

MINUTES

REGULAR PALM DESERT CITY COUNCIL MEETING

THURSDAY, FEBRUARY 14, 2019

CIVIC CENTER COUNCIL CHAMBER

73510 FRED WARING DRIVE, PALM DESERT, CA 92260

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

Mayor Weber convened the meeting at 3:04 p.m.

II. ROLL CALL

Present:

Councilmember Jan C. Harnik
Councilman Sabby Jonathan
Councilmember Kathleen Kelly
Mayor Pro Tem Gina Nestande
Mayor Susan Marie Weber

Also Present:

Martin Alvarez, Acting City Manager
Robert W. Hargreaves, City Attorney
Rachelle D. Klassen, City Clerk
Lori Carney, Director of Administrative Services
Martin Alvarez, Director of Economic Development
Janet M. Moore, Director of Finance/City Treasurer
Tom Garcia, Director of Public Works
Stephen Y. Aryan, Risk Manager
Ty Davis, Division Chief, Palm Desert Fire/Riverside Co. Fire Dept./Cal Fire
Lt. Matt Martello, Asst. Chief, Palm Desert Police/Riverside Co. Sheriff's Dept.
Grace L. Rocha, Deputy City Clerk

III. ORAL COMMUNICATIONS - A (CLOSED SESSION ITEMS)

None

With City Council concurrence, Mayor Weber adjourned the meeting to Closed Session of the City Council at 3:04 p.m. She reconvened the meeting at 4:17 p.m.

IV. ADJOURN TO CLOSED SESSION

Request for Closed Session:

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

- 1) Property: 45656 Mountain View Avenue, Palm Desert
Negotiating Parties:
Agency: Lauri Aylaian/City of Palm Desert
Property Owner: LeRae Britain Moeller Bush Living Trust
Under Negotiation: x Price x Terms of Payment
- 2) Property: 45653 Portola Avenue, Palm Desert
Negotiating Parties:
Agency: Lauri Aylaian/City of Palm Desert
Property Owner: LeRae Britain Moeller Bush Living Trust
Under Negotiation: x Price x Terms of Payment
- 3) Property: NEC Country Club Drive/Desert Willow Drive, Palm Desert
(APNs 620-370-002, 620-370-003, 620-370-004,
620-370-017, 620-370-018, 620-370-020, 620-370-033,
620-370-043)
Negotiating Parties:
Agency: Lauri Aylaian/Martin Alvarez/City of Palm Desert
Property Owner: City of Palm Desert
Under Negotiation: x Price x Terms of Payment
- 4) Property: 2.84-Acre Land Parcel Located along the South Side of
Hovley Lane East/Beacon Hill (APNs 634-030-017, -040-
006), Palm Desert
Negotiating Parties:
Agency: Lauri Aylaian/Tom Garcia/City of Palm Desert
Property Owner: Coachella Valley Water District
Under Negotiation: x x 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

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

A. REPORT ON ACTION FROM CLOSED SESSION.

Mr. Hargreaves reported that direction was given on various items but no reportable action was taken.

VI. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA - Grant Luna and Parker Finnell, Palm Desert Charter Middle School students.

VII. INVOCATION/INSPIRATION - Councilmember Jan C. Harnik

VIII. AWARDS AND PRESENTATIONS

A. PRESENTATION TO RECOGNIZE PALM DESERT YOUTH SOCCER LEAGUE FOR WINNING THE 2019 TOURNAMENT OF CHAMPIONS.

Mayor Weber announced that the Palm Desert Youth Soccer League had won the 2019 Tournament of Champions and presented Certificates of Achievement to each of the following soccer players:

Boys Under the age of 14: Coaches Paul Thompson and Frank Frary; Players: John Dreisbach, Sebastian Hernandez, Peter Rizkalla, Josue Comunidad, Francis Gist, Alejandro Lezama, Simon Frary, Otis Taylor, Giovanni Leon, Collin Lombardelli, Miles Burdette, Emiliano Morales, Andres Ozuna, and David Olivas.

Coach Frary thanked the City Council for taking care of the City's soccer fields, specifically, Councilman Jonathan. He added that these players in two weeks time became a team. They beat teams all over Riverside and San Bernardino County. In order to win the Tournament of Champions, they had to win in Apple Valley, which placed huge pressure on the players. He thanked Coach Thompson and the parents for their part in making this a successful team. He hoped that some day, these players will grow up to be great leaders, just like the Palm Desert City Council.

Boys Under the age of 12: Coaches Glenn Johnson and Richard Ainsworth; Players: Roman Ansley, Brenden Baus, Tyler Daft, Paul Dreisbach, Benjamin Flores, Reese Johnson, Nathen Leavitt, Ayden Macias, Rafael Murdica, Jaiden Osborne, John Overgaag, Austin Woods, and Augustine Youssef.

Coach Johnson said he was very proud of the boys for their 8-0 record. He said these boys were truly committed throughout, and it was a real pleasure

for him to be able to coach them. Additionally, they had a great parent and family group, which is a testament to the community they live in.

Coach Ainsworth stated that as the stats guy, the players had two tournaments with eight victories and zero defeats, combined with 30 goals scored and only five goals against. He said these players definitely earned their recognition.

Mayor Weber congratulated the coaches and the players on their win, and thanked the families that came out to show their support, especially on this rainy day.

