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

Mayor Weber convened the meeting at 3:09 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:
Lauri Aylaian, City Manager
Robert W. Hargreaves, City Attorney
Rachelle D. Klassen, City Clerk
Lori Carney, Director of Administrative Services
Russell Grance, Director of Building & Safety
Ryan Stendell, Director of Community Development
Martin Alvarez, Director of Economic Development
Janet M. Moore, Director of Finance/City Treasurer
Tom Garcia, Director of Public Works
Ty Davis, Division Chief, Palm Desert Fire/Riverside Co. Fire Dept./Cal Fire
Bryan White, Battalion Chief, Palm Desert Fire/Riverside Co. Fire Dept./Cal Fire
Matt Martello, Asst. Chief, Palm Desert Police/Riverside Co. Sheriff’s Department
M. Gloria Sanchez, Management Specialist II

III. ORAL COMMUNICATIONS - A (CLOSED SESSION ITEMS)

None
IV. ADJOURN TO CLOSED SESSION

Request for Closed Session:

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

With City Council concurrence, Mayor Weber adjourned the meeting to Closed Session at 3:10 p.m. She reconvened the meeting at 4:01 p.m.

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

A. REPORT ON ACTION FROM CLOSED SESSION.

Mr. Hargreaves stated that direction was given but no reportable actions were taken.

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

VII. INVOCATION/INSPIRATION - Councilmember Kathleen Kelly

VIII. AWARDS AND PRESENTATIONS

A. PRESENTATION OF PROCLAMATION DECLARING MAY 2019 AS "MENTAL HEALTH MONTH" IN THE CITY OF PALM DESERT.

On behalf of the entire City Council, Mayor Weber presented the proclamation to Ms. Carole Schaudt on behalf of the Riverside County Desert Behavioral Health Advisory Board.

MS. SCHAUDT graciously accepted the proclamation, adding that the issue of mental health is one to be thought about year-round, with May singled out for specific recognition. She went on to say that mental health issues are sometimes still not spoken about easily, especially as they relate to the suicide rate, particularly amongst teens. Lastly, she invited everyone to the Behavioral Health Arts Festival - Art Show & Creative Writing Contest coming up on Tuesday, May 14, at the Coachella Valley Rescue Mission. All of the clinics within the Coachella Valley have people who create art and poetry; this is the opportunity for them to show their work, which is a very important expression and helps a lot. She hoped that Mayor Weber would again help judge the associated contest for those creative works.
B. PRESENTATION TO THE CITY COUNCIL BY PALM DESERT CHARTER MIDDLE SCHOOL STUDENTS AND 8TH GRADE HUMANITIES TEACHER MS. NAN DAVIS-KIRCHEVEL.

Mayor Weber noted that Mr. Jeff Ball was filling in for Ms. Davis-Kirchevel today.

On behalf of the class, Miss Giavanna Faraci and Mr. Carter Kirchevel spoke to the City Council to express thanks for the City’s financial contribution that allowed the entire 8th Grade Class at Palm Desert Charter Middle School to take a field trip to the Museum of Tolerance in Los Angeles. They individually went on to share their experiences and lasting impressions from their study of the Holocaust that culminated with the trip. They closed by showing a video representation of their studies, including a visit to the Holocaust Memorial in Civic Center Park and Museum of Tolerance trip.

Councilmember Harnik commented that Giavanna and Carter made a wonderful presentation at the Yom HaShoah observance on April 14 at the Annenberg Theater in Rancho Mirage. She thanked the students for being there and for everything they’ve done, adding it was outstanding how the students came together and carried the message forward.

C. INFORMATIONAL QUARTERLY REPORT OF ACTIVITIES FROM THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION BY CITY OF PALM DESERT’S APPOINTED REPRESENTATIVE MR. ROLF HOEHN.

Mr. Hoehn reported on two important areas at the Airport: Air Service Development and Budget. He was happy to confirm that passenger traffic continued to grow at an impressive rate so far this year, noting that it was equally significant last year with a 13% increase from the previous, representing over 2,000,000 passengers in and out. Growth continued with increases in each of the months of January 2019 - 18.6%, February - 16.5%, and March - 17.7%, which were very substantial numbers compared to other airports nationwide, where single-digit growth percentages are the norm, if at all. At this rate, the annual passenger traffic numbers will easily exceed 2,500,000, putting PSP (Palm Springs International Airport) into a different level amongst the small- and medium-sized airports.

He continued with the following remarks:

– In March, the number of seats by all airlines was up 19.7%, allowing for the aforementioned growth, since airlines provided either larger equipment with more seats or added frequencies and destinations. It was reflected in the load factors, historically running at around 90% during March (peak season - with numerous Coachella Valley events); but in March 2019, American, Delta, and Westjet achieved load factors of 94%, 92%, and 97%, respectively.
– Part of that growth also attributable to United Airlines traffic continuing to grow with the addition of Newark this season, as well as to their other destinations.

– JetBlue also continues to grow with the addition of the Boston flight, which is hoped to start earlier next fall.

– Delta Airlines has great news. After operating a weekly service this season, they’ve just informed PSP and the Convention & Visitors Bureau (CVB) that they’ll commence a daily flight to Atlanta in December, and it won’t be a redeye. It will depart PSP at 12:45 p.m., arriving in Atlanta in the evening, with great connections to all East Coast and Midwest markets, as well as some European and South American destinations.

