

POSTED AGENDA

~ADJOURNED REGULAR PALM DESERT CITY COUNCIL MEETING~

THURSDAY, NOVEMBER 16, 2017

CIVIC CENTER COUNCIL CHAMBER

73510 FRED WARING DRIVE, PALM DESERT, CA 92260

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

II. ROLL CALL

III. ADJOURN TO CLOSED SESSION

Request for Closed Session:

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

- 1) Property: NEC Ocotillo Drive/Tumbleweed Lane (APN 627-232-005), Palm Desert

Negotiating Parties:

Agency: Lauri Aylaian/Martin Alvarez

Property Owner: City of Palm Desert

Under Negotiation: Price Terms of Payment

- 2) Property: 74016 San Marino Circle (APN 625-064-007), Palm Desert

Negotiating Parties:

Agency: Lauri Aylaian/Mark Greenwood/Successor Agency to the Palm Desert Redevelopment Agency

Property Owner: City of Palm Desert

Under Negotiation: Price Terms of Payment

B. Conference with Legal Counsel regarding significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):

Number of potential cases: 2

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

A. REPORT ON ACTION FROM CLOSED SESSION.

Action:

V. AWARDS, PRESENTATIONS, AND APPOINTMENTS

None

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.

VI. 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/SUCCESSOR AGENCY BOARD OR AUDIENCE REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION AND ACTION UNDER SECTION VII, CONSENT ITEMS HELD OVER, OF THE AGENDA.

- A. MINUTES of the Regular City Council Meeting of October 26, 2017.

Rec: Approve as presented.

- B. CLAIMS AND DEMANDS AGAINST THE CITY TREASURY - Warrants Dated 10/6/2017, 10/13/2017, 10/19/2017, 10/20/2017, 10/27/2017 - 2.

Rec: Approve as presented.

- C. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 10/6/2017, 10/13/2017, 10/20/2017, and 11/3/2017 (**Joint Consideration with the Palm Desert Housing Authority**).

Rec: Approve as presented.

- D. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by The Red Barn, 73290 Palm Desert Drive, Palm Desert.

Rec: Receive and file.

- E. CITY COMMITTEE AND COMMISSION MEETING MINUTES.

1. Library Promotion Committee Meeting of April 19, 2017.
2. Public Safety Commission Meeting of January 11, 2017.

Rec: Receive and file.

-
- F. REQUEST FOR AUTHORIZATION of Amendment No. 1 to Contract No. C34642 with H & L Partners for Development and Implementation of a Public Relations Program.

Rec: By Minute Motion: 1) Approve Amendment No. 1 in an amount not to exceed \$40,000 to Marketing Services Contract with H & L Partners, St. Louis, Missouri, for the development and implementation of a public relations program; 2) authorize Mayor to execute said Amendment on behalf of the City – funds are available in Account No. 1104417-4309000 - Professional Other.

- G. REQUEST FOR AUTHORIZATION to Reimburse H & L Partners for Ad Placement Costs Related to Fiscal Year 2016-2017.

Rec: By Minute Motion, approve reimbursement of expenditures in the amount of \$16,875 to H & L Partners, St. Louis, Missouri, for a media buy related to Fiscal Year 2016-2017 – funds are available in Account No. 1104417-4309000 - Professional Other.

- H. REQUEST FOR APPROVAL of Change Order No. 1 in the Amount of \$1,500 and for Acceptance of Work for Contract No. C34370A – Joslyn Center Generator Project (Project No. 763-15) (California Building Evaluation and Construction, Inc., Anaheim, CA).

Rec: By Minute Motion: 1) Approve Change Order No. 1 to subject contract in the amount of \$1,500; 2) authorize transfer of \$1,500 from contingency to base for the project; 3) authorize City Manager to execute Change Order No. 1; 4) accept the work as complete and authorize the City Clerk to file a Notice of Completion for the subject project.

- I. REQUEST FOR ACCEPTANCE OF WORK for Contract No. C36150 – 2017 Street Resurfacing Project (Project No. 751-17) (Matich Corporation, Inc., Highland, CA).

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

- J. REQUEST FOR AUTHORIZATION to Seek Proposals for the 2019/2020 El Paseo Sculpture Exhibition (Contract No. C36500).

Rec: By Minute Motion, authorize staff to: 1) Seek proposals for the 2019/2020 El Paseo Sculpture Exhibition; 2) increase artist honorarium from \$2,526 to \$5,000 per selected entry – no funds required to be expended at this time; a request will be made during the 2018-2019 Budget cycle.

Action:

VII. CONSENT ITEMS HELD OVER

VIII. RESOLUTIONS

- A. RESOLUTION NO. 2017 - 75 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AUTHORIZING ADOPTION OF THE VIDEO SURVEILLANCE ON CITY PROPERTY POLICY AND PROCEDURE.