IX. ORAL COMMUNICATIONS - B

DR. JEFF SUDERMAN, Edinborough Street, Palm Desert, stated that at the suggestion and encouragement of one Councilmember, he is before the City Council to voice his concern. He lives in the Edinborough Street neighborhood in east Palm Desert, and he wanted to alert the City Council to an appeal process that a number of members of the neighborhood have forwarded to the "Land Use Commission [sic]." They represent approximately 30 homes within 300 feet of the proposed project. Approval was given to put a horse stable that could have up to three horses on a one-acre parcel that abuts a medium to a high-density neighborhood. This will place horses within 110 feet of many residents, and the neighborhood believes it will impair the enjoyment of their homes from the dust, odor, flies or rats. Additionally, he has spoken to Realtors who have indicated it will lower property values, so this is a significant concern. He said a decision has been made, but they were told about it after the fact. He affirmed the professionalism of both Associate Planner Nick Melloni and Associate Planner Eric Ceja, stating it's been a pleasure working with them, even though they didn't see eye to eye, but he had no issues with the City or individuals in the City, but believed a mistake has been made. He read out loud the following two paragraphs from the letter he submitted earlier with his Appeal Application:

"It is critical to begin by stating a foundational fact; this issue is unusual in Pal Desert. To our knowledge, there are no current known cases of horses in residences specifically in Palm Desert. Therefore, we want to assert that existing by-laws and ordinances have not been sufficiently developed in order to consider cases such as this. Placing horses adjacent to a high-density neighborhood is a decision that is both unprecedented in the last decade and sets a dangerous precedent for this city.

Both City officials stressed that the letter of the law has been followed. We appreciate this diligence, but request the appeal process be given due consideration, because simple bureaucratic procedures cannot adequately handle a complex issue as this. The law is not made for every case. As noted above, this is unprecedented. Furthermore, as citizens we expect City

staff, volunteers, and elected officials to act in the interest of all citizens and not blindly enact decisions without critical thought. In order words, we are asking that you please consider this matter as public servants who are charged to oversee the best interest of all Palm Desert residents. Placing horses 100 feet away from residential swimming pools and lots is not a routine bureaucratic decision and it needs further discussion, which should have been made prior to making a decision.”

Mayor Weber noted his contact information will be given to the City Manager for staff to contact him.

X. MAYOR AND COUNCILMEMBER REPORTS & REMARKS TO THE COMMUNITY

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

1. Riverside County Transportation Commission (RCTC) - attended the Annual Workshop where Measure A was discussed. She noted Measure A funds are to be used for transportation projects, and in the ballot initiative that was voted on and passed, which terminates in 2039, the Commission must make a 10-year Plan and show how it will be using those funds.
2. Coachella Valley Association of Governments (CVAG) - she reported on the following two topics: 1) E-scooters came up again, and she suggested using the City of Palm Desert as a resource. CVAG will research what other cities have done and the information will be distributed so that each city can make its own decision; 2) Speed Limits - there is current legislation in Sacramento that could provide cities leeway in adjusting their speed limits in certain zones, which is being supported by CVAG; 3) Signal Synchronization Program will begin in the year 2020 and operational by 2021.
3. Coachella Valley Conservation Commission - announced that tamarisk trees are being taken out of the conservation areas, because they are invasive, requiring 200 gallons of water a day for each tree. She noted the City had a current issue when the tamarisk trees were removed along the railroad, because they do provide wind and sound screens. The suggestion was to replace them with Mesquite Trees.
4. Street Sweeper Program - she noted sweepers go up and down Monterey and other streets where there is an accumulation of sand, and because vehicles run over it, it is then contaminated. A two-year pilot program will be tried with the University of California, Riverside, to see if they can clean the sand and reuse it for sand starved sand dunes. It sounded like an interesting program.

5. El Paseo Art Exhibition - she reported that Mayor Weber kicked off the exhibition, and it's an exciting art installation. Mayor Weber credit the good work of Management Specialist Amy Lawrence and added that six of the artists described what the art meant to them, and their comments can be heard through the art app.
- B. Councilman Sabby Jonathan Committee Reports and General Comments.
1. Annual Holocaust Memorial - reported the City hosted the 10th memorial on Monday, January 28, at the Civic Center Park. He thanked Mayor Weber for speaking at the memorial, stating she did it so eloquently. He noted that for the first time, there were more students than adults attending. Additionally, he noticed many City employees were also in attendance, which he thought was very special.
 2. Riverside County Continuum of Care (CoC) Board of Governance - explained that this Board is an entity that annually allocates about \$10 million in HUD (Housing and Urban Development) Funding for homelessness programs, and this year they added \$10 million in HEAP (Homeless Emergency Aid Program) Funding, and there were 32 applications submitted. CVAG submitted an application, but he had to recuse himself as the six of the eleven board members, because they all represent entities that an application is pending. They used the process of drawing names out of a bag instead of drawing straws. Therefore, there was only one representative from the Valley, which was unfortunate, because the CVAG application was not one of the winners. It's unfortunate, because if you recall, the Barbara Poppy report confirmed that the Coachella Valley disproportionately serves homeless people that come from the western part of Riverside County, and sometimes they are transported in, because of the resources and services available. In spite of the greater financial burden, CVAG was not awarded that application, but they will continue to work on that situation.
 3. Desert Community Energy (DCE) - as a board member on the DCE Board, many became aware that a survey took place, including the City Manager, because she was one of the ones surveyed. The DCE put out a Request for Proposal (RFP) for conducting a survey and received several proposals and and selected one. That survey was conducted from January 18 to January 24, 2019. The purpose was to gauge the desire for resistance to having the DCE move forward with a choice about power providers when that modest cost savings is not the primary benefit, but instead to control how much carbon free and free energy a user can select, including having local control and local jobs. Staff will provide a full report at the February 28, 2019, City

Council meeting, along with the results of the detailed survey, which is voluminous. The take away from the survey is as follows:

- A large majority, 80% of residents, support DCE's Community Choice Aggregation (CCA) Program after learning about what the program could provide to the community. Therefore, 80% support the DCE moving forward on the basis of green energy and local control.
- A similar majority (80%) of residents would be willing to support the DCE's CCA Program, primarily to achieve local climate goals.
- About 60% are likely and willing to pay more on their bill knowing that purchasing power in the community from local geothermal, solar and wind sources, will be available as one of their choices.