– These were huge developments, driven not only by efforts of PSP staff but also the cooperation and efforts of the CVB, which is investing heavily in air service development to continue to grow tourism in the Coachella Valley. In 2018 the CVB invested around $450,000 just in marketing to support all the various airlines in their origin markets to drive traffic to Palm Springs. For the coming year, they’ve increased that outlay to over $600,000. All airlines appreciate that support very much, it helps them grow their business and, in turn, also helps grow the destination and increase traffic. Hopefully, this will push more into the shoulder months - one of the main objectives here - to have airlines extend their services to these seasons by starting earlier in the fall (September) and operating longer through the spring (May). This will then leave only a couple of months with reduced service at PSP.

Mr. Hoehn continued his report regarding PSP’s Budget:

– This year the City of Palm Springs asked the Airport to submit a two-year budget in order to have a better idea of projections with all of the projects planned for PSP. Airport Director submitted such a proposal to the Commission and its Budget Subcommittee.

– Airport Finance Director advised the Commission that the budgets will show a deficit for both years (2019-2020 and 2020-2021), because the coming projects, particularly the ticket wing project, include aspects that are ineligible for bonds or grants. To balance the budget, increases to parking rates, airline rates, and concession agreements were recommended.

– Commission discussed the increases and agreed to them, noting that even with an increase in airline rates and fees, PSP Airport still has some of the lowest rates compared to other airports. A nominal increase that is called for will not impact any services received by the Airport.
– Commission voted to recommend the balanced budgets to the Palm Springs City Council for adoption.

Mayor Pro Tem commended Mr. Hoehn for the report and encouraged him to keep up the good work, and Mayor Weber thanked him for being the City’s representative to the Airport Commission.

IX. ORAL COMMUNICATIONS - B

MR. CHARLIE ARA, Palm Desert, CA, reminded the City Council that he was before them a little over a year ago to discuss the California Voting Rights Act (CVRA) and the possibility of Palm Desert changing its voting from at-large to by-district. He said this way a candidate would only have to campaign to one-fifth of the area, generally saving them more money and providing more local representation in both the view and spirit of the CVRA. He added that whether or not it technically applies to the City of Palm Desert, certainly the spirit of bringing voting and representation closer to the people is a matter that should be of deep concern. When he spoke previously before City Council, he was unaware that a letter had already been written by an attorney to Palm Desert’s City Council but assumed that it was dealt with in Closed Session, which would then not be available to the general public as to where Councilmembers stand on the matter. Although, he said knowing that many of the City Councilmembers live in the same neighborhoods, also assumed that they wouldn’t necessarily be enthused about running against each other in a by-district system. Nonetheless, he stated that he and some fellow residents have started a petition, quoting from it that, “We the undersigned request the Palm Desert City Council to change its Election System from at-large to by-district,” noting that many people they encounter do not understand what this means. He reiterated that a by-district system is less costly to candidates and facilitates representation at the local level, noting that cities smaller than Palm Desert, such as Palm Springs, have switched to the by-district system. He and his colleagues acknowledged the fine work done by their City Councilmembers; however, believed the time has come to change voting in the City of Palm Desert from at-large to by-district.

MR. KEN SEUMALO, Director of Public Works, City of Indian Wells, expressed appreciation for Palm Desert staff. He detailed that Indian Wells was performing repairs to storm-damaged facilities after the February 14 rain storm, and in doing so severed a fiber optic line on Fred Waring Drive, affecting signals in both cities. Palm Desert staff reached out to Indian Wells first, to figure out what was going on with the signals and also to offer technical assistance. He said they worked directly with Traffic Signal Specialist Robert Becerra, Technicians Alfredo Contreras and Nick Gomez, Senior Engineer Randy Bowman, and Public Works Director Tom Garcia to find a solution quickly – especially during the Coachella Music Festival that was not an optimum time to lose signal coordination. Further, he wanted to highlight the close working relationship between the two cities and again expressed sincere appreciation.
MS. SIMONE BEST, Palm Desert, CA, stated she was a new resident here and congratulated the City Council for the wonderful job they have done. She wished to speak in favor of Mr. Ara’s comments regarding the California Voting Rights Act and urged the City Council to agendize a discussion regarding how Palm Desert will comply with the law.

MS. LINDA SALAS, Palm Desert, CA, said she, too, was a fairly new resident of the City and wished to lend support to Mr. Ara regarding by-district elections. She wished to know if any action had been taken following the request he made over a year ago, because she felt it would be a more precise way of reflecting Palm Desert’s constituency with a by-district system. She said it would also give more people the opportunity to run for office, given that the City’s demographics are changing and need to be more reflective of this fact.

MR. ROBERT MANN and MS. DEBRA MUMM, Founder and CEO of Create Center for the Arts, 73733 Fred Waring Drive, Suite 100, Palm Desert, CA, presented a plaque to the City of Palm Desert, the Art In Public Places Commission, and great citizens of Palm Desert -- an Award of Recognition for their outstanding contributions to creation of the Minerva Hamilton Hoyt Public-Sourced Crochet Mural installed on the south side exterior wall of the Council Chamber, facing the intersection of Fred Waring Drive and San Pablo Avenue. She added that over 40 residents participated in the painstaking process of creating the mural, with crocheting being a very deliberate activity. She appreciated the City’s generosity and support of the project and was very proud to have the Create Center located here. She went on to invite all of the citizens to join them there on May 4 at 7:00 p.m. where they’ll honor emerging artists in a ‘40 Under 40’ competition to recognize their talents and hard work. There were no entry fees for the event, and college scholarships would be awarded.

