

## MINUTES

### ~ ADJOURNED REGULAR ~ PALM DESERT CITY COUNCIL MEETING

THURSDAY, JUNE 30, 2016

CIVIC CENTER COUNCIL CHAMBER

73510 FRED WARING DRIVE, PALM DESERT, CA 92260

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

Chair Spiegel convened the meeting at 3:07 p.m.

#### II. ROLL CALL

Present:

Mayor Pro Tem Jan C. Harnik  
Councilman Sabby Jonathan  
Councilman Van G. Tanner  
Councilmember Susan Marie Weber  
Mayor Robert A. Spiegel

Also Present:

Justin McCarthy, Interim City Manager  
Robert W. Hargreaves, City Attorney  
Rachelle D. Klassen, City Clerk  
Russell Grance, Director of Building & Safety  
Ryan Stendell, Director of Community Development  
Martin Alvarez, Director of Economic Development  
Janet M. Moore, Director of Finance & Housing/City Treasurer  
Frankie Riddle, Director of Special Programs  
Bo Chen, City Engineer  
Stephen Y. Aryan, Risk Manager  
Anthony Baur, Asst. Chief, Palm Desert Police/Riverside Co. Sheriff's Department  
Dan Talbot, Division Chief, Palm Desert Fire/Riverside Co. Fire Dept./Cal Fire  
Grace L. Mendoza, Deputy City Clerk

#### III. ORAL COMMUNICATIONS - A (CLOSED SESSION ITEMS)

None

#### IV. ADJOURN TO CLOSED SESSION

Request for Closed Session:

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A. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

- 1) Property: Desert Willow Lot Pads-APNs 620-450-012, -014; 620-450-016, -018, -020; 620-370-002, -004, -017, -018, -020, -033, -043; 620-400-005, -026; 620-400-008, -010

Negotiating Parties:

Agency: Justin McCarthy/Rudy P. Acosta/ Martin Alvarez/City of Palm Desert/Successor Agency to the Palm Desert Redevelopment Agency

Property Owner: Successor Agency to the Palm Desert Redevelopment Agency

Under Negotiation:  Price  Terms of Payment

- 2) Property: APNs 640-370-018, 640-370-016, 640-370-015  
(Entrada del Paseo)

Negotiating Parties:

Agency: Justin McCarthy/Rudy Acosta/Martin Alvarez/  
City of Palm Desert

Property Owner: City of Palm Desert

Under Negotiation:  Price  Terms of Payment

- 3) Property: APN 627-071-013  
(San Antonio Circle/Alessandro West)

Negotiating Parties:

Agency: Justin McCarthy/Rudy P. Acosta/Martin Alvarez/  
City of Palm Desert

Property Owner: David & Agnes Holtz

Under Negotiation:  Price  Terms of Payment

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

A. REPORT ON ACTION FROM CLOSED SESSION.

None

With City Council concurrence, Mayor Spiegel adjourned the meeting to Closed Session of the City Council and Successor Agency at 3:08 p.m. He reconvened the meeting at 4:00 p.m.

**VI. PLEDGE OF ALLEGIANCE TO THE FLAG OF  
THE UNITED STATES OF AMERICA - Councilman Sabby Jonathan**

**VII. INVOCATION - Councilman Van G. Tanner**

**VIII. ORAL COMMUNICATIONS - B**

MR. GARY ROSENBLUM noted this was his 20<sup>th</sup> Anniversary of living in Palm Desert at Joshua Street in South Palm Desert. He added he was the Risk Manager for the City of Palm Desert for ten years from 2001 to 2011 and has recently returned from working at Nike in Portland, Oregon. Upon his return he discovered there are a lot of short-term rentals taking place in his neighborhood, and he knew the City has a strong Ordinance on this issue. He wasn't here to complain about the people doing the short-term rentals, as he personally didn't think it was such a bad idea. However, he informally pooled some of the owners of the properties and learned they weren't aware of the Ordinance and registration requirements. Therefore, he asked that the City boost its efforts to ensure all homeowners knew they had to register with the City as they get into Airbnb and all the other websites, especially over the summer and leading into the fall, when there will be massive amounts of rentals for the party events taking place in October. He said a number of people in the area are already talking about renting their houses for the concert events in the fall at huge prices. He reiterated the City should refresh its efforts, because anything the City can collect in Transient Occupancy Tax (TOT) from short-term rentals is obviously a benefit to the City.

MR. ED SCHILLER, Pitahaya Street, Palm Desert, thanked and encouraged the Council to continue to support the CV Link. He shared that he's been a board member on the CV Link for the past 2½ years, and prior to that, he was with Coachella Valley Community Trails Alliance. He said CV Link was a great project for Palm Desert, and he encouraged everyone to continue to vote in support of it. He didn't understand the naysayers, because the CV Link wouldn't be funded out of the City coffers, but from grant funds. Although grant funds were tax dollars, those dollars wouldn't be coming from the City. He said people should look at all the public amenities the City has provided to its residences, starting with the parks, the senior center, pools, baseball fields, football fields, soccer fields, and the CV Link would just be another asset. He could talk about all the economic benefits it will bring to the region and the connectivity of all the cities, adding that the CV Link will probably be the first and only project where all cities worked together, with the exception of two, but he believed they will be turned around in good time once they see it. He commented that nothing would ever get done in government if everything was brought to a vote, and the residents have already empowered the Councilmembers by voting them in. He believed the Council will make the right decision by supporting CVAG (Coachella Valley Association of Governments) in its efforts.

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MR. CARL CIESLIKOWSKI, Spyglass Lane, Palm Desert, noted he provided a written statement to City Councilmembers, which was received for the record and is now on file in the City Clerk's office; it sets out a summary of what's happened at Homme-Adams Park, addresses the debris and condition of the park, and the reluctance he is experiencing from staff to implement any of his suggestions. He said he felt strongly about the issues he raised, stating the park is a fantastic asset to the City and to many it was a social gathering place. He said everyone knew each other by the name of their dog. He went on to say the park was 95% done with the exception of the areas mentioned in his report that still needs rehabilitation. He added that he and his dog Arthur spend many hours picking up debris, and he wasn't charging a dime. He said it makes him feel better to contribute to this community. Also, part of his report is a suggestion for the City to examine a home electric and water saving idea.

Mayor Spiegel suggested he talk to Director of Community Development Ryan Stendell who is in charge of all the parks and hopefully some of the problems can be solved.

#### IX. AWARDS, PRESENTATIONS, AND APPOINTMENTS

A. PRESENTATION OF PROCLAMATION DECLARING THE CITY OF PALM DESERT AS A "PURPLE HEART CITY."

On behalf of the entire City Council, Mayor Pro Tem Harnik presented the proclamation to Mr. Len Tavernetti on behalf of the Military Order of Purple Heart, declaring the City of Palm Desert as a "Purple Heart City."

Mr. Tavernetti stated that in a few days the birth of our Country will be celebrated in the form of family gatherings, parades, etc., and it's nice to remember that our birthing didn't happen without pain. He said it was very rewarding to those that served and were wounded to realized that the support they had when they were serving never stopped, and being remembered in this form is very much appreciated.

