



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

MAY 5, 2020

3:00 P.M. – CLOSED SESSION

6:00 P.M. – REGULAR SESSION

**CITY COUNCIL CHAMBERS
Carl May Community Center
11711 West Drive, Desert Hot Springs, California**

CLOSED SESSION - 3:00 P.M.

CALL TO ORDER

Mayor Matas called the Closed Session to order at 3:00 P.M.

ROLL CALL

Present:

Council Member: Russell Betts (via videoconference)
Council Member: Gary Gardner (via videoconference)
Council Member: Jan Pye (via videoconference)
Mayor Pro Tem: Robert Griffith (via videoconference)
Mayor: Scott Matas (via videoconference)

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

2. THREAT TO PUBLIC SERVICES OR FACILITIES

(Gov. Code section 54957(a).)

Consultation with: Desert Hot Springs Police Department - Chief Henson, or his designee

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 Member: Russell Betts (via videoconference)
Council Member: Gary Gardner (via videoconference)
Council Member: Jan Pye (via videoconference)
Mayor Pro Tem: Robert Griffith (via videoconference)
Mayor: Scott Matas (via videoconference)

INVOCATION

The Invocation was held during "Mayor and Council Member Reports."

PLEDGE OF ALLEGIANCE

Council Member Gardner led the Pledge of Allegiance.

CITY ATTORNEY REPORT ON CLOSED SESSION

Jennifer Mizrahi, City Attorney, advised that the City Council voted 5-0 to adopt *Resolution No. 2020-016* entitled "A Resolution of the City Council of the City of Desert Hot Springs, California, Requiring All Persons to Wear Protective Face Coverings and Practice Social Distancing in Light of the City-Declared Emergency Pertaining to COVID-19."

APPROVAL OF THE AGENDA

Action: Betts moved to approve the May 5, 2020 Regular Meeting agenda; and approve the Consent Calendar in its entirety, motion seconded by Griffith, motion carried 5/0 by the following vote:

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

PUBLIC COMMENTS

Jessica Gilbert announced that the Rotary Club would be holding a Comedy Night event via Zoom.

CITY MANAGER REPORT

Luke Rainey, Deputy City Manager, reported on Royal Emerald, a pharmaceutical research and development facility that will be located at the former Kmart building.

Doria Wilms, Assistant City Manager, provided an update regarding COVID-19.

Daniel Porras, Public Works Director, provided an update regarding Phase II of the Palm Drive Lighting and Safety Improvements project; and the traffic signal projects.

Jim Henson, Chief of Police, announced that there would be a COVID-19 testing site at the Lozano Community Center.

Geoffrey Buchheim, Finance Director, provided an update regarding the status of the City's financial forecast as a result of COVID-19 and the budget development process for FY 2020-21.

MAYOR AND COUNCIL MEMBER REPORTS

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

At this time, Pastor Jerry Johnson gave the Invocation.

Council Member Betts reported on the various meetings he attended.

Council Member Pye reported on the various meetings she attended.

Council Member Gardner reported on the various meetings he attended.

Mayor Matas reported on the various meetings he attended.

PUBLIC HEARINGS:

3. Development Permit No. 20-5: An Application to Develop 11 Single-Family Homes Within the Sunset Springs Residential Development Tract Map No. 31235

Community Development Director, Rebecca Deming

Recommendation:

- 1) Staff Report
- 2) Entertain questions of Staff from the Planning Commission;
- 3) Open Public Hearing;
- 4) Take testimony from Applicant;
- 5) Take public testimony for 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) Planning Commission discussion and questions to Staff; and
- 11) Recommendation for approval of Development Permit No. 20-5 to develop 11 single family homes within the Sunset Springs Residential Development Tract Map No. 31235.

Council Member Betts recused. Owns property within 500 feet of the development.

Patricia Villagomez, Assistant Planner, presented the staff report.

Mayor Matas opened the Public Hearing.

There was no testimony.

Mayor Matas closed the Public Hearing.

Action: Gardner moved to approve 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

4. An Ordinance Amending Desert Hot Springs Municipal Code Section 17.40.110 Fences, Walls and Hedges

Community Development Director, Rebecca Deming

Recommendation:

- 1) Staff Report;
- 2) Entertain questions of Staff from the City Council
- 3) Open Public Hearing;
- 4) Take public testimony from those 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 for First Reading and read by title only: "An Ordinance of the City Council of the City of Desert Hot Springs, California Amending Desert Hot Springs Municipal Code Section 17.40.110 Fences, Walls and Hedges"

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.

