

POSTED AGENDA
REGULAR PALM DESERT CITY COUNCIL MEETING
THURSDAY, MAY 10, 2018
CIVIC CENTER COUNCIL CHAMBER
73510 FRED WARING DRIVE, PALM DESERT, CA 92260

I. CALL TO ORDER - 3:00 P.M.

II. ROLL CALL

III. ORAL COMMUNICATIONS - A (CLOSED SESSION ITEMS)

Any person wishing to discuss any item not appearing on the agenda that is within the subject matter jurisdiction of the City Council, Successor Agency to the Palm Desert Redevelopment Agency, or Palm Desert Housing Authority may address them at this point by stepping to the lectern and giving his/her name and address for the record. Remarks shall be limited to a maximum of three (3) minutes unless additional time is authorized by the City Council, Successor Agency, or Housing Authority. Because the Brown Act does not allow the City Council, Successor Agency, or Housing Authority to take action on items not on the Agenda, members will not enter into discussion with speakers but may briefly respond or instead refer the matter to staff for report and recommendation at a future City Council, Successor Agency, or Housing Authority meeting.

IV. ADJOURN TO CLOSED SESSION

Request for Closed Session:

- A. Conference with Legal Counsel regarding significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):
Number of potential cases: 2

V. RECONVENE REGULAR MEETING - 4:00 P.M.

- A. REPORT ON ACTION FROM CLOSED SESSION.

Action:

VI. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA - Councilmember Kathleen Kelly

VII. INVOCATION - Councilmember Jan C. Harnik

Reports and documents relating to each of the following items listed on the agenda, including those received following posting/distribution, are on file in the Office of the City Clerk and are available for public inspection during normal business hours, Monday - Friday, 8:00 a.m. - 5:00 p.m., 73510 Fred Waring Drive, Palm Desert, CA 92260, telephone (760) 346-0611.

VIII. AWARDS AND PRESENTATIONS

- A. PRESENTATION OF PROCLAMATION DECLARING MAY 6 - 12, 2018, AS "PUBLIC SERVICE RECOGNITION WEEK" IN THE CITY OF PALM DESERT.

Action:

- B. PRESENTATION OF PROCLAMATION DECLARING MAY 2018 AS "BUILDING SAFETY MONTH" IN THE CITY OF PALM DESERT.

Action:

- C. PRESENTATION OF UPDATE ON THE LIVING DESERT'S RENOVATION PROJECT BY PRESIDENT/CEO ALLEN MONROE.

Action:

IX. ORAL COMMUNICATIONS - B

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X. MAYOR AND COUNCILMEMBER REPORTS & REMARKS TO THE COMMUNITY

- A. Councilmember Jan C. Harnik Committee Reports and General Comments.

Action:

- B. Councilmember Kathleen Kelly Committee Reports and General Comments.

Action:

- C. Councilmember Gina Nestande Committee Reports and General Comments.

Action:

- D. Mayor Pro Tem Susan Marie Weber Meeting Summaries Report for the Period of April 9-15, 2018.

Rec: Receive and file.

Action:

- E. Mayor Sabby Jonathan Committee Reports and General Comments.

Action:

- F. City Council Requests for Action.

Action:

- G. City Council Consideration of Travel Requests/Reports.

Action:

XI. STAFF REPORTS AND REMARKS

- A. City Manager

1. City Manager's Meeting Summaries Report for the Period of April 16-27, 2018.

Rec: Receive and file.

Action:

- B. City Attorney

- C. City Clerk

- D. Public Safety
 - 1. Fire Department
 - 2. Police Department

XII. CONSENT CALENDAR

ALL MATTERS LISTED ON THE CONSENT CALENDAR ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE ROLL CALL VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL OR AUDIENCE REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION AND ACTION UNDER SECTION XIII, CONSENT ITEMS HELD OVER, OF THE AGENDA.

- A. MINUTES of the Regular City Council Meeting of April 26, 2018.

Rec: Approve as presented.

- B. CLAIMS AND DEMANDS AGAINST THE CITY TREASURY - Warrants Dated 4/13/2018 and 4/20/2018.

Rec: Approve as presented.

- C. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Alkobar Quick Stop & Deli, 42005 Cook Street, Suite 110, Palm Desert.

Rec: Receive and file.