The bottom line is that the survey indicated significant support for the DCE moving forward based on the environment rather than on a modest cost savings, and the DCE Board will take up the issue at its February 25, 2019, meeting, which is open to the public. Additionally, the Palm Desert City Council will hear more on the topic at its February 28th meeting. He noted that no action will be taken at the February 25, 2019, DCE Board meeting, because the three cities made it clear this is something that needs to come back to the respective councils to make a decision, and then the DCE Board will vote on whether or not to move forward.

C. Councilmember Kathleen Kelly Committee Reports and General Comments.

1. United States Post Office on Portola Avenue - reported that notices have been posted about the prospect of that office being closed. It's not due to any public policy decision, but because of a landlord decision. The notice indicates the post office wants to find an alternative location nearby and gives information about a public meeting on February 20, 2019, at 11:00 a.m. This meeting is going to happen inside the post office lobby, which struck her as very ill-suited. She has asked the City to reach out and offer alternative meeting sites, such as the Portola Community Center. If this topic is of interest, please be alert to communication methods, because if a better site is agreed upon, that information will be pushed out.

Public Information Officer David Hermann stated the notice that Councilmember Kelly referred to was posted on "Next Door," as well as on the City's Website.

D. Mayor Pro Tem Gina Nestande Committee Reports and General Comments.

1. Citizen's Sustainability Committee - reported that a representative from Burrtec, Waste and Recycling announced that a lot of changes were coming relating to recycling, plastics, and food waste. The representative shared that the Country of China, who they export all their plastics and recyclables, will no longer be taking the items and it's going to have an effect. She plans on meeting with Burrtec representatives next week, and if anyone is interested in knowing more, the next meeting Citizen is on Monday, April 8, 2019, at 3:00 p.m.
- E. Mayor Susan Marie Weber Meeting Summaries Report for the Period of January 14-27, 2019.

With City Council concurrence, the Meeting Summaries Report was received and filed.

1. Marrakesh Country Club - Marrakesh celebrated their 50th Jubilee, and she was able to attend it. For those who have had an opportunity to go to Marrakesh, it's a phenomenal experience with the pink buildings and interesting designs. What she found most interesting is that Cliff Henderson is the one who suggested painting the buildings pink.
2. Giraffe Mural Unveiling at The Gardens on El Paseo - attended this event along with Councilmember Kelly. The mural is a giant giraffe, and it's a fun one, because many were posing with their hand out, pretending they were feeding it and taking a picture.
3. Desert X Grand Opening - announced that in the next few weeks there will be exhibitions to see all over the Valley.
4. Senior Games Kick Off at the Civic Center Community Center - attended this event along with Councilmember Kelly. She said there were many happy people, and they do love their pickleball, volleyball, and the other activities.

F. City Council Requests for Action.

1. Best, Best & Krieger Legal Services Contract - Councilman Jonathan noted staff was preparing a Request for Qualifications/Proposal in anticipation of the expiration of the current contract with Best, Best & Krieger (BB&K), which expires on August 13, 2019, which is in six months. He requested staff also prepare an analysis for the City Council for hiring an in-house City Attorney as other cities have done. He didn't know if that was good or bad for cities, but when deciding on how to move forward, Council should be armed with knowledge. The analyses report to: 1) Quantify total cost for legal services that are currently incurred that include BB&K contract, non-contract, payments to BB&K, and the use of outside legal firms; 2) provide a reasonable estimate of what an in-house attorney would cost, plus the outsourced legal services that would be incurred; 3) a comparison of the non-monetary advantages and disadvantages of in-house legal counsel versus outside legal counsel. Therefore, as part of going out for a RFQ/P for a legal services contract, staff also to analyze the aspects listed of utilizing an in-house counsel.

2. Desert Community Energy (DCE) - Councilmember Kelly stated she didn't want to do a deep dive into the DCE issue, which will be on the next agenda, but she believed Council was at a very critical juncture if there is a prospect here of launching participation on a very different basis than what was originally offered as the justification. She has misgivings about the survey as adequate for the basis for it, stating she still has more research to do. When staff provides their staff report, she wants to make sure that two particular topics are addressed: 1) Whether the structure of DCE puts Palm Desert at risk of being part of a launch, even if the City Council opposes it, because the other two cities (Cathedral City and Palm Springs) support it; 2) What are the withdrawal rights and consequences for withdrawing from the DCE. She's not saying she would favor it, but because the City is at a critical juncture, it will be very important to have an analysis on these two points.

Mr. Stendell agreed to address the two items mentioned.

G. City Council Consideration of Travel Requests/Reports.

None

XI. STAFF REPORTS AND REMARKS

A. City Manager

1. City Manager's Meeting Summaries Report for the Period of January 14 - February 1, 2019.

With City Council concurrence, the Meeting Summaries Report was received and filed.

2. Mr. Alvarez made the following announcements:

- Introduction of the new Emergency Services Coordinator Greg Papazian, who replaced Eric Cadden. He is a contract employee from the Emergency Medical Management Department on a shared basis with the City of Indian Wells.
- Road Closures at the Fred Waring Drive and Cook Street at the Whitewater Channel due to today's heavy rain.

B. City Attorney

None

C. City Clerk

None

D. Public Safety

1. Fire Department

Mr. Aryan introduced the newly hired Division Fire Chief Ty Davis, who replaced Eddie Moore who was promoted to Deputy Chief.

Chief Davis stated he was honored to return to Palm Desert and serve as the Division Chief. He has worked in Palm Desert previously as a fire fighter and paramedic, so he was glad to be chosen to return to this City. He said Palm Desert will continue to receive great service and he will build on what has already been achieved.

2. Police Department

None

XII. CONSENT CALENDAR

PALM DESERT CITY COUNCIL

- A. MINUTES of the Regular City Council Meeting of January 24, 2019.