B. PRESENTATION OF PROCLAMATION DECLARING THURSDAY, JUNE 30, 2016, AS "STARLIGHT DANCE CENTER DAY" IN THE CITY OF PALM DESERT.

On behalf of the entire City Council, Mayor Pro Tem Harnik presented the proclamation to Ms. Patty Williams, the owner of Starlight Dance Center. She was accompanied by Ms. Kim Glassman and Megan Ericks who provided inspirational testimonies of how Ms. Williams and the Dance Center was an integral part of their children's lives and their own.

Ms. Patti Williams thanked the City Council for this great honor. She shared that in 1990 when her two daughters started preschool, the school asked her to teach dance as part of their curriculum. It was then she realized the impact that dance and movement brought to children, parents, grandparents, and teachers when they saw how good children felt about what they had accomplished. She wanted to do more, so she opened Starlight Dance Center in 1996; this was her 20<sup>th</sup> Anniversary. She works with students with Cerebral Palsy, the blind, and the developmentally disabled. She helps people come back from injuries, surgeries, helping them gain confidence in their movement. Additionally, she supports the deaf community by bringing in signers when doing a production. Through her nonprofit, she hopes to get more funds to assist students with scholarships and continue to create productions at the McCallum Theatre. She said it was wonderful for these students to experience a professional lighting and sound production. She loves bringing dance to this community and she's very thankful for this honor.

C. REQUEST FOR ACCEPTANCE OF THE RESIGNATION OF EMILY BIRD-HRIVNAK FROM, AND APPOINTMENT OF ERIN SCOTT AND BARB WAGNER TO THE MARKETING COMMITTEE.

Councilman Tanner moved to, by Minute Motion: 1) Accept the resignation of Emily Bird-Hrivnak from the Marketing Committee with very sincere regret; 2) appoint Erin Scott, Marketing and Public Relations Manager at The Living Desert to the Marketing Committee to fill the seat formerly held by Kerry Graves (term December 31, 2019); 3) appoint Barb Wagner, Director of Sales & Marketing at JW Marriott Desert Springs Resort to the Marketing Committee to fill the seat formerly held by Emily Bird-Hrivnak (term December 31, 2017). Motion was seconded by Harnik and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

**X. CONSENT CALENDAR**

A. MINUTES of the Regular City Council Meetings of June 9 and June 23, 2016.

Rec: Approve as presented.

B. CLAIMS AND DEMANDS AGAINST THE CITY TREASURY - Warrants Dated 5/31/2016, 6/3/2016, and 6/10/2016.

Rec: Approve as presented.

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- C. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 6/3/2016, 6/10/2016, and 6/17/2016 (Joint Consideration with the Palm Desert Housing Authority).

Rec: Approve as presented.

- D. COMPLIANCE ANALYSIS AND INVESTMENT REPORTS for April 2016 **(Joint Consideration with the Successor Agency to the Palm Desert Redevelopment Agency).**

Rec: Receive and file.

- E. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Applebees Neighborhood Grill & Bar, 74990 Frank Sinatra Drive, Palm Desert.

Rec: Receive and file.

- F. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Athena, 73121 Country Club Drive, Suite #E7-8, Palm Desert.

Rec: Receive and file.

- G. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Bill's Pizza Palm Desert, 73196 Highway 111, Palm Desert.

Rec: Receive and file.

- H. CITY COMMITTEE AND COMMISSION MEETING MINUTES.

1. Audit, Investment & Finance Committee Meeting of April 26, 2016.
2. Hotel & Signature Events Committee Meeting of October 7, 2015.
3. Marketing Committee Meeting of April 19, 2016.
4. Parks & Recreation Commission Meeting of April 5, 2016.

Rec: Receive and file.

- I. REQUEST FOR ADOPTION of Resolution to Approve City/County CalRecycle Payment Program for Fiscal Year 2016-2017.

Rec: Waive further reading and adopt Resolution No. 2016 - 55, authorizing submittal of application for payment programs and related authorizations for CalRecycle.

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- J. REQUEST FOR AUTHORIZATION to Streamline the Use of Various Vendors and Qualified Service Providers by Approving the Abatement Services Vendors List, and Granting Exception to Bidding Requirements as Provided For by Section 3.32.090 of the Palm Desert Municipal Code, for Fiscal Year 2016-2017.

Rec: By Minute Motion: 1) Approve of and authorize staff to use vendors on the Abatement Services Vendors List; 2) approve exception to bidding requirements as provided for by Section 3.32.090 of the Palm Desert Municipal Code for FY 2016-2017.

- K. REQUEST FOR AUTHORIZATION for Use of Named Vendors for Purposes of Providing Recurring, Routine Services, Supplies, and Maintenance to the Desert Willow Golf Resort for Fiscal Year 2016-2017.

Rec: By Minute Motion, authorize use of vendors on the Desert Willow Golf Resort Vendor List for purposes of providing recurring, routine services, supplies, and maintenance to the Desert Willow Golf Resort in an amount not to exceed \$25,000 per vendor for FY 2016-2017, pursuant to Section 3.32.110 of the Palm Desert Municipal Code.

- L. REQUEST FOR APPROVAL of Vendors on an Authorized Public Safety Vendors List for Related Equipment Repairs, Equipment Purchases, and Specialty Services, Utilized by the Palm Desert Police and Fire Departments for Fiscal Year 2016-2017.

Rec: By Minute Motion, approve the FY 2016-2017 Authorized Public Safety Vendors List as presented in the Riverside County Sheriff's Department Memorandum dated June 15, 2016, and Riverside County Fire Department List dated June 21, 2016 – funds for this purpose are requested in the FY 2016-2017 Budget.

- M. REQUEST FOR APPROVAL of Amendment Four to the AB2766 Memorandum of Understanding (MOU) Between Coachella Valley Association of Governments (CVAG) and Member Jurisdictions for the Purpose of the Regional PM10 Street Sweeping Program and Related Activities.

Removed for separate consideration under Section XI, Consent Items Held Over. Please see that portion of the Minutes for Council discussion and action.

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- N. REQUEST FOR AUTHORIZATION to Reject All Bids for the Purchase of Gasoline and Diesel Fuel and Authorize City Clerk to Re-Advertise.

Rec: By Minute Motion: 1) Reject all bids received for the purchase of gasoline and diesel fuel; 2) authorize City Clerk to re-advertise and call for bids for subject purchase agreement; 3) authorize extension of the current fiscal year purchasing agreement for a period of 90 days, or until the project is bid again, whichever occurs first.

- O. REQUEST FOR AUTHORIZATION of a Three-Month Extension of Contract with Wurms Janitorial Services, Inc., to Provide Janitorial Services at the Palm Desert Sheriff's Substation at 73520 Fred Waring Drive (Contract No. C33050).

Rec: By Minute Motion, authorize: 1) Approval of a three-month extension of subject contract with Wurms Janitorial Services, Inc., Corona, California, for the period of July 1 - October 1, 2016; 2) staff to advertise bids for janitorial services at the Palm Desert Police Department Substation located at 73520 Fred Waring Drive.

- P. REQUEST FOR AUTHORIZATION to Install a Fence and Additional Landscaping at the Palm Desert Early Childhood Education Center, Located at 44911 Cabrillo Avenue, In an Amount Not to Exceed \$15,000 (Contract No. C35420).

