City Clerk, Jerryl Soriano, CMC

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

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

Finance Director, Geoffrey Buchheim

Recommendation: Receive and file.

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

Finance Director, Geoffrey Buchheim

Recommendation: Receive and file.

18. Treasurer's Report for the Month of October 2019

Finance Director, Geoffrey Buchheim

Recommendation: Receive and file.

19. Treasurer's Report for the Month of November 2019

Finance Director, Geoffrey Buchheim

Recommendation: Receive and file.

PUBLIC COMMENTS

None.

ADJOURN

Mayor Matas adjourned the meeting at 8:03 P.M.

Jerryl Soriano, CMC, City Clerk