Rec: Approve as presented.

- B. CLAIMS AND DEMANDS AGAINST THE CITY TREASURY - Warrants Dated 12/31/2018, 1/9/2019, 1/11/2019, and 1/18/2019.

Rec: Approve as presented.

- C. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 1/11/2019, 1/18/2019, and 1/25/2019 (**Joint Consideration with the Palm Desert Housing Authority - Item R below**).

Rec: Approve as presented.

- D. COMPLIANCE ANALYSIS AND INVESTMENT REPORTS for the Months of November 2018 and December 2018 (**Joint Consideration with the Successor Agency to the Palm Desert Redevelopment Agency - Item P below**).

Rec: Receive and file.

- E. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Ristorante Mamma Gina, 73705 El Paseo, 30B, C & D, Palm Desert.

Rec: Receive and file.

Approved 4-0-1 (AYES: Harnik, Kelly, Nestande, and Weber; NOES: None; ABSTAIN: Jonathan)

- F. RESOLUTION NO. 2019 - 04 - 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 Office of the City Clerk, to Rely on the Electronic Record as the Official Record – Exhibit “A” - Various Records Center Files.

Rec: Waive further reading and adopt.

- G. RESOLUTION NO. 2019 - 05 - 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 Finance Department to Rely on the Electronic Record as the Official Record – Exhibit “A” - Various Finance Department Records.

Rec: Waive further reading and adopt.

- H. CITY COMMITTEE AND COMMISSION MEETING MINUTES.

1. Audit, Investment & Finance Committee Meetings of September 25, 2018, and November 27, 2018.
2. Citizens’ Sustainability Committee Meeting of October 15, 2018.
3. Cultural Resources Preservation Committee Meeting of October 30, 2018.
4. Parks & Recreation Commission Meeting of December 4, 2018.

Rec: Receive and file.

- I. LETTER OF RESIGNATION from Steve Nash - Housing Commission

Rec: Receive with sincere regret.

- J. REQUEST FOR AUTHORIZATION for City Manager to Enter into Agreement with Environmental Systems Research Institute, Inc. (ESRI), for an Enterprise Advantage Program in the Amount of \$89,000 (Contract No. C38180).

Rec: By Minute Motion, authorize City Manager to enter into an agreement with Environmental Systems Research Institute, Inc. (ESRI), Redlands, California, for an Enterprise Advantage Program in the amount of \$89,000 to provide consulting, training, and technical assistance for GIS (Geographic Information Systems) initiatives – funds are available in Account No. 5304190-4404000.

- K. REQUEST FOR APPROVAL of the 2019 Autism Walk on Saturday, April 6, in Civic Center Park (Juanita Hernandez, Applicant).

Rec: By Minute Motion, approve: 1) 2019 Autism Walk scheduled for Saturday, April 6; 2) temporary waiver of Palm Desert Municipal Code Sections: a) 11.01.140 - Amplified Sound in City Parks; b) 11.01.080(Q) - Vendor Sales in City Parks.

- L. REQUEST FOR APPROVAL of the LiveWell Festival's Run of the Desert Charities Scheduled for Saturday, May 18, 2019, in Civic Center Park (Seth Cash/MyCityEveryday, Applicant).

Rec: By Minute Motion, approve: 1) LiveWell Festival's Run of the Desert Charities scheduled for Saturday, May 18, 2019, to take place in Civic Center Park; 2) temporary waiver of Palm Desert Municipal Code Sections: a) 11.01.140 - Amplified Sound in City Parks; b) 11.01.080(O) - Placement of Advertising Signage in City Parks; c) 11.01.080(Q) - Vendor Sales in City Parks.

- M. REQUEST FOR AWARD OF CONTRACT to Urban Habitat in the Amount of \$55,944 for the Santa Rosa Community Garden Renovations (Contract No. C37910, Project No. 997-19).

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

SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY

- N. MINUTES of the January 24, 2019, Regular Meeting of the Board of Directors of the Successor Agency to the Palm Desert Redevelopment Agency.

Rec: Approve as presented.

- O. CLAIMS AND DEMANDS AGAINST SUCCESSOR AGENCY TREASURY - Warrant Dated 1/25/2019.

Rec: Approve as presented.

- P. COMPLIANCE ANALYSIS AND INVESTMENT REPORTS for the Months of November 2018 and December 2018 (**Joint Consideration with the Palm Desert City Council - Item D above**).

Rec: Receive and file.

PALM DESERT HOUSING AUTHORITY

- Q. MINUTES of the Housing Authority Meeting of January 24, 2019.

Rec: Approve as presented.

- R. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 1/11/2019, 1/18/2019, and 1/25/2019 (**Joint Consideration with the Palm Desert City Council - Item C above**).

Rec: Approve as presented.

Councilman Jonathan stated he would be Abstaining on Item E, and requested Item M be removed for separate consideration under Section XIII - Consent Items Held Over.

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

XIII. CONSENT ITEMS HELD OVER

- M. REQUEST FOR AWARD OF CONTRACT to Urban Habitat in the Amount of \$55,944 for the Santa Rosa Community Garden Renovations (Contract No. C37910, Project No. 997-19).

Councilman Jonathan asked about the funding, because the staff report indicates the Park Funds are not available for this project, questioning why they would come out of the General Fund. Additionally, he asked why the project couldn't be deferred to next year to avoid burdening the General Fund.

Landscape Supervisor Randy Chavez explained that Park Funds were not available for this specific project, because there wasn't a net increase in the garden capacity. In the past, the City has increased the garden beds by 10% to 20%. However, when the layout was done, it was a net garden of fifty; therefore, staff couldn't use Park Funds. Further responding, he staff the agenda indicates incorrect information, because staff is using funds that are in the account now and not coming out of the General Fund.