Rec: By Minute Motion: 1) Authorize installation of a fence and planting of additional landscaping at the Palm Desert Early Childhood Education Center, located at 44911 Cabrillo Avenue; 2) appropriate \$15,000 from the FY 2016-2017 Unobligated General Fund Reserves and transfer into Account No. 1104614-4332501 for this purpose; 3) authorize Interim City Manager to initiate project and execute a contract with vendor submitting the lowest bid received.

- Q. REQUEST FOR APPROVAL of a One-Year Extension with Raimi + Associates, Inc., for Professional Services Related to the Ongoing General Plan Update (Contract No. C33241).

Rec: By Minute Motion: 1) Approve subject one-year contract extension with Raimi + Associates, Berkeley, California, for Professional Services Related to the Ongoing General Plan Update; 2) authorize Mayor to execute said contract extension – funds are available as previously allocated by City Council for this purpose.

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- R. REQUEST FOR APPROVAL of Amendment No. 2 to Contract with Judicial Data Services, Renewing Services for the Period from July 1, 2016 - June 30, 2017, for the Processing of Parking Citations (Contract No. C33842).

Rec: By Minute Motion: 1) Approve Contract Services Amendment No. 2 to subject contract with Judicial Data Services from July 1, 2016 - June 30, 2017, For the Renewal of Processing of Parking Citations; 2) authorize Mayor to execute Contract Services Amendment No. 2 for same – funds will be made available in Account No. 110-4470-412-3090 with approval of the Proposed FY 2016-2017 Budget.

- S. REQUEST FOR ACCEPTANCE OF WORK for Contract No. C35010 – New Playground Surfaces for Freedom Park and Hovley Soccer Park (Project No. 924-16) (T. J. Janca Construction, Inc., Orange, CA).

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

- T. REQUEST FOR AUTHORIZATION for City Council to Designate Turf on the El Paseo Medians as Active Use Areas and Direct Interim City Manager to Send a Letter to the Coachella Valley Water District (CVWD) Appealing the Ornamental Turf Designation.

Rec: By Minute Motion: 1) Designate turf on the El Paseo Medians as Active Use Areas; 2) direct Interim City Manager to send a letter to the Coachella Valley Water District, appealing the Ornamental Turf Designation.

Councilman Jonathan asked that Item M be removed for separate consideration under Section XI, Consent Items Held Over.

Upon a motion by Tanner, second by Harnik, and 5-0 vote of the City Council (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None), the remainder of the Consent Calendar was approved as presented.

**XI. CONSENT ITEMS HELD OVER**

- M. REQUEST FOR APPROVAL of Amendment Four to the AB2766 Memorandum of Understanding (MOU) Between Coachella Valley Association of Governments (CVAG) and Member Jurisdictions for the Purpose of the Regional PM10 Street Sweeping Program and Related Activities.

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Councilman Jonathan noticed the funds CVAG is being provided through South Coast Air Quality Management District (AQMD) are to be used for the purpose of reducing air pollution from motor vehicles. They appear to be using those funds for street sweeping and asking the Council to support the increase of the City's participation from a 60% ratio to a 75% ratio. He questioned the appropriate use of AQMD funds, since they're suppose to be used to reduce pollution and instead it's being used for street sweeping.

Ms. Riddle explained it was because of the type of street sweeper that is being used, stating the engine qualifies under AB2766.

Councilman Jonathan commented he may be a minority of one, but to him street sweeping was the same as landscapers using blowers to move the problem from one part to another creating a large dust bowl. He said it was a misuse of funds and he was opposed to it.

Mr. Hargreaves stated that the biggest air quality problem out in the desert is the PM10, the fine dust. When sand is on the streets and vehicles drive over it, it stirs it up and pulverizes it. One of the ways of combating PM10, and part of the air quality management protocol to address it, is to keep the streets swept to get the sand off the streets, which is then taken out to the wind area and dumped out there; it was actually a positive impact on air quality.

Councilman Jonathan replied he believed there was some debate on this issue, because when dust bowls are created by these trucks, one wonders if dust is really being picked up and being moved elsewhere, as opposed to blowing it up and it coming back down. He was open to being convinced otherwise, like with a study that staff can provide that indicates street sweeping is effective in reducing or eliminating dust, which he would be very interested in reading.

Mayor Pro Tem Harnik said she understood the concern, however, after a dust storm out in the windy areas off Monterey Avenue there is substantial sand and dirt where the curbs are covered. If the dirt isn't picked up, it goes further and further into the street where vehicles stir it up into the air. She said PM10 is a huge issue that is always being addressed.

Councilman Tanner moved to, by Minute Motion: 1) Approve Amendment Four to AB2766 Memorandum of Understanding (MOU) between CVAG and Member Jurisdictions for the purpose of the Regional PM10 Street Sweeping Program and related activities commencing July 1, 2016, through June 30, 2020; 2) authorize City Manager to execute Amendment Four to the AB2766 MOU. Motion was seconded by Harnik and carried by a 4-1 vote (AYES: Harnik, Tanner, Weber, and Spiegel; NOES: Jonathan).

**XII. RESOLUTIONS**

- A. RESOLUTION NO. 2016 - 56 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING THE FINAL SUBDIVISION MAP OF TRACT NO. 36874 AND THE IMPROVEMENT AGREEMENT RELATED THERETO (Portola PD, LLC, Applicant).

Councilman Jonathan recused himself from voting on this item and left the Council Chamber.

Mr. Chen noted that the subject map is also known as The Retreat at Desert Willow. He said the Applicant has satisfied the necessary requirements and staff recommended approval of the Tract Map, Subdivision Improvement Agreement, and the Bonds.

Mayor Pro Tem Harnik stated the Council is excited about this development and the asset it will be for the area. Her question was about one of the Conditions of Approval where the Affordable Housing Fee was left blank.

Mr. Stendell explained that the fee amount was filled in within the Development Agreement, which is also on file with this project.

MR. RUDY HERRERA, Applicant, stated he and the City entered into an Agreement to pay a fixed fee of \$1.00 per square feet to the City.

Mayor Pro Tem Harnik moved to waive further reading and adopt Resolution No. 2015 - 56. Motion was seconded by Tanner and carried by a 4-0 vote (AYES: Harnik, Tanner, Weber, and Spiegel; NOES: None; ABSENT: Jonathan).

**XIII. ORDINANCES**

- A. For Introduction:

None

- B. For Adoption:

None

**XIV. NEW BUSINESS**

- A. REQUEST FOR APPROVAL OF ACTIONS RELATIVE TO THE 2016 GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF PALM DESERT ON TUESDAY, NOVEMBER 8.