- D. RESOLUTION NO. 2018 - 21 - A Resolution of the City Council of the City of Palm Desert, California, Setting Forth Its Findings and Authorizing the Destruction of Paper Records that Have Been Digitally Imaged from the Department of Community Development/Planning, to Rely on the Electronic Record as the Official Record - Files From 1978 - 2009 (Exhibit "A").

Rec: Waive further reading and adopt.

- E. REQUEST FOR RATIFICATION of Purchase Order No. P113500 Issued to BMW Motorcycle of Riverside for Police Motorcycle Maintenance.

Rec: By Minute Motion, ratify increasing Purchase Order No. P113500 to BMW Motorcycle of Riverside to \$63,000 – funds are available in the FY 2017-2018 Police Services Budget.

- F. REQUEST FOR APPROVAL of a Second One-Year Extension to Contract with M & M Sweeping, Inc., for Commercial and Residential Street Sweeping Services in the Amount of \$140,809.56 (Contract No. C34242).

Rec: By Minute Motion, approve/authorize: 1) A second, one-year extension of subject contract with M & M Sweeping, Inc., Thousand Palms, California, for Commercial and Residential Street Sweeping in the amount of \$140,809.56; 2) Mayor to execute said contract extension – funds are available in the General Fund Account No. 1104310-4332000 - Street Repair and Maintenance.

- G. REQUEST FOR APPROVAL of a First Extension to Contract with Desert Limnologists, Inc. (d.b.a. Southwest Aquatics), for Lagoon and Water Features Maintenance Services in the Amount of \$34,999.92 (Contract No. C36001).

Rec: By Minute Motion: 1) Approve a first extension to subject contract with Desert Limnologists, Inc. (d.b.a. Southwest Aquatics), Palm Desert, California, for Lagoon and Water Features Maintenance Services in the amount of \$34,999.92; 2) include extra repair work and services in an amount not to exceed \$10,000; 3) authorize the City Manager to execute subject contract extension and all related documents, including any Change Orders and the related three, one-year extensions when and if deemed appropriate by staff – funds are available in General Fund Account Nos. 1104610-4332001 - R/M Landscape Services and 1104614-4332501 - R/M Other.

- H. REQUEST FOR ACCEPTANCE OF WORK for Contract No. C36470 – Charger Turf Removal and Landscaping Project (Project No. 960-17) (Candyl Golf Group, Inc., La Quinta, CA).

Rec: By Minute Motion, accept the work as complete and authorize City Clerk to file a Notice of Completion for the subject project.

- I. REQUEST FOR APPROVAL of Palm Desert's 2018 Independence Day Celebration.

Rec: By Minute Motion: 1) Preapprove and authorize expenditures in an amount not to exceed \$60,000 from the FY 2018-2019 Budget for production of the 2018 Independence Day Celebration event; 2) authorize City Manager to execute contract with Pyro Spectaculars, Inc., in the amount of \$40,000 for the fireworks display (Contract No. C37020A); 3) authorize City Manager to execute ancillary vendor contracts associated with production of the event in an amount not to exceed \$20,000 – funding for this event will be included as part of the FY 2018-2019 Budget and available in City-Produced Events Account No. 1104416-4306101.

- J. REQUEST FOR APPROVAL of a Sponsorship Agreement in the Amount of \$35,000 with Desert Biennial for the 2019 *Desert X* Exhibition (Contract No. C37030).

Rec: By Minute Motion:

- 1) Approve a Sponsorship Agreement in the amount of \$35,000 with Desert Biennial for the 2019 *Desert X* Exhibition to be held February 9 - April 21, with: a) Funds in the amount of \$20,000 being requested as part of the FY 2018-2019 Marketing Department Budget; b) funds in the amount of \$15,000 being requested as part of the FY 2018-2019 Public Art Budget Fund No. 436.
- 2) Authorize staff to finalize negotiations of the Sponsorship Agreement with Desert Biennial and authorize Mayor to execute same, subject to satisfaction of the City Attorney.
- 3) Waive all permit and inspection fees associated with the *Desert X* Exhibition.

- K. RESOLUTION NO. 2018 - 22 - A Resolution of the City Council of the City of Palm Desert, California, Supporting Proposition 69, the June 2018 Constitutional Amendment to Prevent New Transportation Funds Generated by Senate Bill 1 from Being Diverted for Non-Transportation Purposes.

Rec: Waive further reading and adopt.