MR. PATRICK KLEIN, General Manager of The Gardens On El Paseo, Palm Desert, CA, said he was providing comment here today on behalf of the El Paseo Parking and Business Improvement District as its current President. He said at the March 28 Public Hearing, City staff proposed to City Council a recommendation for Zoning Ordinance Amendments to expand the Downtown Overlay District to select parcels along El Paseo, allowing for three- to four-story mixed use development.

Mayor Weber interjected that the Downtown Overlay District was on today’s agenda under Section XIX - Public Hearings, Item A, and asked Mr. Klein’s to defer his comments until that point in the agenda. Upon requesting being able to address other matters in the prepared letter from which he was reading (which was received for the record on April 24, 2019, and made a part of the aforementioned Public Hearings Section, Item A), Mayor Weber agreed.

MR. KLEIN continued, saying at the same March 28 meeting, there was a proposal for new Office Use to be permitted on the ground level in select areas along El Paseo. This particular amendment to the current Code is a step in the right
direction for the overall enhancement and revitalization of El Paseo, a need for which both City Council and staff are vocally advocating. He said to learn that City Council voted “no” for Office Use on the first level of El Paseo was perplexing and very disappointing, considering its overall benefits to the City of Palm Desert. He added that it goes without question that El Paseo is in need of change and modernization; this particular proposed Amendment to the existing Code by staff will intrinsically activate vacant real estate and create a more vibrant corridor that will be conducive to enhancing overall sales and business performance along El Paseo. Furthermore, he said the El Paseo Parking and Business Improvement District Advisory Board (EPBID) voted 6-0-0 in favor of easing the Zoning Ordinance, specifically for Office Use on the ground level, during its January 17, 2019, meeting. Again, it was disheartening to learn that the consensus of this volunteer group that represents the best interests of all businesses on El Paseo was seemingly not taken into account by City Council when it made the decision to vote “no” on this specific matter. Therefore, he urged City Council to reconsider its position on this particular amendment for Office Use on the first level to the El Paseo Downtown Overlay District, with the EPBID’s recommendation being: Vote “yes” for revision of Code to allow use of ground-floor space on El Paseo for select business offices that would have to go through City permitting to qualify, clarifying stipulations that such business types would complement the District as a whole and would not be allowed to exceed 20% of the street’s occupation, be on corner parcels or adjacent to another business office, nor would they be concentrated on either end or any part of El Paseo. Lastly, he said the EPBID Advisory Board strongly opposes districting for El Paseo, because benefits to the community’s residents, business members, visitors, and City must be recognized as one El Paseo, which should remain a destination that features the appropriate blend of shopping, dining, art, lifestyle, commercial, and community experiences throughout the one-mile corridor.

MR. TODD RHODEN, President/CEO, Palm Desert Area Chamber of Commerce (PDACC), stated that his organization, including the Board of Directors, Legislative Action Committee, and staff support allowing new office space on El Paseo. Additionally, they are totally against districting, and as Mr. Klein said, because PDACC believes that El Paseo is a one-mile stretch of vibrant community for shop owners, residents, and visitors. Given that he had to leave the meeting before it would come up on the agenda today, he went on to speak to the three- and four-story proposal, stating that if the City can incorporate cannabis dispensaries in Palm Desert, which remains a controversial issue across the United States, it can certainly add a story or two on the street and put in some new office space, further agreeing that it should not exceed 20%.

X. MAYOR AND COUNCILMEMBER REPORTS & REMARKS TO THE COMMUNITY

A. Councilmember Jan C. Harnik Committee Reports and General Comments.
1. **East County Sheriff’s Training Center** - recently had opportunity to tour the facility, located in the Civic Center complex, that gives access for Palm Desert Police and other Sheriff’s Deputies on this side of the County to participate in cutting-edge training to keep their skills sharp. It was previously necessary to travel to the west side of the County for this purpose.

B. **Councilman Sabby Jonathan** Committee Reports and General Comments.

1. **CVAG Homelessness Committee** - recalled for his colleagues that Desert Healthcare District commissioned Barbara Poppe to prepare a report about Homelessness in the Coachella Valley in general. Her #1 recommendation was to form a collaborative that would take work of the Committee to the next level. At the last meeting, Committee approved and accepted an offer by Supervisor Manuel Perez for Greg Rodriguez’s services full-time and to pay for 75% of his compensation (approximately $90,000). Recommendation is now before CVAG’s Executive Committee Meeting scheduled for next Monday, with direction for homelessness in the Coachella Valley moving toward the collaborative approach. Mr. Rodriguez’s work will be navigating the process of transitioning from CVAG’s Homelessness Committee to the collaborative, which will involve all stakeholders working together with the goal of eliminating homelessness here. Future updates will be provided.

2. **Desert Community Energy Board** - presently appears that out of the three cities, Palm Springs, alone, is choosing to move forward at this time, with Cathedral City and Palm Desert electing to postpone their launch by at least a year. At the recent meeting, there was discussion about some aspects that had not been anticipated, particularly financial details when one city moves forward, collects fees, and the others don’t. Further, the Board was sitting on an existing fund of approximately $5 million. Some amendments were suggested for the JPA (Joint Powers Authority) agreement, which the City Attorney is looking at during this 30-day review period. Results will be brought to the City Council as soon they’re available.