Mayor Pro Tem Harnik moved to waive further reading and adopt: 1) Resolution No. 2016 - 57, calling for the holding of a General Municipal Election to be held on Tuesday, November 8, 2016, for the election of certain officers as required by the provisions of the Laws of the State of California and the Charter of the City of Palm Desert; 2) Resolution No. 2016 - 58, requesting the Board of Supervisors of the County of Riverside to consolidate a General Municipal Election to be held on Tuesday, November 8, 2016, with the Statewide General Election to be held on the date pursuant to § 10403 of the Elections Code; 3) Resolution No. 2016 - 59, adopting regulations for candidates for elective office pertaining to candidates' statements submitted to the voters at an Election to be held on Tuesday, November 8, 2016. Motion was seconded by Weber and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

- B. REQUEST FOR APPROVAL OF A ONE-YEAR EXTENSION TO CONTRACT WITH DEDICATED BUILDING SERVICES, LLC, TO PERFORM JANITORIAL SERVICES FOR THE CITY OF PALM DESERT PARKVIEW OFFICE COMPLEX FOR FISCAL YEAR 2016-2017 IN THE AMOUNT OF \$76,890 (CONTRACT NO. C33871).

Responding to question, Ms. Moore said there was a small increase over last year due to prevailing wages.

Councilman Tanner moved to, by Minute Motion, approve the one-year extension of subject contract with Dedicated Building Services, LLC, Studio City, California, to Perform Janitorial Services at the City of Palm Desert Parkview Office Complex for FY 2016-2017 in the amount of \$76,890 (\$6,407.50/month) – funds are available in Fund 510. Motion was seconded by Weber and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

- C. REQUEST FOR APPROVAL OF THE EXTENSION OF PROFESSIONAL SERVICES AGREEMENTS FOR DEPARTMENT OF BUILDING & SAFETY PLAN REVIEW SERVICES – FISCAL YEAR 2016-2017 – IN A TOTAL AMOUNT NOT TO EXCEED \$70,000.

Mr. Grance stated staff was asking for an extension of contract as provided for in the original agreement.

Mayor Pro Tem Harnik moved to, by Minute Motion, authorize extension of Professional Service Agreements for Building Plan Review Services for FY 2016-2017 in a total not to exceed \$70,000 with: 1) Scott Fazekas & Associates (Contract No. C34471A);

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2) Willdan Engineering (Contract No. C34471B); 3) CSG, Inc. (Contract No. C34471C) – funds will be available in the FY 2016-2017 Budget, Account No. 1104420-4301000. Motion was seconded by Weber and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

- D. REQUEST FOR APPROVAL OF CONTRACT AMENDMENT WITH FG CREATIVE, INC., IN THE AMOUNT OF \$243,000 FOR ADVERTISING SERVICES AND EXPENDITURES FOR THE EL PASEO BUSINESS IMPROVEMENT DISTRICT (CONTRACT NO. C34481).

Economic Development Manager Ruth Ann Moore stated that the proposed contract is for the El Paseo Business Improvement District, which is a special fund collected by the merchants and property owners that does not impact the General Fund. Responding to question, she said FG Creative, Inc., has been representing the District for about 13 years.

Councilman Tanner moved to, by Minute Motion: 1) Approve subject Contract Amendment in the amount of \$243,000 (\$45,000 in Agency Retainer Fees and \$198,000 in Advertising and Promotional Expenditures); 2) authorize the City Attorney to make non-substantive changes to the contract amendment and Mayor to execute same – funds have been included in the proposed Financial Plan for 2016-2017 - Other Advertising, Account No. 2714491-4321500 – this expenditure is not part of the General Fund. Motion was seconded by Jonathan and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

- E. REQUEST FOR AWARD OF CONTRACT EXTENSION TO H&L PARTNERS TO PROVIDE MARKETING SERVICES FOR FISCAL YEAR 2016-2017 (CONTRACT NO. C34641).

Tourism & Marketing Manager Thomas Soule noted this was the first of two potential one-year extensions, and it's for the same amount as the existing one. Responding to question, he confirmed he was happy with H&L Partners since he filled the position of Tourism & Marketing Manager.

Councilman Tanner moved to, by Minute Motion: 1) Award subject contract extension to H&L Partners for Marketing Services – FY 2016-2017; 2) authorize City Attorney to make non-substantive changes to the contract and Mayor to execute the agreement on behalf of the City – funds have been budgeted in FY 2016-2017 for this purpose, Account No. 1104417-4309000. Motion was seconded by Weber.

Mayor Pro Tem Harnik commented that H&L Partners was very impressive when they provided their analytics and showed what they've done with social marketing.

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Mayor Spiegel added that the Marketing Committee unanimously approved this item as well.

Mayor Spiegel called for the vote and it carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

- F. REQUEST FOR AWARD OF CONTRACT FOR CONSTRUCTION OF THE PORTOLA AVENUE IMPROVEMENTS AT EL PASEO TO ALL AMERICAN ASPHALT IN THE AMOUNT OF \$440,730 (CONTRACT NO. C35170, PROJECT NO. 630-16).

Project Administrator Ryan Gayler stated this was a contract to improve Portola Avenue between Highway 111 and El Paseo. He noted the staff report and offered to answer questions.

Mayor Pro Tem Harnik moved to, by Minute Motion: 1) Waive bid irregularity and award subject contract, including Bid Alternate #1, for Construction of the Portola Avenue Improvements at El Paseo to All American Asphalt, Corona, California, in the amount of \$440,730; 2) authorize Director of Finance to set aside a 10% contingency in the amount of \$44,073; 3) appropriate \$490,000 from Unobligated Fund 400 to the project account for the contract, contingency, and professional services related to the project; 4) authorize Mayor to execute said contract – project will be funded through Fund 400 and Bond Funds are available for this purpose pursuant to Exhibit B of the Consolidated Non-Housing Bond Proceeds Funding Agreement dated February 12, 2015, between the Successor Agency and the City; therefore, funds will be reimbursed to Fund 400 upon completion of the project. Motion was seconded by Tanner and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

- G. REQUEST FOR AWARD OF CONTRACTS TO ALARM MONITORING SERVICES, INC., FOR THE CITY FACILITIES FIRE AND SECURITY ALARM MONITORING AND IMPROVEMENTS PROJECT (PROJECT NO. 780-14).

Mr. Chen noted the staff report and offered to answer questions.

Councilman Jonathan noticed this contract did not include response services because that will be put out to bid at a later date. He asked if the City was paying to hear the alarm go off to have the Sheriff's Department be notified like ComTron does.

Project Administrator Heather Buck answered yes, stating the alarm monitoring company takes the signal and transfers it to the appropriate emergency response department.

Councilman Jonathan questioned why the City would need to contract out for armed response services, stating the City was already paying the Sheriff's.

Ms. Buck explained that currently staff is responding to those calls, but staff is not adequately trained. She said the City needs the Police Department out here if there is an alarm call, pointing out that not all vendors offered the armed response service, which is why staff separated the two portions and is bidding out the armed response service separately. However, she acknowledged it was a valid question.

Councilman Jonathan suggested staff evaluate whether the service was really needed before going out to bid since the Sheriff's Department is being notified. He understood that sending staff or a representative is optional, but questioned whether the expense for armed response services was necessary.