- L. RESOLUTION NO. 2018 - 23 - A Resolution of the City Council of the City of Palm Desert, California, Opposing a Proposed 2018 Ballot Measure Sponsored by the California Business Roundtable and American Beverage Association that Limits Local Control.

Rec: Waive further reading and adopt.

- M. CONSIDERATION of a Letter of Support for SB 1043 (Newman) - Department of Veterans Affairs: Veterans' Services.

Rec: By Minute Motion, approve a letter of support for SB 1043 (Newman).

Action:

XIII. CONSENT ITEMS HELD OVER

XIV. RESOLUTIONS

- A. RESOLUTION NO. 2018 - 24 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AUTHORIZING PARTICIPATION IN THE COUNTY OF RIVERSIDE MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM.

Rec: Waive further reading and adopt.

Action:

XV. ORDINANCES

- A. For Introduction:

None

- B. For Adoption:

None

XVI. NEW BUSINESS

- A. REQUEST FOR APPROVAL OF THE PROPOSED ROUNDABOUT DESIGN CONCEPT FOR THE INTERSECTION OF SAN PABLO AVENUE AND SAN GORGONIO WAY AND SAN PABLO AVENUE AND THE COLLEGE OF THE DESERT'S EAST ENTRANCE AS PART OF THE SAN PABLO CORRIDOR IMPROVEMENTS PROJECT (PROJECT NO. 691-16).

Rec: By Minute Motion, authorize staff to proceed with the proposed roundabout design concept for the intersections of San Pablo and San Gorgonio Way and for San Pablo and College of the Desert's east entrance as part of the San Pablo Corridor Improvements Project.

Action:

- B. CONSIDERATION OF THE APPROVAL OF AMENDMENTS TO THE PALM DESERT MUNICIPAL CODE, CHAPTER 5.10, AND ADOPTION OF A RESOLUTION SETTING FORTH A POLICY FOR SHORT-TERM RENTAL HARDSHIP EXTENSIONS.

Rec: 1) Waive further reading and: a) Pass Ordinance No. 1338 to second reading, amending Palm Desert Municipal Code Section 5.10.070 and adding Section 5.10.075 related to Short-Term Rental (STR) Hardship Extensions; b) adopt Resolution No. 2018 - 25, authorizing a policy for STR Hardship Extensions.

2) By Minute Motion, provide staff direction related to the appropriateness of a Fee Schedule for submission of an STR Hardship Extension Application.

Action:

- C. REQUEST FOR AWARD OF CONTRACT FOR LANDSCAPE MAINTENANCE AREA NO. 6 TO HORIZON PROFESSIONAL LANDSCAPE IN THE AMOUNT OF \$86,400 AND AUTHORIZE RELATED REPAIR WORK AND SERVICES FOR AN AMOUNT NOT TO EXCEED \$25,000 (CONTRACT NO. C36580, PROJECT NO. 906-19).

Rec: By Minute Motion: 1) Award subject contract for Landscape Maintenance Area No. 6 to Horizon Professional Landscape, Coachella, California, in the amount of \$86,400; 2) authorize City Manager to approve extra repair work and services for an amount not to exceed \$25,000; 3) authorize City Manager to execute said contract – funds are available in Account No. 4414195-4332000 - R/M Desert Willow.

Action:

- D. REQUEST FOR AWARD OF CONTRACT FOR LANDSCAPE MAINTENANCE AREA NO. 9 TO MARIPOSA LANDSCAPES, INC., IN THE AMOUNT OF \$211,680 AND AUTHORIZE RELATED REPAIR WORK AND SERVICES FOR AN AMOUNT NOT TO EXCEED 20% OF THE CONTRACT (CONTRACT NO. C36590, PROJECT NO. 909-19).

Rec: By Minute Motion: 1) Award subject contract for Landscape Maintenance Area No. 9 to Mariposa Landscapes, Inc., Irwindale, California, in the amount of \$211,680; 2) authorize City Manager to approve extra repair work and services for an amount not to exceed 20% of the contract (or \$42,336); 3) authorize City Manager to execute said contract – funds are available in General Fund Account No. 1104614-4337001 - R/M Medians.

Action:

- E. REQUEST FOR AWARD OF CONTRACT FOR LANDSCAPE MAINTENANCE AREA NO. 17 TO EXCEL LANDSCAPE, INC., IN THE AMOUNT OF \$291,000 AND AUTHORIZE RELATED REPAIR WORK AND SERVICES FOR AN AMOUNT NOT TO EXCEED 20% OF THE CONTRACT (CONTRACT NO. C36600, PROJECT NO. 917-19).