C. **Councilmember Kathleen Kelly** Committee Reports and General Comments.

1. **SunLine Earth Day Event** - attended the event on Monday at SunLine’s headquarters, where they celebrated construction being underway for an electrolizer to create hydrogen for use in hydrogen cell-operated buses. It is completely clean energy with the only
byproduct being oxygen as $\text{H}_2\text{O}$ is separated. She learned more about how SunLine’s whole operation is expanding in exciting ways. For instance, the electrolizer itself is operated with electricity generated by solar panels; although, their biggest limitation is the sun going down every day, along with the difficulty of storing excess energy. However, really exciting is that SunLine’s equipment can be used to convert extra electricity developed by solar panels during the day into liquid hydrogen for storage; then the liquid hydrogen can be used for future fuel cell generation of electricity. This could easily be a way to make solar tremendously more useful in achieving zero emissions for society at-large and demonstrates that some of the most important developmental work around energy is happening right here in the Coachella Valley.

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

1. Citizens’ Sustainability Committee - meeting last week where Burrtec made a presentation on recycling. She said the City’s trying to do a better job of educating residents about what can/cannot be recycled, noting that she was surprised to learn what Burrtec reported finding in the gray recycling bins – things like toilets and other non-recyclable items. Further, once a resident’s trash is picked up and hauled to a facility, it can still be traced to the neighborhood where contamination of the recycling occurred. Burrtec is initiating a program in the next couple of months to crack down on errant recycling practices, printing up “Oops” cards that will be distributed to residents who dispose of things inappropriately. She went on to say that one of the biggest issues they encounter, which they believe is being done inadvertently, are plastic bags, with people placing cans in a plastic bag inside the recycling container. What is appropriate is to place well-rinsed cans (no food contaminants) loose in the recycling container. If they’re inside a plastic bag, it contaminates all the cans.


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

1. May 1 Groundbreaking Event for the San Pablo Corridor Project – with the help of Mr. Stendell, announced for everyone’s benefit the Groundbreaking event on Wednesday, May 1, at 9:00 a.m. on San Pablo Avenue at Alessandro Avenue, outside of the Sun Splash Graphics storefront and El Rodeo Café there.
Further responding, Mr. Stendell added that presuming City Council awards the contract later on today’s agenda, the Groundbreaking event will take place with a full street closure on the northbound section of San Pablo with a small tent and some chairs being staged, and there will also be refreshments.

Mayor Weber said this was a very exciting event that had been in the making for some time.

F. City Council Requests for Action.

1. First Floor Office Zoning on El Paseo – Councilman Jonathan said at the March 28 meeting where Case No. ZOA 19-0002 and staff’s recommendation for it was considered, one of the elements not presented was the option recommended in the Gibbs Report – to provide for first floor office east of San Luis Rey Avenue, also known as “Zone 3.” He’d heard from a number of people, read a number of documents, and thought it would be prudent for staff to revisit that report and at least put that option before City Council.

Ms. Aylaian answered staff will do so.

2. Portola Interchange/Overpass – Councilmember Harnik recalled at the City Council’s Goal-Setting Session, it talked about future of the Portola Overpass. She was aware that construction is coming up in the not-too-distant future and that the City is working with Caltrans. She said some fabulous designs had been contemplated for this project, and she requested an update.

With City Council concurrence, Mayor Weber suspended the agenda at this point in order to pick up a couple of more speakers who were inadvertently overlooked during this portion of the meeting. Please see Section IX - Oral Communications - B for their comments (Messrs. Klein and Rhoden).

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 April 1-12, 2019.

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

2. **New Staff Member Introduction**.

   Ms. Aylaian was pleased to introduce the City’s newest staff member, Ms. Angelique Hodges, who started work Monday in the Building & Safety Department as a Management Specialist I, coming to the City from the Riverside County Assessor’s Office. She is a native of the Coachella Valley and recent graduate of California State University, San Bernardino - Palm Desert Campus.

   City Councilmembers and the audience graciously welcomed Ms. Hodges.

3. **City’s Spring 2019 Concert Series**.

   Ms. Aylaian went on to invite the public and City Councilmembers by announcing kick-off of the Spring Concert Series on Thursday, May 2, at 7:30 p.m., featuring the group Berlin. It would be a great time, and she encouraged all to bring their blankets to sit on, possibly a picnic dinner, and enjoy the fun. Concerts would be held every Thursday in May.

B. City Attorney

   None

C. City Clerk

   None

D. Public Safety

   1. **Fire Department**

   Chief Davis addressed the issue of pool safety, especially with the area’s increasing temperatures coming on. He stated that the City’s Public Safety Team - Fire Department and Law Enforcement - responded to four submersion incidents within the last month. He acknowledged that drowning is the leading cause for pediatric cases, ages 1-4 years, with 86% being in residential backyard pools and spas. He wanted to bring to everyone’s attention some measures to prevent submersion incidents.
• Fencing - if there’s a pool or spa, ensure there is fencing that is a minimum of five feet high and encloses the entire feature. Also ensure that it’s self-closing and self-latching.