Councilman Jonathan moved to, by Minute Motion: 1) Reject the low bid by O'Linn Executive Security Alarm Service as non-responsive; 2) award Contract No. C35300A to Alarm Monitoring Services, Inc., Palm Desert, California, for the construction improvements associated with Project No. 780-14 in an amount not to exceed \$13,052.50; 3) authorize Director of Finance to set aside a 10% contingency for the project (\$1,305.25); 4) award Contract No. C35300B to Alarm Monitoring Services, Inc., Palm Desert, California, for the Alarm Monitoring Services associated with Project No. 780-14 in an amount not to exceed \$420/month and \$25,200 for 60 months; 5) authorize Mayor to execute said contracts – funds for the construction improvements are available in Account Nos. 1104340-4331000, 1104330-4331000, and 1104344-4331000; and for the Alarm Monitoring Services in Account Nos. 1104340-4309000, 1104330-4331000, and 1104344-4309000. Motion was seconded by Harnik and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

H. REQUEST FOR AWARD OF CONTRACT TO CLIENTFIRST TECHNOLOGY CONSULTING IN AN AMOUNT OF \$63,715 FOR INFORMATION TECHNOLOGY MASTER PLAN SERVICES (CONTRACT NO. C35430).

Information Systems Manager Clayton Von Helf said he was excited about this item because the last Master Plan Study was conducted in 2001, so this was long overdue. He said ClientFirst Technology Consulting was selected for this project using a scoring matrix that was heavily weighted toward their methodology and experience. He offered to answer questions, noting that Tom Jakobson from ClientFirst was also available.

Councilman Jonathan noted he inquired of Mr. Von Helf about the other bidders, stating this bid was within the wheel house, not the lowest but closer

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to the lowest and the highest, adding that in comparison to the proposed \$63,000, there was a bid in the amount of \$739,000.

Mayor Pro Tem Harnik expressed she was happy to see the City modernizing and getting up to date for the future. She thanked staff for all it was doing in that regard.

Councilman Jonathan moved to, by Minute Motion: 1) Award subject contract to ClientFirst Technology Consulting in the amount of \$63,715; 2) authorize Interim City Manager to execute same; 3) appropriate \$63,715 from the General Fund Unobligated Reserves for this project. Motion was seconded by Harnik and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

- I. REQUEST FOR APPROVAL OF A THREE-YEAR AGREEMENT FOR AN EMERGENCY SERVICES COORDINATOR WITH THE COUNTY OF RIVERSIDE EMERGENCY MANAGEMENT DEPARTMENT, IN AN AMOUNT NOT TO EXCEED \$195,246 (CONTRACT NO. C35440).

Mr. Aryan recalled for the Council that earlier this year the City contracted with Riverside County Fire Department for a full-time Emergency Services Coordinator; Palm Desert shares the cost equally with the City of Indian Wells. Since that time, the emergency services component of the Fire Department has moved into a separate entity called Riverside County Emergency Management Department. In order to better clarify the contractual relationship with the County, staff recommended entering into this new Agreement with that organization. At this time, appropriation of funds is not required for the personnel and communication costs outlined in the staff report. Staff will bring forth a Memorandum of Understanding (MOU) outlining the vehicle operations and maintenance at a later date. Staff had originally anticipated an item for the July 14<sup>th</sup> City Council meeting, however, County Council had some changes. Therefore, staff will bring the item to the Council as soon as it's available. The total not to exceed cost for the three years is \$195,246. Approval of staff's recommendation was in line with the City's Strategic Plan - Priority 3: Help the community become more prepared for disasters and public safety emergencies.

Councilmember Weber moved to, by Minute Motion, approve a three-year Agreement for an Emergency Services Coordinator with the County of Riverside Emergency Management Department in an amount not to exceed \$195,246, and authorize the Interim City Manager to execute it. Motion was seconded by Tanner and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

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- J. REQUEST FOR APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF PALM DESERT AND CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO - PALM DESERT CAMPUS, OUTLINING TERMS FOR USE OF A PORTION OF UNIVERSITY VILLAGE PARK EAST FOR A COMMUNITY GARDEN FOR STUDENT EDUCATIONAL PURPOSES (CONTRACT NO. C35450).

Management Analyst Kimberly Warpinski noted the staff report and offered to answer questions.

Mayor Pro Tem Harnik stated it was great the City can use that property for that purpose.

Councilman Tanner moved to, by Minute Motion, approve the Lease Agreement, permitting California State University, San Bernardino - Palm Desert Campus, (PDC) to enter into a three-year lease of the vacant community garden space located at University Village Park East (a portion of APN 694-190-039), with option for three, one-year renewal periods – no associated fiscal impact. Motion was seconded by Jonathan and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

- K. REQUEST FOR REVIEW AND APPROVAL OF OUTSIDE AGENCY FUNDING (CHARITABLE CONTRIBUTIONS) FOR FISCAL YEAR 2016-2017.

Ms. Moore stated the Outside Agency Committee met and discussed each application in depth based on what they requested. The Committee made recommendations as outlined in the staff report. However, she had updates with regard to the following items: Item No. 2, where staff recommended \$10,000 for the Desert Sands Unified School District - Early Childhood Education Center on Cabrillo Road, staff believes the Center has various things they would like to use the \$10,000 funds. Therefore, she asked the Council to authorize the \$10,000 to the ECE with the understanding that the Committee will meet again to ensure those expenditures are within the program guidelines and they are acceptable; Item No. 3, the Coachella Valley Repertory Theatre, the applicant erroneously put in they had a school outside the area of the City of Palm Desert that they were bussing kids from to their Theatre. They have since provided information to staff that they actually bus kids from all schools in Palm Desert, so they would like the application to be reconsidered. Staff asked that the City Council authorize Item No. 3 with the understanding that the Committee will review it one more time in detail. She offered to answer any questions.

Councilman Jonathan asked if staff was requesting the Council to authorize up to \$5,050 to the Coachella Valley Repertory Theatre and allow the Committee to decide.

Ms. Moore answered yes.

Councilman Jonathan said he was prepared to move for approval as requested.

Councilman Jonathan moved to, by Minute Motion: 1) Approve award of charitable contributions in the amount of \$146,934 to the agencies listed in the accompanying staff report, with associated restrictions and conditions; 2) authorize \$10,000 to Desert Sands Unified School District - Early Childhood Education, with the understanding the Committee will meet again to ensure those expenditures are within the program guidelines and that they are acceptable; 3) authorize up to \$5,050 to the Coachella Valley Repertory Theatre, with the understanding that the Committee will review the request one more time in detail; 4) pending approval of the Fiscal Year 2016-2017 City of Palm Desert Financial Plan, authorize Mayor to execute agreements with agencies awarded funding; 5) accept the modifications to the Outside Agency Funding Guidelines for Fiscal Year 2016-2017 – approval of the request will result in the listed agencies receiving the designated amounts as a Charitable Contribution for FY 2016-2017, with funds included in the FY 2016-2017 Financial Plan in Account Nos. 1104800-4388000 and 1104800-4388100. Motion was seconded by Weber and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

L. REQUEST FOR APPROVAL OF FUNDING COMMITMENT OF \$50,000 TO THE COACHELLA VALLEY ECONOMIC PARTNERSHIP'S 2016/2017 FISCAL BUDGET.

Mayor Spiegel commented that for 20 years the City of Palm Desert has been giving CVEP this money, and he hasn't seen a thing come of it.

Councilmember Weber agreed the City has been discussing this issue for some time and the Council was told there was a business that started in Palm Desert, but she never heard the rest of that story. Therefore, she would appreciate a staff report.