Councilman Jonathan moved to, by Minute Motion: 1) Award subject contract in the amount of \$55,944 to Urban Habitat, La Quinta, California, for the Santa Rosa Community Garden Renovations; 2) authorize the Director of Finance to set aside a 10% contingency for the project in the amount of \$5,594.40; 3) authorize the Mayor to execute said contract – Park Funds are not available for this project; however, funds are available in Unobligated General Fund Account No. 1104618-4400100. Motion was seconded by Nestande and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XIV. RESOLUTIONS

- A. RESOLUTION NO. 2019 - 06 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, IN SUPPORT OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF IMPERIAL AND THE COUNTY OF RIVERSIDE CONCERNING THE SALTON SEA.

Management Analyst Christopher Gerry stated the proposed Resolution supports the Memorandum of Understanding (MOU) between the Counties of Imperial and Riverside regarding its unified support for the restoration of the Salton Sea. Last year these counties entered into an MOU establishing mutual good-faith effort as well as common goals to restore the Salton Sea. The Salton Sea and its member agencies previously adopted some version of this Resolution, and the stakeholders have subsequently requested that nearby public agencies adopt resolutions supporting this effort as well. He understands that six out of nine public agencies within the Coachella Valley have already adopted a resolution. The Palm Desert Citizens Sustainability Committee has already received the presentation by the Salton Sea Authority regarding the restoration and management efforts, and based on that presentation, the Committee recommended the City Council adopt a resolution in support of the proposed MOU.

Mayor Weber disclosed that the City Attorney said it was okay for her to sit in on this item even though she owned property on the Salton Sea.

Mr. Hargreaves agreed, stating he reviewed the subject resolution and the chance of it having any appreciable impact on the property is negative.

Councilman Jonathan questioned how long have the counties of Imperial and Riverside been involved in developing a solution.

Mr. Hargreaves noted he represented the Salton Sea Authority so he could answer the questions. He explained the two counties and the water district and tribe, who form the Salton Sea Authority, have been trying for 20 years ago. They have been working on different aspects, and the proposed Resolution addresses a potential Enhanced Infrastructure Financing District (EIFD), which the counties have been focused on now for several years. The part that's heartening about the Resolution is that different agencies are getting together and making an effort together, which had always been a problem. Reaching a consensus about what needed to be done, who needs to do it, and getting agencies to cooperate has been a challenge, so this was an important step moving forward in that regard.

MR. CHUCK PARKER, Member of the Salton Sea Coalition, stated the Coalition is made up of grass-roots individuals who live in the Valley and near the Salton

Sea, which includes, teachers, retired water engineers, health care workers, etc. They attended meetings on the ten-year plan for the Salton Sea Management Plan (SSMP) for 1½ years now. To answer Councilman Jonathan's question, this MOU was signed last June, which he provided to the Council. The Coalition welcomes this MOU, because the projects of the Salton Sea have been stalled and nothing has been done for 15 years. Since the State put forth its plan over 1½ years ago, they have also accomplished nothing. There is one thing in the MOU that indicates they have completed the project at the Torres-Martinez Reservation, however, it wasn't done correctly. A pond was built on top of sand and water leaked right out, so now it has to be redone with them putting in a liner. Therefore, he wouldn't claim that project was successful. The Coalition's concern is that the MOU, while it does propose a couple of projects that would be helpful, they are limited in nature. He said long-term solutions for the Salton Sea is what is needed, and they don't believe it will be resolved without importing ocean water, either from the Pacific or the Sea of Cortez. The State received eleven proposals for this purpose, and it has accepted moving forward with three of them. He noted he provided a summary of each of those proposals to the City Council. The Coalition believes it will help the North Lake Project get built, because it would mean there would be more water. There is a question right now on whether there is enough water, and he didn't see how they could build projects on the south end and turn it into a perimeter lake all around the sea without sea water. As a matter of fact, one of the proposals from the Cordoba Corporation, proposes a perimeter lake as part of their project. An amendment was suggested to both counties to be added to the MOU. The City of Desert Hot Springs voted to add the amendment when they endorsed their resolution. He appreciated the opportunity to speak to the City Council for the amendment's consideration. He said this was an issue that brings people together from all parts of the political spectrum. Most people support a solution to the Salton Sea, and it's not an issue that polarizes things politically, which was a good thing, because a consensus was needed to accomplish a resolution.

MR. KYNEN ROAN CAUTHRON, Member of the Salton Sea Coalition, stated he was one of the grassroots members that Mr. Parker talked about. He's been putting a lot of time and energy over the past year in looking for solutions around the sea. Just in these past few weeks, a strong momentum has been built. He has attended events oriented and designed to increase and highlight health concerns around the sea, including potential development. The salvation of the sea in general has invoked a lot of passion in him, and in the hearts and minds of others as well. He felt strongly the MOU will provide a foundation for moving forward, because there are many health concerns to address. In looking back on the history of the Salton Sea from the 1950's to now, it is quite shocking, but it doesn't mean that the potential is not there. He hopes the City Council adopts the Resolution for the approval of the MOU, in order to continue the momentum for a long-term solution.

Mayor Pro Tem Nestande said it was one of the most important environmental issues facing the Coachella Valley, because if nothing gets done, the damage can be devastating. She said the water started receding because of the water

rights negotiations that were held previously, so the Salton Sea gets much less water, if any at all. Because its receding, there is a naked floor bed of sand and debris, which is hazardous for humans to breathe, especially, whenever the Coachella Valley experiences the Santa Ana winds. She said this issue has continually been pushed down the road, as already mentioned, for more than 15+ years. She appreciates the comments made about getting ocean water from the Sea of Cortez, which is in Mexico, but she doesn't see them working on an agreement with the United States any time soon, and with all the environmental regulations, it will take years. While she is not saying the idea is wrong, this City Council needed to act now on what is in the MOU today.