• Window or Door Alarms - if you are inside with your children, make sure the alarms are set so that you’re alerted if a child opens the door or tries to get out of a window.

• Pool Covers - if there’s a cover, make sure there is a safety latch on it, with some covers even being equipped with alarms.

• Being Prepared - Chief Davis strongly emphasized the need to supervise and never lose sight of children whenever they’re around the pool. They should never be left unattended.
  - Inflatable pool toys are not safety devices and cannot be used to save lives or keep someone floating.
  - Swimming Lessons - while this is certainly recommended and encouraged, it does not drown-proof children; supervision is still required.
  - CPR - take a community CPR class and learn how to at least do the minimum of chest compressions when a person is pulled from the pool.
    – Call 9-1-1 immediately.

2. Police Department

None

Mayor Weber expressed thanks to Chief Davis and Lt. Martello for the great amount of time they spent yesterday going through their budgets with the Public Safety Commission. It was a very long meeting with many questions being asked, and she appreciated their reports and the presentations they made there.

XII. CONSENT CALENDAR

PALM DESERT CITY COUNCIL

A. MINUTES of the Regular City Council Meeting of April 11, 2019.

Rec: Approve as presented.


Rec: Approve as presented.
C. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrant Dated 4/5/2019 (Joint Consideration with the Palm Desert Housing Authority - Item O below).

Rec: Approve as presented.

D. RESOLUTION NO. 2019 - 17 - A Resolution of the City Council of the City of Palm Desert, California, Setting Forth Its Findings and Authorizing the Destruction of Paper Records that Have Been Digitally Imaged from the Department of Community Development/Planning, to Rely On the Electronic Record as the Official Record - Various Community Development/Planning Files - Exhibit “A.”

Rec: Waive further reading and adopt.

E. RESOLUTION NO. 2019 - 18 - A Resolution of the City Council of the City of Palm Desert, California, Setting Forth Its Findings and Authorizing the Destruction of Records from the Finance Department, as Indicated on the Records Retention Schedule (Adopted October 25, 2018) - Various Finance Department Records - Exhibit “A.”

Rec: Waive further reading and adopt.

F. ART IN PUBLIC PLACES COMMISSION MINUTES for the Meetings of December 12, 2018, and February 13, 2019.

Rec: Receive and file.


Rec: By Minute Motion, approve/authorize: 1) First extension to subject contract with M & M Sweeping, Inc., Thousand Palms, California, in the amount of $29,380.08 for Parking Lot Sweeping Services; 2) City Manager to execute Contract No. C36051, Amendment No. 1 to subject contract, and all related documents; 3) City Manager to approve Change Orders associated with this Amendment and the second and final remaining one-year extension for FY 2020-2021, based on staff’s recommendation – funds are available in the various Building and Business Improvement District Accounts.

H. REQUEST FOR APPROVAL of Amendment No. 2 to Contract No. C35660 with Urban Habitat Environmental Landscapes for Landscape Maintenance Area No. 2 (LMA No. 2) in the Amount of $110,605.68, and Include Repair
Work and Services at the Specified Contract Amount of $25,000 (Project No. 902-20).

Rec: By Minute Motion, approve/authorize: 1) A second one-year extension of subject contract with Urban Habitat Environmental Landscapes, La Quinta, California (Contract No. C35662), for LMA No. 2 in the amount of $110,605.68; 2) repair work and services at the specified contract amount of $25,000; 3) City Manager to execute Amendment No. 2 – funds are available in General Fund Account No. 1104614-4337001 - Repair/Maintenance Medians.

I. REQUEST FOR APPROVAL of Amendment No. 1 to Contract No. C36580 – Landscape Maintenance Services for Landscape Maintenance Area No. 6 (LMA No. 6) (Project No. 906-20) (Horizon Professional Landscape, Coachella, CA).

Rec: By Minute Motion, approve/authorize: 1) First one-year extension to subject contract with Horizon Professional Landscape, Coachella, California, in the amount of $88,992 for LMA No. 6; 2) City Manager to approve extra repair work and services in an amount not to exceed $25,000; 3) City Manager to execute Contract No. C36581 - Amendment No. 1 – funds are available in Account No. 4414195-4332000 - R/M Desert Willow.

J. REQUEST FOR APPROVAL of Amendment No. 2 to Contract No. C35680 with Kirkpatrick Landscaping Services, Inc., for Landscape Maintenance Area No. 7 (LMA No. 7) in the Amount of $108,707.64, and Include Repair Work and Services at the Specified Contract Amount of $25,000 (Project No. 907-20).

Rec: By Minute Motion, approve/authorize: 1) A second one-year extension of subject contract with Kirkpatrick Landscaping Services, Inc., Indio, California (Contract No. C35682), for LMA No. 7 in the amount of $108,707.64; 2) repair work and services at the specified contract amount of $25,000; 3) City Manager to execute Amendment No. 2 – funds are available in the respective Landscape and Lighting District Accounts.

K. REQUEST FOR APPROVAL of Amendment No. 3 to Contract No. C34860 with Conserve LandCare, Inc., for Landscape Maintenance Area No. 18
(LMA No. 18) in the Amount of $89,271.72, and Include Repair Work and Services at the Specified Amount of $20,000 (Project No. 918-20).