Economic Development Manager Ruth Ann Moore noted CVEP provides the City with a benefit summary every year, and this past fiscal year they were able to accomplish the following: 1) \$85,000 in scholarships went to Palm Desert-based students; 2) assisted Palm Desert-based businesses in securing \$7.3 million in loans and equity investments; 3) assisted the start up of three Palm Desert-based businesses; 4) hosted training sessions with more than 60 Palm Desert residents attending; and 5) provided 285 direct counseling hours to Palm Desert businesses. She said Chief Operating Officer Joe Wallace was in attendance to answer questions.

Councilman Tanner stated that if this request had come three years ago knowing what he knew then, he probably would have voted against.

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However, CVEP is going in a new direction and the board of directors is full of energy and hands on, stating he believes they “get it.” Additionally, CVEP is no longer operating in the red, so he was in favor of extending the commitment again this year.

Councilman Tanner moved to, by Minute Motion, approve a funding commitment of \$50,000 to the Coachella Valley Economic Partnership’s (CVEP) 2016/2017 fiscal budget – funds have been included in the proposed General Fund Budget for 2016-2017 under the Economic Development Dues, Account No. 1104430-4363000. Motion was seconded by Harnik.

Councilmember Weber inquired about the scholarship program.

MR. JOE WALLACE, CEO/Chief Operating Officer for CVEP, replied students can use scholarship funds to go to the university or college of their choice, stating half of them attend College of the Desert (COD).

Councilmember Weber stated the City wasn’t giving CVEP funding so that it can turn around and give Palm Desert students scholarships, because the City could be doing that on its own.

Mr. Wallace agreed, but those funds came mostly from the California Future’s Foundation, adding that none of the funds used for scholarships came from the City.

Councilmember Weber asked for clarification on the \$7.3 million in loans and equity investments.

Mr. Wallace explained it was a summation that came from the SBA Reports. It’s the total of the loans that were made through SBA Bank Loans to businesses that gave an address in Palm Desert. They were not CVEP Loans or funds, and CVEP did not guarantee the loans. He said the Federal Government guaranteed about 90% of SBA Loans, and the bank absorbs the risk on the other 10%.

Councilmember Weber stated that from her tour of CVEP two years ago, it was her understanding CVEP assisted businesses on how to start a small business, giving them a leg up, because this SBA Loan is a ton of paperwork.

Mr. Wallace concurred.

Councilmember Weber asked if the three new businesses mentioned were the same three businesses Council has been hearing about.

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Mr. Wallace replied the three businesses identified are the ones that went to CVEP with the intention to start a business in the 12-month period, starting July 1, 2015 and ending today. He said many businesses go through CVEP, but not all of them follow through. He said it ranged from individuals working out of their houses to individuals who are already in business and looking for an SBA Loan. It would be three more small businesses that were started by people whose residence is in Palm Desert.

Councilmember Weber agreed with Councilman Tanner's comments in that the Council has been watching carefully for the last three years, and she's been impressed with Mr. Wallace's hard work and efforts.

Mayor Spiegel asked about the other cities contribution to CVEP.

Mr. Wallace said the City of Palm Springs unrestricted funds to CVEP is \$110,000, and funds to the Innovation Hub is \$196,500; Cathedral City contribution is \$25,000; Rancho Mirage has been \$50,000, but they haven't decided what amount for this year; Palm Desert has been at \$50,000 all along; Indio is \$25,000 and will continue at the same amount; City of Indian Wells had a high of \$100,000 and went down to zero for a couple of years, but they are coming back and are committed at \$10,000; Desert Hot Springs had a shortage of cash, so they have been at zero for the last couple of years. However, they voted to start contributing at the \$10,000 level; and currently, CVEP is in discussions with the City of La Quinta. He believed CVEP will certainly have seven out of the nine cities, and if La Quinta gets on board, the City Manager of Coachella told him he wouldn't want to be the only City out, so there was the potential for having nine out of the nine cities contributing.

Councilman Tanner pointed out that CVEP's budget shows those funds as potential nonexistent funds coming in.

Councilman Jonathan said Mr. Wallace provided him with a tour of CVEP and he was very impressed. He especially liked the iHub component and the assistance it provides to new businesses. He believed some businesses ended up locating in Palm Desert, and frankly, the City's investment was well spent even if they ended up in La Quinta, because it may be a Palm Desert resident that works at that business, making the comment that it was one Valley. He noted that the following question was posed to Mr. Wallace previously, so he wasn't blind siding him here today, in that in a June 25<sup>th</sup> article in *The Desert Sun* it stated that CVEP facilitated a meeting for "undocumented Valley students." The purpose of the meeting was to educate these undocumented students about ways they can "navigate the university system." He personally would be concerned if public funds via the City were to be used for facilitating and promoting an illegal activity.

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Mr. Wallace thanked Councilman Jonathan for the question. The first way to address this from a dollars' perspective, is that the business support part of CVEP, which is housed in the Rabo Bank Business Center and the Workforce Excellence Groups, do not co-mingle funds. CVEP has a total budget of roughly \$5 million a year, and a lot of it is for scholarships. Only \$280,000 out of that \$5 million is not earmarked for some activity. None of the funds from any of the cities goes into those accounts, and they are separate bank accounts. Therefore, the bank account of the Workforce Excellence Group is funded by the groups foundations and individuals who want to support that group in particular. Funds from cities, banks, and businesses that support the Business Support operations, all go into the Business Support Account. He said not one nickle from Palm Desert or any other cities, in terms of sponsorship, went to support any of the events that the Workforce Excellence Groups hosts. He added that he questioned Sheila about that article, because that was part of a 2½-day leadership program for young people going to college. It was held at the CSU, San Bernardino Campus in Palm Desert with about 300 students attending, but not all of them were undocumented students. The "undocumented" word that was chosen by *The Desert Sun* and the way it was portrayed, was not a fair assessment of what happened. He said these students are part of "The Dream Act," the "Dreamers," stating he agreed they are undocumented and not American citizens, but the President of the United States has given them authority and permission to be in the Country and go to school by virtue of an Executive Order. Therefore, just because they are not American citizens, don't mean they are not allowed to be here.

Councilman Jonathan stated it was the Executive Order that the Supreme Court is neutral on, and therefore, the standing ruling is that the Executive Order is illegal/invalid, which was also in the article.

Mr. Wallace replied he was not aware of that change. He went on to say that there were 27 different seminars there at the Campus in Palm Desert, and he was a speaker on the Entrepreneur and Start-up of Businesses. Also, the seminar where that discussion took place wasn't sponsored by CVEP. It was held at a place where they were sponsoring some of the events, but not that one in particular. Further, he didn't believe CVEP broke the law and they certainly wouldn't use City funds or anybody else's to facilitate breaking laws.

Mayor Pro Tem Harnik pointed out she sits on the Executive Committee, and she agreed that 1½ years ago there were troubles at CVEP, but it has been turned around. The scrutiny that has been placed on every move that CVEP makes can wear one out, but there are people reviewing every check written and every bank statement. She added there's been a new philosophy that's been integrated into the thinking of CVEP, in that part of the job at the Economic Partnership is not only to incubate and to help current businesses,

but to go to other communities and show them the quality of life that is offered in the Coachella Valley and how much easier and less expensive it is to do business. She said they are multifaceted in the approaches they are taking to build CVEP so that it benefits the entire Coachella Valley. In response to the scholarship issue, she said funds are taken from the College Future's Foundation along with local businesses and entities who offer scholarship to local students, and then CVEP matches those funds so that these students really have a chance.