Rec: By Minute Motion: 1) Award subject contract for Landscape Maintenance Area No. 17 to Excel Landscape, Inc., Corona, California, in the amount of \$291,000; 2) authorize extra repair work and services in an amount not to exceed 20% of the contract (or \$58,200); 3) authorize Mayor to execute said contract – funds are available in General Fund Account Nos. 1104610-4332001 - R/M Civic Center Park, 1104610-4337100 - Tri-Cities Sports Facility; and 1104611-4332001 - R/M Parks.

Action:

- F. REQUEST FOR AUTHORIZATION TO AWARD CONTRACT FOR PROFESSIONAL SERVICES TO FAMILY YMCA OF THE DESERT FOR MANAGEMENT AND STAFFING OF THE PALM DESERT AQUATIC CENTER FOR \$165,000 PLUS REIMBURSEMENT OF ALL COSTS (CONTRACT NO. C36620).

Rec: By Minute Motion: 1) Award subject contract for Professional Services to Family YMCA of the Desert, Palm Desert, California, for management and staffing of the Palm Desert Aquatic Center; 2) authorize the Mayor to execute said agreement – if actions are approved, funds are available in the following Account Nos: 2424549-4802101 - Aquatic Contracted Labor, 2424549-4309000 - Professional-Other, 2424549-4309300 - Professional-Other - Administrative Expenses, 2424549-4801100 - COGS - Food & Merchandise.

Action:

- G. REQUEST FOR AWARD OF CONTRACT FOR PROFESSIONAL ENGINEERING, LANDSCAPE ARCHITECTURE, AND UTILITY DESIGN SERVICES FOR THE PRESIDENT'S PLAZA EAST AND WEST PARKING LOT IMPROVEMENTS TO DUDEK OF LA QUINTA, CALIFORNIA, IN AN AMOUNT NOT TO EXCEED \$606,120 (CONTRACT NO. C37040, PROJECT NO. 758-14).

Rec: By Minute Motion: 1) Award subject contract for professional engineering, landscape architecture, and utility design services for the President's Plaza East and West Parking Lot Improvements to Dudek of La Quinta, California, in an amount not to exceed \$606,120; 2) authorize Mayor to execute the contract – funds are available in Account No. 4514692-4400100.

Action:

- H. REQUEST FOR AUTHORIZATION FOR CITY MANAGER TO SUBMIT A REQUEST FOR FUNDING TO THE DESERT HEALTHCARE DISTRICT, AND ANY OTHER AVAILABLE GRANT SOURCE, IN PARTNERSHIP WITH A HOMELESSNESS OUTREACH PROGRAM IN THE CITY OF PALM DESERT FOR FISCAL YEAR 2018-2019.

Rec: By Minute Motion, authorize the City Manager to submit a request for funding to the Desert Healthcare District (DHD), and any other available grant funding, for the purposes of funding a Homelessness Outreach Program in the City for FY 2018-2019.

Action:

XVII. CONTINUED BUSINESS

- A. CONSIDERATION OF A REQUEST TO REZONE THREE PARCELS FROM OPEN SPACE (OS) TO MIXED RESIDENTIAL (R-2) AND APPROVE A PRECISE PLAN AND CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF 69 CONDOMINIUM UNITS ON APPROXIMATELY 30 ACRES LOCATED ON THE FORMER PALM DESERT COUNTRY CLUB EXECUTIVE COURSE, Case Nos. PP/CUP/EA/CZ 16-280, (Christopher McFadden/McFadden Architects, Applicant) (Continued from the meetings of March 22 and April 26, 2018.

Rec: Waive further reading and:

- 1) Adopt Resolution No. 2018 - 16, approving Precise Plan, Conditional Use Permit, and Environmental Assessment (PP/CUP/EA) 16-280, subject to conditions.
- 2) Pass to second reading Ordinance No. 1337, approving Change of Zone 16-280 to rezone approximately 30 acres from Open Space (OS) to Mixed Residential (R-2), as shown in Exhibit "A."