Councilmember Harnik recalled hearing Governor Ronald Reagan say something had to be done about the Salton Sea or it will face the worse environmental disaster ever known and nothing has been done since. What is being considered here in the MOU is a perimeter lake, which is better than nothing. Because of years of inaction, something needed to be done, and this amendment is about a comprehensive analysis. In other words, fact-gathering, which she supports. When she attends the Southern California Association of Governments (SCAG) in downtown Los Angeles, she talks about this issue. The Salton Sea doesn't just affect our small region, because the stench has reach Semi Valley, and it will happen more often where Los Angeles and Ventura County will smell it and it will get their attention. What she questions, because the Colorado River runs through several states, why the Federal Government was not engaged or involved. She supports adding the clause into the MOU. Also, at the University of California, Riverside, there is a film about how Israel has dealt with their water needs, and today they have more water than when it became a nation state in the 1940's, stating we can learn from them.

Councilmember Kelly suspects that everyone agrees that anything Council can do, as a City, to push governmental entities toward progress in dealing with the Salton Sea is a good thing. She supports the Resolution, which feature two initiatives, the perimeter lake concept and the north lake. She heard the speakers say they want to keep importation of water in play, and there needs to be multiple ways to support continuing analysis of other ideas moving forward. She supports the proposed Resolution, with a request to the signatory parties to add this additional clause with one edit. The first sentence supports comprehensive analysis, but the second sentence appears to predetermine the outcome. She supports the importation of ocean water into the long-term plan. She suggested being consistence by changing the second sentence to read as follows: *"The parties respectfully request that analysis of ocean water importation be incorporated, etc."* She noted the speakers who proposed the added clause had no objection to that edit. She supports staff's recommendation with the additional request to the signatory parties to make that addition. Clearly, the MOU was hammered out with great effort, and it was signed last summer. Therefore, she wants to support the Resolution and the initiatives that it pushes.

Councilman Jonathan agreed the Salton Sea has the potential to be the greatest environmental disaster that hit the State of California. For twenty years, good people made efforts to address this, analyze it, and have received millions of dollars in funding. Twenty years later, this City Council is being asked to pass a resolution that says the counties of Imperial and Riverside have an MOU, a collaborative partnership, and a unified strategy to work together and play nicely. He's so frustrated that 20 years later, this City Council is being asked to adopt a feel-good resolution, only to say they will analyze it, which may take another 20 years. He believed it perpetuates the ineffectiveness of the process that everyone has suffered these past 20 years. What was needed was a game-changer, because this was a perpetuation of analysis, funding, and ineffectiveness. Therefore, he will not be voting yes on the proposed resolution. It said it won't be because he's not concerned about the Salton Sea, but because he's concerned that to keep doing the same thing over and over again will not result in a solution.

Mayor Pro Tem Nestande asked what Councilman Jonathan would support and/or if he had any ideas on how to save the Salton Sea.

Councilman Jonathan responded that with progressive and forward-thinking leadership in Sacramento, the private sector can be engaged to craft a solution. He said he has seen Sacramento be ineffective, because at one time there was going to be a battery storage plant located in the Salton Sea, which would have been a huge step toward a resolution for some of these adverse consequences, and there are other opportunities for alternative energy companies to locate out there. If there was visionary leadership in Sacramento that incentivizes the private industry to be part of the solution, more progress could be made in five years than it has in the past 20 years. He believed it could happen only if cities like Palm Desert stands up and say enough.

Councilmember Kelly commented that the proposed resolution wasn't meaningless, because it explicitly addresses two initiatives that are comparatively practical. The perimeter lake concept, which can afford some relief, both to wild life and to contamination of the air, can be done at a lesser expense. And the north lake vision has the prospect to stimulate the economy. For either of these two steps to move forward, these two counties need to collaborate, particularly, if EIFD funding is one of the tools that helps move the north lake vision forward. Although, what the two counties have accomplished is not as bold as what Councilman Jonathan has described, it is a constructive step, and it's exciting to see two adjacent counties committing to two explicit ideas, while pressure is creating bigger and grandeur things. Therefore, she didn't feel Council had to withhold support to make a statement.

Councilmember Kelly moved to waive further reading and adopt Resolution No. 2019-06, as amended by adding the following paragraph after the Perimeter Lake paragraph: *"WHEREAS, the Parties are supportive of comprehensive analysis of Ocean Water Importation as a long-term solution for the restoration of the Salton Sea. The parties*

respectfully request that analysis of Ocean Water Importation be incorporated into the state's SSMP long-term plan." Motion was seconded by Harnik.

Mayor Weber said she didn't like items being added to resolutions, because the public doesn't have a chance to comment on a very complicated paragraph, so she won't support that action. Secondly, she's seen the Salton Sea stalled for more than 40 years, seeing many individuals being hired for \$150,000 a year, with that person leaving and many others being hired, and nothing changes. The two counties were already in the process of talking, because she was in a meeting last years when a speaker highlighted that the two counties were talking and a resolution was forthcoming, and 80% of the audience started laughing. She agreed with Councilman Jonathan that nothing will change unless this is looked at differently, and government had to be taken out of it in some manner and introduce private parties to solve this issue. She believed the potential was there, but for some reason the private industry keeps being stopped, like with the battery plant. She liked the idea of a resolution, but for many years she's seen many ideas come and go. If there is a way to get private industry involved and motivated, she believed the potential for success was greater. Also, importing ocean water has been discussed for 40 years, so it wasn't anything new. Further, the size of those pipes would be 40-feet wide and it would take about four or five pipes, adding it would then bring sharks into the Salton Sea, because they will get through.

Mayor Weber called for the vote and the motion carried by 3-2 vote (AYES: Harnik, Kelly, and Nestande; NOES: Jonathan and Weber).

XV. ORDINANCES

A. For Introduction:

None

B. For Adoption:

1. ORDINANCE NO. 1345 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING AND UPDATING VARIOUS SECTIONS OF THE PALM DESERT MUNICIPAL CODE – CHAPTERS 2.52, 5.10, AND 8.23.