Rec: Waive further reading and adopt.

Action:

- B. RESOLUTION NO. 2017 - 76 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, DIRECTING THE CITY MANAGER TO ESTABLISH AND APPOINT A THREE-MEMBER CANNABIS APPLICATION APPEALS COMMITTEE AS PART OF THE PRIORITIZATION PROCESS FOR CONDITIONAL USE PERMITS AND REGULATORY PERMITS FOR COMMERCIAL CANNABIS BUSINESSES, Case No ZOA 17-027.

Rec: Waive further reading and adopt.

Action:

IX. ORDINANCES

- A. For Introduction:

None

- B. For Adoption:

1. ORDINANCE NO. 1327 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AUTHORIZING IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM AND APPROVING THE DESERT CITIES ENERGY CHOICE JOINT POWERS AGREEMENT.

Rec: By Minute Motion, continue to the meeting of December 14, 2017.

Action:

X. NEW BUSINESS

- A. REQUEST FOR AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR THE CONSTRUCTION OF A FOR-SALE AFFORDABLE RESIDENTIAL PROJECT CONSISTING OF 14 SINGLE-FAMILY DETACHED SELF-HELP HOMES ON MERLE STREET (APNs 624-441-014 through 624-441-022 and 624-440-032 through 624-440-036) (CONTRACT NO. C36510) .

Rec: By Minute Motion: 1) Authorize staff to advertise and issue an RFP for construction of a for-sale affordable residential project consisting of 14 single-family detached self-help homes; 2) appoint a City Councilmember to participate in review of the RFP submittals; 3) authorize City Manager and/or Mayor to execute any documents necessary to facilitate the RFP and the actions taken herewith.

Action:

- B. REQUEST FOR APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF PALM DESERT AND THE COVE COMMUNITIES SENIOR ASSOCIATION FOR THE JOSLYN CENTER SITE LOCATED AT 73750 CATALINA WAY (APN 627-111-028) (CONTRACT NO. C36520).

Rec: By Minute Motion: 1) Approve a 20-year Land Lease Agreement between the City of Palm Desert and the Cove Communities Senior Association for the City-owned property located at 73750 Catalina Way; 2) allow the City Attorney to make non-substantive changes and the Mayor to execute the Land Lease Agreement.

Action:

- C. REQUEST FOR AUTHORIZATION TO EXTEND TERM OF THE LEASE AGREEMENT BETWEEN CITY OF PALM DESERT AND FAMILY YMCA OF THE DESERT TO DECEMBER 31, 2018 (CONTRACT NO. R00362).

Rec: By Minute Motion, authorize Mayor to execute the Third Amendment to Lease between the City of Palm Desert and the Family YMCA of the Desert, extending the expiration date to December 31, 2018.

Action:

- D. REQUEST FOR ACCEPTANCE OF CalCOPS SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDING (SLESF) FOR FISCAL YEAR 2017-2018.

Rec: By Minute Motion, approve the CalCOPS Supplemental Law Enforcement Services Funding (SLESF) Expenditure Plan, as provided by the Chief of Police, for the encumbrance of a \$149,900 grant award to cover costs for the 2017 Holiday Theft Suppression Program and miscellaneous equipment, services, and supplies to support front-line law enforcement activity.

Action:

- E. REQUEST FOR APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM DESERT AND CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO (CSUSB), FOR THE CSUSB-PALM DESERT CAMPUS MASTER PLAN.

Rec: By Minute Motion: 1) Approve a Memorandum of Understanding (MOU) with CSUSB for the CSUSB-Palm Desert Campus Master Plan; 2) allow the City Attorney to make non-substantive changes and authorize the City Manager to execute the MOU.

Action:

- F. REQUEST FOR DIRECTION REGARDING STREAMING OF COMMITTEE AND COMMISSION MEETINGS.

Rec: By Minute Motion, provide staff with direction regarding the streaming and video recording of City Committee and Commission Meetings.

Action:

XI. CONTINUED BUSINESS

None

XII. OLD BUSINESS

- A. REQUEST FOR SELECTION AND APPROVAL OF THE DESIRED CONCEPT PLAN FOR IMPROVEMENTS TO THE PRESIDENT'S PLAZA EAST AND WEST PARKING LOTS; AND AUTHORIZATION FOR STAFF TO SOLICIT DESIGN-BUILD PROPOSALS FROM ENTITIES DEEMED TO BE QUALIFIED FOR THE DESIGN AND CONSTRUCTION OF THE PRESIDENT'S PLAZA EAST AND WEST IMPROVEMENTS (PROJECT NO. 758-14) (CONTRACT NO. C36530).