Councilman Jonathan recalled Mr. Wallace at one time provided a presentation on the "State of CVEP," which was good, because it informs the City of what is happening and the progress being made. Therefore, he looked forward to the next one whenever it is.

Mayor Spiegel called for the vote and the motion carried by a 4-1 vote (AYES: Harnik, Jonathan, Tanner, and Weber; NOES: Spiegel).

**M. CONSIDERATION OF RECOMMENDED CHANGES IN CLASSIFICATIONS AND ALLOCATED STAFF FOR FISCAL YEAR 2016-2017.**

Human Resources Manager Lori Carney stated that each year during the budget process staff reviews the classifications, the work force, and organization in concert with the City Manager and prepares proposals for staffing changes it feels are necessary. The overall goal is to operate in the most efficient, effective, and conservative manner, and the proposed changes being recommended for Council's consideration today serves that purpose. Staff proposes consolidating functions, improving efficiencies, and reducing staff, and doing a better job for the community at the same time. Therefore, the number of employees has been reduced by five to 112 for next year, and the budget was reduced by a little more than \$200,000 for salaries. Additionally, the recommended changes are included in the budget documents that are on the agenda under a separate item.

Councilman Jonathan said staff did a great job on this item and on the Study Session that both Ms. Carney and Ms. Moore provided earlier today.

Councilman Jonathan moved to, by Minute Motion, approve recommended changes in classifications and allocated staff, as presented, for FY 2016-2017. Motion was seconded by Weber and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

**XV. CONTINUED BUSINESS**

None

**XVI. OLD BUSINESS**

- A. REQUEST FOR AUTHORIZATION TO PROCEED WITH THE REFURBISHMENT AND RELOCATION OF A GENERATOR TO THE JOSLYN CENTER LOCATED AT 73750 CATALINA WAY.

Mr. Aryan recalled for the Council there is an opportunity to relocate a refurbished generator that was formerly utilized at the Palm Desert Sheriff's Substation to the Joslyn Center. Relocating it to the Joslyn Center is ideal, because the Center serves two functions outside of its normal day to day functions, in that it's one of two identified cooling centers, not only within Palm Desert, but the entire Cove Community. The other cooling center is the Palm Desert Community Center. Secondly, staff has identified the Joslyn Center as a potential emergency shelter. Therefore, staff recommended moving forward with placing the refurbished generator at the Joslyn Center. Council can choose from the following three options: Option 1- Fully Power the Facility with a Refurbished Generator; Option 2 - Partially Power the Facility with a Refurbished Generator; Option 3 - Partially Power the Facility with a New Generator. Staff recommends Option 1, which is estimated to cost \$180,000. No appropriation is requested at this time, because the exact costs are unknown until it goes out to bid. He noted this item was brought before the Cove Community Services Commission, and they voted on Option 1 to proceed at their November 12, 2015, meeting. Subsequently, there was a reconsideration vote in April 2, 2016, and that motion failed. Subsequently, the cities of Rancho Mirage and Indian Wells decided to not participate in funding this new generator, which affects Palm Desert with 31% of the cost. Responding to question, he said he didn't know the reasoning for the cities of Rancho Mirage and Indian Wells declining to participate; however, his best guess was that the cooling center being in Palm Desert wouldn't serve their residents as a cooling center or shelter.

Mayor Pro Tem Harnik commented that there are only two cooling centers in the Cove Community.

Councilmember Weber thanked Mr. Aryan for his work on this item, stating this has been discussed for almost a year, and to have a vote in favor and later having those cities pull out was disappointing. However, everyone agreed it was important to put this at the Joslyn Center, because there are hot temperatures coming and Palm Desert wants to be prepared.

Mr. Aryan commented that in his experience, disaster usually happens in July and August. Responding to question about the time line, he said he expected to proceed with the bid within the next 30 days, stating this project went hand in hand with the future ADA Improvement Project, and this will be primary, so that staff won't have to go back and redo what it just put in.

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Councilmember Weber moved to, by Minute Motion, authorize staff to: 1) Proceed with the refurbishment and relocation of a refurbished generator (Option 1: Fully Power Facility (100%) with a Refurbished Generator) at the Joslyn Center located at 73750 Catalina Way; 2) advertise for bids for placement of a refurbished emergency generator at the Joslyn Center (Contract No. C34370). Motion was seconded by Harnik.

Councilman Tanner said the current system at the Joslyn Center is an active system, so it qualifies as a cooling center.

Mr. Aryan pointed out that the Joslyn Center currently doesn't have a generator. Further responding, he agreed the current A/C system works well as a cooling center, but if there was a power loss, the generator would be needed.

Councilman Tanner noted that Option 2 at \$110,000 would partially power the facility at 50% with a refurbished generator. He questioned who dictated what 50% represented.

Mr. Aryan replied the City retained the services of an engineering consultant that looked at the current electrical panel, and based upon their findings, came up with their costs for partially powering the facility. He said the City would still have to go through the AQMD process of retrofitting the facility. Therefore, staff recommended fully powering the facility, because it was only \$70,000 more, but it will fully power the facility in terms of a power loss. He added the facility has a commercial kitchen and enough space to house about 100 people, stating it was an important part of the City's emergency plan to have it functioning during a disaster.

Mayor Pro Tem Harnik added that the kitchen has a large walk-in refrigerator that holds a lot of food that may be needed, stating it was part of the Cities Strategic Plan to be prepared for disasters. It was hard for her to understand why the other cities didn't want to support one of the only two cooling centers in the Cove Community.

Councilman Jonathan said he had a great deal of angst with this item, in that he and Councilmember Weber serve on the Cove Commission, and as mentioned, this item received approval by the Commission. It was then called up at the next meeting and it passed again. However, he was so disappointed to learn, that even though it was passed by the Cove Commission twice, the neighboring cities to the east and west voted not to fund this. He said the Joslyn Center is a joint asset of the Cove Cities, and what Palm Desert would be doing here is paying for something that all three cities would benefit from, which he thought was critical. In fact, he couldn't see Palm Desert not moving forward, because it provides a place for refuge when the power goes out and it's 120 degrees. To some it's a huge

annoyance and inconvenience, but to many members of the community it's a major health issue. He said people will die if they can't go to a place that is cooler than 120 degrees. Therefore, he is so disappointed with the neighboring two cities. He suggested that if the generator is funded, that the Council allow him and Councilmember Weber to go back to the Cove Commission and inform them that Palm Desert did it and guilt them into paying their \$55,000 and/or 31%, stating he would feel better about Palm Desert unilaterally paying for something that all three cities would benefit.

Mayor Spiegel agreed, however, this was the first year that Indian Wells and Rancho Mirage were participating in paying for the fireworks.

Councilman Jonathan said that was incorrect information, and Mayor Pro Tem Harnik added that Palm Desert was informed they weren't going to participate anymore.