Rec: By Minute Motion, approve/authorize: 1) A third, one-year extension of subject contract with Conserve LandCare, Inc., Thousand Palms, California (Contract No. C34863), in the amount of $89,271.72; 2) repair work and services at the specified amount of $20,000; 3) City Manager to execute Amendment No. 3 – funds are available in General Fund Account No. 1104611-4332001 - Repair/Maintenance Landscaping Services.

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


Rec: By Minute Motion, approve/authorize: 1) Amendment No. 1 to subject Professional Services Agreement with PlanetBids for an additional total amount of $24,020.55 paid over three years, adding the Contract Management Module with up to five (5) user license and an additional Full User License to the Vendor Management and Bid Management with Advanced e-Bidding Module, bringing the total user licenses for that module to three (3); 2) City Manager, or her designee, to make any necessary budget adjustments, appropriations, and transfers for this purpose; 3) City Manager to execute Amendment No. 1 and any future amendments to the three-year Professional Services Agreement – funds are available in the Information Technology Software and Maintenance Account, No. 1104190-4336000.

M. REQUEST FOR AUTHORIZATION to Release Maintenance Bond No. 4403376-M for Bella Villagio in the Amount of $20,665 (WL Palm Desert Property, LLC, Applicant).

Rec: By Minute Motion, authorize release of the Maintenance Bond for Bella Villagio in the amount of $20,665.

N. REQUEST FOR REAPPOINTMENT of Margaret (Peggy) Leo as the City of Palm Desert’s Representative on the Joslyn Center Board of Directors for a Two-Year Term, July 1, 2019 - June 30, 2021.
This item was removed for separate consideration and vote under Section XIII - Consent Items Held Over of the agenda. Please see that portion of the minutes for subsequent discussion and action.

SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY

O. MINUTES of the April 11, 2019, Regular Meeting of the Board of Directors of the Successor Agency to the Palm Desert Redevelopment Agency.

Rec: Approve as presented.


Rec: Approve as presented.

PALM DESERT HOUSING AUTHORITY

Q. MINUTES of the Housing Authority Meeting of April 11, 2019.

Rec: Approve as presented.

R. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrant Dated 4/5/2019 (Joint Consideration with the Palm Desert City Council - Item C above).

Rec: Approve as presented.


Rec: Receive and file.

Councilman/Director/Member Jonathan stated he would be ABSTAINING from the vote on Consent Calendar Item K, and Mayor/Chair/Chairman Weber requested that Item N be held over for separate consideration.

Upon a motion by Harnik, second by Nestande, and 5-0 vote of the City Council/Successor Agency Board/Housing Authority Board (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None; with Councilman/Director/Member Jonathan’s noted ABSTENTION on Item K), balance of the Consent Calendar was approved as presented.

XIII. CONSENT ITEMS HELD OVER
N. REQUEST FOR REAPPOINTMENT of Margaret (Peggy) Leo as the City of Palm Desert’s Representative on the Joslyn Center Board of Directors for a Two-Year Term, July 1, 2019 - June 30, 2021.

Mayor Weber acknowledged Ms. Leo, present today in the audience, and had her stand so that the City Council could appropriately recognize her service to the City and Joslyn Center. Further, she couldn’t think of any better representative, and it was greatly appreciated.

Councilmember Harnik moved to, by Minute Motion, reappoint City of Palm Desert representative Margaret (Peggy) Leo to the Joslyn Center Board of Directors for a two-year term, July 1, 2019 - June 30, 2021, pursuant to Joslyn Center Bylaws, Article VI, Section 2, and Article VII, Section 3, respectively. Motion was seconded by Councilmember Kelly and carried by 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XIV. RESOLUTIONS


Senior Management Analyst Heather Horning reviewed the request. Responding to question about the City’s strategy for shifting from General Fund to Measure “A” for road repair expenses at the time it did, despite the present disadvantage, she answered that action was taken many years before Senate Bill 1. Of course at that time, the City had no idea that there would be the present unintended consequences. She went on to say that her understanding of the reason for the shift was when Measure “A” first came about. City believed it could only use those funds on capital improvement projects. Subsequently, it was learned that those funds could be used on both capital and maintenance projects, resulting in the shifting of funding at that time, but it happened at an inopportune moment for the City with regard to how it is now affected by SB 1.

Councilmember Kelly moved to waive further reading and adopt Resolution No. 2019-19. Motion was seconded by Councilmember Harnik and carried by 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

Mr. Garcia noted that the requested action was a standard procedure for Public Works and Planning to vacate the easement and approve the Parcel Map.

Councilmember Kelly moved to waive further reading and adopt Resolution No. 2019-20. Motion was seconded by Councilmember Harnik and carried by 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XV. ORDINANCES

A. For Introduction:

None

B. For Adoption:

None

XVI. NEW BUSINESS

A. REQUEST FOR APPROVAL OF AN AMENDMENT TO CONTRACT NO. C35950 WITH CONSERVE LANDCARE FOR LANDSCAPE MAINTENANCE AREA NO. 1 (LMA NO. 1) IN THE AMOUNT OF $126,570.60, AND INCLUDE REPAIR WORK AND SERVICES AT THE SPECIFIED CONTRACT AMOUNT NOT TO EXCEED 20% THEREOF (PROJECT NO. 901-20).

Councilman Jonathan noted that he would be recusing himself on this agenda item and left the Council Chamber.