Action:

XVIII. OLD BUSINESS

None

XIX. PUBLIC HEARINGS

- A. REQUEST FOR APPROVAL OF ADJUSTED RATES IN EXHIBITS 3A, 3B, 3C, AND 3D FOR BURRTEC WASTE AND RECYCLING SERVICES UNDER CONTRACT NO. C27410 AND REQUESTING COUNTY OF RIVERSIDE TO COLLECT THE ASSOCIATED COSTS FOR INDIVIDUALLY BILLED RESIDENCES ON THE TAX ASSESSOR'S PROPERTY TAX ROLL FOR FISCAL YEAR 2018-2019.

- Rec: 1) Conduct a public hearing and accept public comment related to collecting the Solid Waste and Recycling Service Charges for individually billed residences for FY 2018-2019 on the County of Riverside Assessor's Tax Roll, and related item stipulated therein; following public testimony, close the public hearing.
- 2) Waive further reading and adopt Resolution No. 2018 - 26, approving the adjusted rates in Exhibits 3A, 3B, 3C, and 3D for Burrtec Waste and Recycling Services (Burrtec) under Contract No. C27410; and requesting County of Riverside to collect the associated costs for individually billed residences on the Tax Assessor's Property Tax Roll for FY 2018-2019.
- 3) By Minute Motion, authorize the Mayor and/or City Manager to execute any documents necessary to effectuate the actions taken herewith.

Action:

- B. CONSIDERATION OF A PROPOSED PLAN FOR BOND ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR THE SANDS APARTMENT PROJECT LOCATED AT 74351 HOVLEY LANE EAST (Lee Newell, New Cities Investment Partners, LLC, Applicant).

- Rec: 1) Conduct a public hearing to accept comment regarding the subject request.
- 2) Waive further reading and adopt Resolution No. 2018 - 27, recommending that the California Statewide Communities Department Authority issue bonds for financing of the 388-unit Sands Apartment project.

Action:

C. REQUEST FOR APPROVAL OF OUTSIDE AGENCY FUNDING COMMITTEE RECOMMENDATIONS FOR FISCAL YEAR 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND USE OF FUNDING, FIVE-YEAR CONSOLIDATED PLAN (FY 2018-2019 THROUGH FY 2022-2023) AND ANNUAL ACTION PLAN FOR FY 2018-2019.

- Rec: 1) Conduct a public hearing and accept public comment related to the Community Development Block Grant (CDBG) Program proposed Final 5-Year Consolidated Plan (FY 2018-2019 through 2022-2023), Annual Action Plan (FY 2018-2019), FY 2018-2019 Funding Award Recommendations, and related items stipulated therein.
- 2) Following public testimony, close the public hearing.
- 3) By Minute Motion, approve/authorize:
- a) Outside Agency Funding Committee recommendations for FY 2018-2019 CDBG award of Subrecipients, Programs and/or Projects, and funding amounts as proposed.
 - b) Use of the FY 2018-2019 CDBG funding allocation awarded to the City of Palm Desert by the U. S. Department of Housing and Urban Development (HUD) for the proposed funding of Subrecipient's Programs and/or Projects, as recommended by the Committee.
 - c) City's FY 2018-2019 CDBG Annual Action Plan.
 - d) City's CDBG Five-Year Consolidated Plan.
 - e) Staff to submit the City's CDBG Consolidated Plan and Annual Plan to HUD.
 - f) Mayor and/or the City Manager to execute any documents necessary to effectuate the actions taken herewith.

Action:

XX. ADJOURNMENT

FUTURE MEETINGS:

May 14, 2018	6:00 p.m.	Youth Committee <u>Administrative Conference Room</u>
May 15, 2018	6:00 p.m.	Planning Commission <u>Civic Center Council Chamber</u>
May 16, 2018	3:00 p.m.	Library Promotion Committee <u>Administrative Conference Room</u>
May 22, 2018	10:00 a.m.	Audit, Investment & Finance Cmte. <u>North Wing Conference Room</u>
	12:00 p.m.	Architectural Review Commission <u>Development Services Conference Room</u>
May 24, 2018	3:00 p.m.	Reg. City Council/Successor-RDA Mtgs. <u>Civic Center Council Chamber</u>

I hereby certify, under penalty of perjury under the laws of the State of California, that the foregoing agenda for the Palm Desert City Council was posted on the City Hall bulletin board not less than 72 hours prior to the meeting. Dated this 3rd day of May, 2018. Note: This agenda is subject to amendment up to 72 hours in advance of the meeting.

Rachelle D. Klassen, City Clerk