Mayor Spiegel called for the vote and the motion carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

## **XVII. PUBLIC HEARINGS**

### **A. CONSIDERATION OF THE ADOPTION OF THE PROPOSED OPERATIONAL BUDGETS AND COMPREHENSIVE FINANCIAL PLAN FOR FISCAL YEAR 2016-2017 (JOINT CONSIDERATION WITH THE PALM DESERT HOUSING AUTHORITY).**

Ms. Moore stated the proposed Resolutions are requests to adopt the operational budgets for both the City and Housing Authority, and it's a balanced budget. She said the former Director of Finance met with Council and departments to review and identify areas of concern and addressed comments and questions. She was thankful to him for going through the budget process prior to his departure. Additionally, she thanked the entire Finance Department, because upon his departure, staff jumped in and assisted her in completing this Financial Plan. She also thanked Assistant Director of Finance Luis Espinoza for his help, especially since he had just come back from a knee surgery, which was a difficult recovery. Presented to the Council is a balanced budget, which is roughly \$53 million. There is also \$12 million in capital improvements that were reviewed by Council and none of those are coming from the General Fund, as they are being funded by other funding sources. She pointed out that some of the items were pending approval; however, those changes were approved by Council earlier this evening and have been included in the Financial Plan. She offered to answer questions.

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Councilman/Member Jonathan congratulated the Finance Department, stating this budget reflected a savings of \$611,000 in police services by freezing two motor enforcement positions and reducing the budget from \$21,700,000 to just over \$21 million with the potential for saving an additional \$300,000. He said good work has been done in trying to get some control over the City's public safety costs.

Mayor/Chairman Spiegel declared the public hearing open and invited anyone who wished to come forward to speak on this matter to do so at this time. With no testimony offered, he declared the public hearing closed.

Councilman/Member Jonathan moved to: 1) Waive further reading and adopt Resolution No. 2016 - 60, adopting the City's Operational Budget and Financial Plan for the Fiscal Year July 1, 2016, through June 30, 2017; 2) waive further reading and adopt Resolution No. 2016 - 61, establishing the Appropriations Limit for the Fiscal Year 2016-2017; 3) waive further reading and adopt Resolution No. HA - 79, adopting a Palm Desert Housing Authority Operational Budget and Financial Plan for the Fiscal Year July 1, 2016, through June 30, 2017; 4) waive further reading and adopt Resolution No. 2016 - 62, setting the Fiscal Year 2016-2017 Salary Schedule, Salary Ranges, and Allocated Classifications; 5) by Minute Motion, approve Out-of-State Travel as listed in the accompanying memo. Motion was seconded by Harnik and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

**XVIII. REPORTS AND REMARKS**

**A. CITY MANAGER**

1. City Manager Meeting Summaries Report for the Period of May 30 - June 17, 2016.

With City Council concurrence, the City Manager Meeting Summaries were received and filed.

**B. CITY ATTORNEY**

None

**C. CITY CLERK**

1. Consideration of the 2016 Summer Schedule for Regular City Council Meetings (July and August).

Ms. Klassen stated staff had not brought this item forward because things were up in the air, but traditionally the Council has held the first regular meeting in July and the second meeting in August, and

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cancelling the second meeting in July and the first meeting in August. However, there is a need to have at least two meetings in July. Responding to question, she said there were items to conduct business on with a quorum, stating it can be done with three Councilmembers if necessary.

Mr. McCarthy said there will be discussion and presentation by Dave Morgan of Ralph Anderson & Associates with respect to the new City Manager. It will be precedent to a schedule of interviews, which is scheduled for August 28. Additionally, there is the pending hotel issue.

Mayor Spiegel said he understood it was staff's recommendation to hold the two regular meetings in July and the second meeting in August.

Mayor Spiegel moved to, by Minute Motion, direct staff to plan for holding the regular City Council Meetings of July 14, July 28, and August 25, 2016, and cancelling the regular meeting of August 11, 2016. Motion was seconded by Tanner and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

2. Request for Designation of Voting Delegate(s) and Alternate(s) to the League of California Cities 2016 Annual Conference - October 5-7, Long Beach.

Ms. Klassen said it was that time to appoint voting delegates to the League of California Cities' Annual Conference being held in Long Beach, October 5-7.

Mayor Spiegel moved to, by Minute Motion, appoint Mayor Pro Tem Jan C. Harnik as the City of Palm Desert's Voting Delegate for the League of California Cities 2016 Annual Conference and Councilman Sabby Jonathan as the Alternate, and direct City Clerk to so notify the League of same. Motion was seconded by Tanner and carried by a 5-0 vote (AYES: Harnik, Jonathan, Tanner, Weber, and Spiegel; NOES: None).

D. PUBLIC SAFETY

1. Fire Department

None

2. Police Department

None

E. MAYOR AND MEMBERS OF THE CITY COUNCIL

1. Councilmember Susan Marie Weber's Meeting Summaries Report for the Period of May 31 - June 26, 2016.

With City Council concurrence, Susan Marie Weber's Meeting Summaries Report was received and filed.

2. Council Requests for Action/Committee Reports/Comments:

a) Councilman Sabby Jonathan Reports/Comments:

- Leadership Coachella Valley Graduation Dinner - He attended the dinner, which he believed was their 15<sup>th</sup> graduation; they started in 2001. He congratulated Associate Planner Kevin Swartz and Code Compliance Officer Johnny Terfehr who both graduated. He said it was a wonderful opportunity and encouraged other employees to go through this leadership program.

b) Mayor Pro Tem Jan C. Harnik Reports/Comments:

- Executive Forum - League of California Cities - She sat in on a couple of seminars that will be very important to the City. One of them was discussing the marijuana issues and the entity that is deciding the guidelines is BMMR (Bureau of Medical Marijuana Regulation) or "bummer" as they like to say. They will be addressing related issues confronting communities in the future, keeping their mind open to the fact that November could bring a tremendous amount of change. She also attended a great session on budgets and how a city has to look at things ten years out to ensure it meets the needs of the community. She also sat through a webinar called "Driverless Cars," on how to prepare a community for it.

Councilman Tanner noted he too attended the League of California Conference and walked away with a substantial amount of knowledge.

c) Councilman Van Tanner Reports/Comments:

- First Inaugural Veteran's University - He said there was over 350 people in attendance, and 99% of them were veterans; some of them served in Korea. The University is helping veterans get the education they need to do their filing for any disability they may have. The University also provides educational opportunities for veterans.

d) Mayor Robert A. Spiegel Reports/Comments:

**MINUTES  
ADJOURNED REGULAR  
PALM DESERT CITY COUNCIL MEETING**

**JUNE 30, 2016**

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- SunLine Bus Transportation - Mayor Spiegel announced that SunLine has an app that shows you exactly where the bus is located and how soon it will be at your location. He suggested that it be announced in the City's *BrightSide*. On a more somber note, he reported that earlier this spring, Riverside County Chief John Hawkins had a severe heart attack and had a triple bypass. He is fine now and is back at work.

3. Council Consideration of Travel Requests and Reports:

None

**XIX. ADJOURNMENT**

With City Council concurrence, Mayor Spiegel adjourned the meeting at 5:29 p.m.

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ROBERT A. SPIEGEL, MAYOR

ATTEST:

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RACHELLE D. KLASSEN, CITY CLERK  
CITY OF PALM DESERT, CALIFORNIA