Mr. Garcia offered to answer questions. He added that Section XVI - New Business, Items A - E were all contract extensions for Landscape Maintenance Contracts, with increases being requested as a result of the increase in minimum wage. Further, he said that all contract extensions were negotiated with the individual contractors.
Councilmember Kelly moved to, by Minute Motion, approve/authorize: 1) A second one-year extension of subject contract with Conserve LandCare, Inc., Thousand Palms, California (Contract No. C35952), for LMA No. 1 in the amount of $126,570.60; 2) repair work and services at the specified contract amount not to exceed 20% (or $25,314); 3) City Manager to execute Amendment No. 2 – funds are available in General Fund Account No. 1104614-4337001 - Repair/Maintenance Medians, and in Assessment District Account No. 2764374-4332000 - Haystack Drainage Channel. Motion was seconded by Mayor Pro Tem Nestande and carried by 4-0 vote (AYES: Harnik, Kelly, Nestande, and Weber; NOES: None; ABSENT: Jonathan).

B. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO CONTRACT NO. C35670 WITH KIRKPATRICK LANDSCAPING SERVICES, INC., FOR LANDSCAPE MAINTENANCE AREA NO. 4 (LMA NO. 4) IN THE AMOUNT OF $132,923.52, AND INCLUDE REPAIR WORK AND SERVICES AT THE SPECIFIED CONTRACT AMOUNT OF $30,000 (PROJECT NO. 904-20).

Please refer to staff’s related comments provided under Section XVI - New Business, Item A, above.

Councilmember Kelly moved to, by Minute Motion, approve/authorize: 1) A second one-year extension of subject contract with Kirkpatrick Landscaping Services, Inc., Indio, California (Contract No. C35672), for LMA No. 4 in the amount of $132,923.52; 2) repair work and services at the specified contract amount of $30,000; 3) City Manager to execute Amendment No. 2 – funds are available in General Fund Account No. 1104614-4337001 - Repair/Maintenance Medians. Motion was seconded by Councilmember Harnik and carried by 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

C. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONTRACT NO. C36590 WITH MARIPOSA LANDSCAPES, INC., FOR LANDSCAPE MAINTENANCE AREA NO. 9 IN THE AMOUNT OF $218,030.40, AND INCLUDE REPAIR WORK AND SERVICES AT THE SPECIFIED AMOUNT OF $40,000 (PROJECT NO. 909-20).

Please refer to staff’s related comments provided under Section XVI - New Business, Item A, above.

Councilmember Harnik moved to, by Minute Motion, approve/authorize: 1) First extension of subject contract with Mariposa Landscapes, Inc., Irwindale, California (Contract No. C36591), in the amount of $218,030.40; 2) City Manager to approve extra repair work and services up to the specified amount of $40,000; 3) City Manager to execute Amendment No. 1 – funds are available in General Fund Account No. 1104614-4337001 - R/M Medians. Motion was seconded by Mayor Pro Tem Nestande and carried by 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

D. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO CONTRACT NO. C34850 WITH CONSERVE LANDCARE, INC., FOR LANDSCAPE
MAINTENANCE AREA NO. 16 (LMA NO. 16) IN THE AMOUNT OF $172,079.16, AND INCLUDE REPAIR WORK AND SERVICES AT THE SPECIFIED AMOUNT OF $30,000 (PROJECT NO. 916-20).

Councilman Jonathan noted that he would be recusing himself on this agenda item and left the Council Chamber.

Please refer to staff’s related comments provided under Section XVI - New Business, Item A, above.

Councilmember Harnik moved to, by Minute Motion, approve/authorize: 1) A third, one-year extension of subject contract with Conserve LandCare, Inc., Thousand Palms, California (Contract No. C34853), for LMA No. 16 in the amount of $172,079.16; 2) City Manager to approve extra repair work and services up to the specified amount of $30,000; 3) City Manager to execute Amendment No. 3 – funds are available in General Fund Account No. 1104611-4332001 - Repair/Maintenance Landscaping Services. Motion was seconded by Mayor Pro Tem Nestande and carried by 4-0 vote (AYES: Harnik, Kelly, Nestande, and Weber; NOES: None; ABSENT: Jonathan).

E. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONTRACT NO. C36600 WITH EXCEL LANDSCAPE, INC., FOR LANDSCAPE MAINTENANCE AREA NO. 17 (LMA NO. 17) IN THE AMOUNT OF $299,730, AND INCLUDE REPAIR WORK AND SERVICES AT THE SPECIFIED AMOUNT OF $50,000 (PROJECT NO. 917-20).

Please refer to staff’s related comments provided under Section XVI - New Business, Item A, above.

Councilmember Kelly moved to, by Minute Motion, approve/authorize: 1) First extension of subject contract with Excel Landscape, Inc., Corona, California (Contract No. C36601), for LMA No. 17 in the amount of $299,730; 2) extra repair work and services for the specified amount of $50,000; 3) City Manager to execute Amendment No. 1 – funds are available in General Fund Account Nos. 1104610-4332001 - R/M Civic Center Park, 1104610-4337100 - Tri-Cities Sports Facility, and 1104611-4332001 - R/M Parks. Motion was seconded by Councilmember Harnik and carried by 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XVII. CONTINUED BUSINESS