Councilmember Harnik moved to waive further reading and adopt Ordinance No. 1345. Motion was seconded by Jonathan and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XVI. NEW BUSINESS

- A. REQUEST FOR REAPPOINTMENT OF 10 MEMBERS, ACCEPTANCE OF THREE (3) RESIGNATIONS, AND APPOINTMENT OF TWO (2) NEW MEMBERS TO THE PALM DESERT YOUTH COMMITTEE.

Management Analyst Amy Lawrence noted this was a housekeeping item for reappointments of ten (10) current members to the Committee, acceptance of three resignations, and appointment of two new members.

Mayor Weber noted she and Councilmember Harnik were at the Optimist Breakfast yesterday, where they made a point to invite and recruit teens to become part of the Youth Committee, stating they do this wherever they go.

Councilmember Harnik added that after the breakfast, one of the parents requested an application for her daughter, and she was referred to Linnet Wohlmuth.

Councilmember Harnik moved to, by Minute Motion: 1) Reappoint Umair Ahmad, Zachary Berenbaum, Alan Cho, Tim Fitzpatrick, Ismael Haile, Lily Kim, Erin Kulas, Teana Ross, Jacqueline Scibona, and Todd Shaw to the Palm Desert Youth Committee each for a one (1)-year term (1/1/19 - 12/31/19); 2) accept the resignations of Palm Desert Youth Committee Members Marco Capobianco, Hailey Dewegeli, and Savannah Duckworth; 3) appoint Daphnie Driza and Kyna Huang to the Palm Desert Youth Committee each for a one (1)-year term (1/1/19 - 12/31/19). Motion was seconded by Nestande and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

- B. REQUEST FOR DESIGNATION OF MAYOR PRO TEM GINA NESTANDE AS THE CITY'S LIAISON TO ASSIST IN COORDINATION OF FUTURE *IRONMAN* TRIATHLONS IN THE CITIES OF INDIAN WELLS AND LA QUINTA.

Management Analyst Christopher Gerry stated the request is to designate Mayor Pro Tem Gina Nestande as the City's liaison to assist in the coordination of future Ironman Triathlons in the cities of Indian Wells and La Quinta. To summarize, last December, the cities of Indian Wells and La Quinta had an inaugural Ironman Triathlon within their respective jurisdictions where there were some issues that impacted both residents and visitors. Therefore, the event organizers have begun to collaborate on ways to improve the future Ironman Triathlon, and those stakeholders have contacted Mayor Pro Tem Nestande requesting her assistance in coordinating future Ironman Triathlons. The item before the City Council is to formalize this relationship moving forward. Although, the event is located in Indian Wells and La Quinta, it is in the best interest of residents and visitors of Palm Desert that it is a successful event due to its regional impacts.

Councilmember Harnik commented that Mayor Pro Tem Nestande had expertise in this regard, and questioned if Palm Desert was impacted with traffic issues.

Mr. Gerry replied he wasn't aware of any, but he imagined some Palm Desert residents were likely stuck in traffic.

Mayor Weber added that traffic at Fred Waring was a mess.

Councilmember Harnik said she received communication today that La Quinta knew nothing about this and wondered if it was appropriate for Councilmembers to consult with other cities, because the event is not in Palm Desert.

Mr. Gerry replied staff could reach out at the direction of the City Council.

Mayor Weber asked who organizes this event.

Mr. Gerry said he believed the City of La Quinta was the lead agency.

Mayor Pro Tem Nestande said both cities are working together on the event, but it's their public works and planning departments that are assigned to it. She was at a CVAG Environmental meeting today and mentioned it to Mayor Linda Evans from the City of La Quinta, who seemed fine with it, but it was very informal.

Councilmember Harnik stated that if La Quinta is the lead agency, there should be more communication regarding this, and it was in everyone's best interest to do so, and certainly being good neighbors.

Mayor Weber stated that designation merely means that if the cities of Indian Wells and La Quinta reach out to Palm Desert for assistance, Council would be voting to say that Mayor Pro Tem Nestande is the appointed liaison and speaking on the City's behalf.

Councilmember Harnik pointed out that staff's recommendation doesn't say if the cities reach out.

Mr. Gerry offered that perhaps a letter from the host organizer rather than the agencies.

Councilman Jonathan said he's happy to designate Mayor Pro Tem Nestande to be the liaison, and in that role, she can reach out to the two cities and ask them if they welcome her participation, and if so, move forward. In Palm Desert, the City held the New Balance Half Marathon, and as usual, was executed very safely and successfully. He added the two cities

may want to consider Palm Desert as part of the solution to some of the challenges they face.

Mayor Pro Tem Nestande agreed, stating Management Analyst Amy Lawrence will be a great resource.

Mayor Weber stated that in order words, Council is just putting it out there that the City is available and has appointed a liaison to assist, and as Councilman Jonathan said, Mayor Pro Tem Nestande could reach out to explain what Palm Desert has done and make herself available.

Mr. Gerry agreed, stating that if there are ways the City can help to potentially reduce any mishaps in the future, certainly with Palm Desert's expertise, from City staff's perspective, it could be invaluable.

Councilmember Harnik added that Palm Desert certainly benefits from other cities events.

Councilman Jonathan offered that part of their solution might be to reroute a portion of the triathlon onto Palm Desert. He thanked Mayor Pro Tem Nestande for offering her services in this regard.

Councilman Jonathan moved to, by Minute Motion, designate Mayor Pro Tem Gina Nestande as the City's liaison to the Ironman Triathlon event with Mayor Pro Tem Nestande reach out to the cities of Indian Wells and La Quinta, asking them if they welcome her participation. Additionally, encourage them to consider some of the practices in the City of Palm Desert that have proven successful, and the possibility of re-routing a portion of the triathlon to even include the City of Palm Desert. Motion died for lack of a second.