A discussion ensued.

Action: Gardner moved to approve the recommendation with the following changes: 1) allow post and wire not exceed 48 inches, or split rail not to exceed 6 feet may be used along the perimeter of a vacant property; and 2) chain link up to 6 feet may be permitted only as permitted in Section 17.40.110(C)(2), motion seconded by Matas, motion carried 3/2 by the following vote:

As an amended motion, Council Member Betts moved that concrete construction grade block wall shall not be used for decorative wall even if color matched with existing structure, unless some type of coating is used to upgrade its appearance. The motion failed for lack of a second.

Vote: AYES: 3 - Matas, Gardner, Griffith
Passed NOES: 2 - Betts, Pye

5. An Ordinance Amending Chapter 17.180 "Definitions" of Testing Facility, to Allow for Cannabis Facilities That are Licensed by the Federal Government Itself or by the State Government Itself

Community Development Director, Rebecca Deming

Recommendation:

- 1) Staff Report;
- 2) Entertain questions of Staff from the City Council
- 3) Open Public Hearing;
- 4) Take public testimony from those 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 for First Reading and read by title only: "An Ordinance of the City Council of the City of Desert Hot Springs, Amending Chapter 17.180 "Definitions" of Testing Facility, To Allow for Cannabis Facilities That are Licensed by the Federal Government Itself or by the State Government Itself."

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: Betts moved to approve the 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)

6. An Ordinance Amending Sections 17.12.080 (Convenience Stores - Commercial Districts) And 17.16.060 (Convenience Stores- Industrial Districts) of the Desert Hot Springs Municipal Code Regarding Convenience Stores

Community Development Director, Rebecca Deming

Recommendation: 1) Staff Report;
2) Entertain questions of Staff from the City Council
3) Open Public Hearing;
4) Take public testimony from those 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 for First Reading and read by title only: "An Ordinance of the City Council of the City of Desert Hot Springs Amending Sections 17.12.080 (Convenience Stores - Commercial Districts) And 17.16.060 (Convenience Stores- Industrial Districts) of the Desert Hot Springs Municipal Code Regarding Convenience Stores"

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: Betts moved to approve the recommendation amended to prohibit public payphones, 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:

7. An Ordinance Amending the Desert Hot Springs Municipal Code in Order to Establish a Board to Hear Appeals Involving California Building Code Issues *Community Development Director, Rebecca Deming*

Recommendation: Introduce and read by title only: "An Ordinance of the City Council of the City of Desert Hot Springs, California 1) Adding Chapter 2.72 "Appeals Board" to Title 2 "Administration and Personnel,"; 2) Amending Section 4.16.085 "Public Nuisance Hearing"; 3) Amending Various Sections of Chapter 4.16.110 "Procedures for Appeal of a Notice of Public Nuisance and Order to Abate" of Title 4 "Public Nuisances" 4) and Adding Section 15.03.040 to Chapter 15.03 "Administration" of Title 15 "Buildings and Construction" of the Desert Hot Springs Municipal Code in order to establish a board to hear appeals involving California Building Code issues.

Keith Hightower, Building Official, presented the staff report.

Pye moved to approve staff recommendation, motion seconded by Gardner.

As a friendly amendment, Council Member Gardner proposed to allow the City Manager to appoint members to the appeals board instead of the City Council.

Council Member Pye did not accept the friendly amendment. Council Member Gardner withdrew his second to the motion.

A discussion ensued.

Action: Pye moved to approve staff recommendation amending the proposed ordinance to reflect that 1) all hearing officers shall be retired or practicing attorneys who are impartial third parties knowledgeable in applicable building codes, regulations, and ordinances; and 2) That the City Council desires to act ex officio as the appeals board, motion seconded by Betts, motion carried 5/0 by the following vote:

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

8. Disbandment of the Community and Cultural Affairs Commission *Assistant City Manager, Doria Wilms*

Recommendation: Introduce for First Reading and read by title only: "An Ordinance of the City Council amending Chapter 2.44 of the Desert Hot Springs Municipal Code, disbanding the City's Community and Cultural Affairs Commission and granting certain authority to the City Manager or his/her designee."

Doria Wilms, Assistant City Manager, presented the staff report and responded to questions.

Action: Pye 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)

CONSENT CALENDAR:

9. City Council Regular Meeting Minutes: April 21, 2020

City Clerk, Jerryl Soriano, CMC

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

PUBLIC COMMENTS

None.

ADJOURN

Mayor Matas adjourned the meeting at 8:05 P.M.

Jerryl Soriano, CMC, City Clerk