Rec: By Minute Motion: 1) Select and approve desired concept plan for President's Plaza East and West Improvements; 2) authorize staff to solicit prequalifications from design-build entities; 3) authorize staff to solicit design-build proposals from entities deemed to be qualified for the design and construction of the President's Plaza East and West Improvements; 4) appropriate \$8 million from Unobligated Capital Project funds to Account No. 4514692-4400100 - SARDA Bond Project Funds - if above recommendations approved, funds will be available in Account No. 4514692-4400100 - SARDA Bond Project Funds.

Action:

**** 6:30 P.M. – DINNER BREAK ****

- B. ORDINANCE NO. 1332 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING AMENDMENTS TO PALM DESERT MUNICIPAL CODE CHAPTER 5.10 - SHORT-TERM RENTALS - IN REGARD TO ENFORCEMENT, OPERATIONAL STANDARDS, COMMUNICATION, AND ZONING REQUIREMENTS FOR SHORT-TERM RENTALS WITHIN THE CITY OF PALM DESERT, INCLUDING ELIMINATION OF CERTAIN SHORT-TERM RENTALS IN R-1 AND R-2 ZONES.

Rec: 1) Waive further reading and pass Ordinance No. 1332 to second reading, amending Palm Desert Municipal Code Chapter 5.10 - Short-Term Rentals (STRs), implementing best practices in management and prohibiting issuance of new Short-Term Rental Permits within the R-1 and R-2 zones, including the following amendments made by City Council at the October 26, 2017, meeting:

- a) Existing Short-Term Rental Permits in R-1 and R-2 Zones may be renewed if otherwise qualified, but all such Short-Term Rental Permits (excluding On-Site Owner STR Permits) shall terminate, and such uses permanently cease operation by July 1, 2019. Additional renewals for operation beyond July 1, 2019, may be granted only by the City Manager based on criteria outlined in Section 25.34.140 - "Exceptions Based on Unconstitutional Takings."
 - b) Removing all language regarding Temporary Short-Term Rental Permits.
 - c) Amending violation language regarding operating a Short-Term Rental without a permit to read, "a fine in an amount up to five thousand dollars (\$5,000) for the first citation and each additional citation, and the City having the right to refuse the issuance of any new or renewed Short-Term Rental Permit for the cited property and/or to the cited Owner and/or Operator anywhere else within the City."
 - d) Reporting back to the City Council at a later date (not to exceed nine [9] months) regarding Short-Term Rental issues.
- 2) By Minute Motion, authorize: a) City Manager to develop an appropriate position and add one full-time employee to the Code Compliance Division for the purpose of enhanced monitoring and enforcement of Short-Term Rental Permits, with an estimated cost of up to approximately \$100,000 annually; b) staff to release a Request for Proposals (RFP) for operating a Short-Term Rental Hotline and performing other compliance activities; c) staff to calculate a permit fee based upon the all-inclusive cost of administering a Short-Term Rental Compliance Program and to return to City Council at a later date with a resolution for adopting said fee.

Action:

XIII. PUBLIC HEARINGS

None

XIV. ORAL COMMUNICATIONS - C

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.

XV. ADJOURNMENT

**POSTED AGENDA
~ADJOURNED REGULAR~
PALM DESERT CITY COUNCIL MEETING**

NOVEMBER 16, 2017

FUTURE MEETINGS:

November 21, 2017	6:00 p.m.	Planning Commission <u>Civic Center Council Chamber</u>
November 23, 2017	3:00 p.m.	Reg. City Council/Successor-RDA Mtgs. <u>-CANCELED- Thanksgiving Holiday</u>
November 28, 2017	9:00 a.m.	Cultural Resources Preservation Cmte. <u>Administrative Conference Room</u>
	10:00 a.m.	Audit, Investment & Finance Committee <u>North Wing Conference Room</u>
	12:00 p.m.	Architectural Review Commission <u>Development Services Conference Room</u>
December 4, 2017	1:30 p.m.	Oversight Board <u>Administrative Conference Room</u>
December 5, 2017	8:30 a.m.	Parks & Recreation Commission <u>Administrative Conference Room</u>
	3:00 p.m.	Marketing Committee <u>Administrative Conference Room</u>
	6:00 p.m.	Planning Commission <u>Civic Center Council Chamber</u>
December 6, 2017	4:00 p.m.	Hotel & Signature Events Committee <u>North Wing Conference Room</u>
December 11, 2017	6:00 p.m.	Youth Committee <u>Administrative Conference Room</u>
December 12, 2017	12:00 p.m.	Architectural Review Commission <u>Development Services Conference Room</u>
December 13, 2017	9:00 a.m.	Art In Public Places Commission <u>Development Services Conference Room</u>
	3:30 p.m.	Housing Commission <u>North Wing Conference Room</u>
	3:30 p.m.	Public Safety Commission <u>Administrative Conference Room</u>
December 14, 2017	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 9th day of November, 2017. Note: This agenda is subject to amendment up to 72 hours in advance of the meeting.

Rachelle D. Klassen, City Clerk