Councilmember Kelly was wondering if Council really wanted to put into the motion that it wanted to promote Palm Desert practices to the other cities. She suggested limiting the motion to the appointment, and reaching out to confirm they would welcome her participation.

Councilman Jonathan amended the motion to designate Mayor Pro Tem Gina Nestande as the City's liaison to the Ironman Triathlon event with Mayor Pro Tem Nestande reaching out to the cities of Indian Wells and La Quinta, asking them if they welcome her participation. Motion was seconded by Kelly and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XVII. CONTINUED BUSINESS

- A. REQUEST FOR APPOINTMENTS TO VARIOUS VACANCIES AND REAPPOINTMENTS TO TERMS AS ARE REFLECTED ON THE CITY'S ESTABLISHED COMMITTEES AND COMMISSIONS (Continued from the meeting of January 24, 2019).

Councilman Jonathan thanked all the applicants, because there was an abundance and embarrassment of riches in the quantity and quality, stating he was ready to move forward with approval. However, the process this year highlighted deficiencies in its procedures and some challenges that maybe can be resolved by revisiting the policy and process. He asked that the experience be turned into a learning moment and asked staff to consult with Council with regard to where the deficiencies are and to propose solutions prior to the next round of interviews. Whether or not there are recommendations, at least have a discussion, so that Council can take steps to improve the process.

Mayor Weber agreed there was a plethora of applicants, and it was a joy having so many people wanting to be involved, adding it was difficult to just choose a few.

Councilmember Kelly thanked the City Clerk and her entire office, because one of the calls as a Councilmember is to spur interest in service on committees and commission. Given the flood of applicants it had, she believed they are making progress, but it creates more work for the City Clerk's Office, all of which they handled wonderfully as they always do. There were many communications with the applicants with staff trying to shepherd the Council on dates when all were available, so she believes she speaks for all, in expressing their gratitude, admiration, and awe. Mayor Pro Tem Nestande concurred.

Ms. Klassen thanked the City Council for their comments, stating they were appreciated.

Councilmember Kelly moved to, by Minute Motion:

- 1) Architectural Review Commission - Appoint Jim Schmid to the vacant term formerly held by Doug Brewer (12/31/20).
- 2) Art In Public Places Commission - Appoint Elizabeth Hauer to the vacant term formerly held by Maureen Thompson (12/31/21); appoint Susan Myrland to the term formerly held by Katherine Hough (1/1/19-12/31/22); reappoint Maureen Boren to a four-year term (1/1/19-12/31/22).
- 3) Audit, Investment & Finance Committee - Appoint Karen Alexander to the vacant term formerly held by Stan Sperling (1/1/19-12/31/22).
- 4) Building Board of Appeals & Condemnation - Appoint Joseph S. Gaugush to the term formerly held by Denise Poeltler (1/1/19-12/31/22); reappoint Pamela Martin to a four-year term (1/1/19-12/31/22).
- 5) Cultural Resources Preservation Committee - Appoint David R. Toltzmann to the vacant term formerly held by Pamela Williams

- (1/1/19-12/31/22); reappoint Kim Housken to a four-year term (1/1/19-12/31/22).
- 6) Hotel & Signature Events Committee - Reappoint Arnold Kirschenbaum (Inn at Deep Canyon), Tom Tabler (JW Marriott Desert Springs), and Scott White (Greater Palm Springs CVB) each to a four-year term (1/1/19-12/31/22).
 - 7) Housing Commission - Appoint Arthur P. Katz (Resident) to the term formerly held by Robert Nevares (1/1/19-12/31/22), appoint Melody J. Morrison (Resident) to the term formerly held by J. Wade Tucker (12/31/19), appoint Dennis Guinaw to the vacant term formerly held by Beverly Fitzgerald (12/31/21), appoint Jann Buller to the vacant term formerly held by Steve Nash (1/1/19-12/31/22), appoint Donna Ault to the vacant term formerly held by Joy Whitehurst (1/1/19-12/31/22); reappoint Greg Ballard to a four-year term (1/1/19-12/31/22).
 - 8) Library Promotion Committee - Appoint Anne Berman to the vacant term formerly held by Joan Beasley (1/1/19-12/31/22) and appoint Heather Greenwood to the term formerly held by Lois Cardona (1/1/19-12/31/22); reappoint Louise Kermode to a four-year term (1/1/19-12/31/22).
 - 9) Marketing Committee - Reappoint Rolf Hoehn (IW Tennis Gardens) and Ray Rodriguez Jr. (Casuelas Cafe/Cork Tree) each to four-year terms (1/1/19-12/31/22).
 - 10) Parks & Recreation Commission - Reappoint Mike Hardin to a four-year term (1/1/19-12/31/22).
 - 11) Planning Commission - Reappoint John Greenwood and Joseph Pradetto each to a four-year term (1/1/19-12/31/22).
 - 12) Public Safety Commission - Reappoint Terry Kramer and Doug Luhring each to a four-year term (1/1/19-12/31/22).
 - 13) Citizens' Sustainability Committee - Appoint Melinda (Mel) Robertson, Vincent Heuring, and James Henderson to fill the vacant terms of Bruce Kassler, David Mourhess, and Oxana Wolfson, respectively (12/31/19); appoint Evan Trubee to fill the vacant term of Luke Taylor (12/31/21); appoint Berlinda Blackburn to fill the vacant term of Courtney Lingle (1/1/19-12/31/22).

Motion was seconded by Harnik and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XVIII. OLD BUSINESS

None

XIX. PUBLIC HEARINGS

None

XX. ADJOURNMENT

With City Council concurrence, Mayor Weber adjourned the meeting at 5:51 p.m.

SUSAN MARIE WEBER, MAYOR

ATTEST:

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