None

XVIII. OLD BUSINESS
A. **REQUEST TO ADOPT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NOTICE OF EXEMPTION FOR THE SAN PABLO PHASE 1 AND PHASE 2 STREETSCAPE IMPROVEMENTS PROJECTS; AND TO AWARD CONTRACT NO. C35520C IN THE AMOUNT OF $7,941,158 TO GRANITE CONSTRUCTION COMPANY FOR THE SAN PABLO AVENUE PHASE 1 STREETScape IMPROVEMENTS PROJECT; AND TO AWARD CONTRACT NO. C35520D IN THE AMOUNT OF $56,446 TO LEIGHTON CONSULTING, INC., FOR MATERIALS TESTING AND SPECIAL INSPECTION SERVICES ASSOCIATED WITH THE PROJECT (PROJECT NO. 691-16).**

Senior Engineer Randy Bowman reviewed the printed report for this item, highlighting that it was with great pleasure that staff was bringing the project to City Council at this point to award a contract for construction. He said with that award are several other associated actions to be taken, including adoption of the CEQA Notice of Exemption for both phases of the project. He explained that Phase 2 runs from Fred Waring Drive to Magnesia Falls, and its design will commence later this year. Recommendation for award of construction contract to Granite Construction was a result of their being low bidder on the base bid out of a total of four received for the project. Further, he said the City would require assistance from a materials testing company, given specialty items of construction on the project – concrete, asphalt, and very special pavement markings. Therefore, staff advertised an RFP (Request For Proposals), received eight submissions in return, has selected and recommends awarding a contract to Leighton Consulting for this purpose. Along with the construction and materials testing contracts, staff also recommends setting aside contingencies in the amount of 20% of the value for each respective contract. And in order to assure the City’s being able to resolve any unforeseen circumstances in the field requiring change orders or increases in either contract, staff recommends giving City Manager, or designee, authorization to process written requests for use of the contingencies. In addition, staff report identifies various funding sources being used to cover various aspects of the project, and lastly, requests authorization for the Mayor to execute those agreements.

Upon inquiry about the mid-block crossing at San Nicholas and Catalina Way shown on the project rendering in the report, Mr. Bowman responded that it would be defined in the middle of the roadway and provides a pedestrian refuge island. Then to get from the island to either side of San Pablo Avenue, the crosswalk contains artistic pavement markings within the lines to, highlighting its presence for pedestrian safety. Mr. Garcia added that section of San Pablo would also be reduced from four to two lanes, lessening oncoming traffic.

Responding to Councilmember Kelly’s comment that she still wasn’t clear about what was to the immediate north and south of the mid-block crossing,
Mr. Garcia said there are painted islands on both sides of the pedestrian refuge, with the one to the north transitioning into a left turn pocket. He detailed that from the island looking immediately south, there would be a striped island extending down to Catalina Way; and to the north, there would also be a striped island transitioning to a left turn pocket. He confirmed that the island was not just unto itself but part of striping that creates a traffic-free zone. Further responding to follow-up inquiry, Mr. Bowman stated the island will be raised but the crosswalks themselves will be flush with the roadway surface.

With regard to the roundabout, Mr. Bowman said the project will have premium pavers there; and while no art is planned for the center area, it will include landscaping and premium bricks aligning the roundabout’s interior. Mr. Garcia offered that once the construction project is complete, staff also anticipates coming back to City Council with a separate project for further corridor enhancements, including some type of treatment in the roundabout.

Councilman Jonathan suggested that it could be some type of treatment or display of the City’s Art In Public Places, understanding that it cannot be too vertical to obstruct the line of sight, but there may be other options. Mr. Garcia agreed, adding the City also doesn’t want pedestrians going into the roundabout’s center to take photos of themselves in front of any artwork, and Councilman Jonathan concurred.

Councilmember Harnik moved to, by Minute Motion: 1) Adopt the CEQA Notice of Exemption for the San Pablo Phase 1 and Phase 2 Street Improvements Projects; 2) award Contract No. C35520C in the amount of $7,941,158, based upon base bid value, to Granite Construction Company, Indio, California, for the San Pablo Avenue Phase 1 Streetscape Improvements Project; 3) authorize the Director of Finance to set aside a 20% contingency in the amount of $1,588,232 from Unobligated Measure “A” funds for Contract No. C35520C; 4) award Contract No. C35520D in the amount of $56,446 to Leighton Consulting, Inc., Temecula, California, for Materials Testing and Special Inspection Services; 5) authorize the Director of Finance to set aside a 20% contingency in the amount of $11,289 from Unobligated Measure “A” funds for Contract No. C35520D; 6) authorize the City Manager, or her designee, to review and approve written requests for use of the contingencies for unanticipated conditions, per Section 3.30.170(A) of Ordinance No. 1335; 7) appropriate $5,300,826.50 from the following Accounts: Unobligated Measure “A” Fund 213 - $2,655,966.50; Drainage Facility Fund 232 - $1,011,555; Park Fund 233 - $155,060; Recycling Fund 236 - $132,000; Gas Tax Fund 211 - $1,346,245; 8) authorize the Mayor to execute the aforementioned agreements. Motion was seconded by Mayor Pro Tem Nestande and carried by 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XIX. PUBLIC HEARINGS
A. REQUEST FOR APPROVAL OF A ZONING ORDINANCE AMENDMENT, AMENDING THE CITY’S ZONING MAP TO EXPAND THE DOWNTOWN CORE OVERLAY DISTRICT TO SELECT PARCELS LOCATED ALONG EL PASEO AND HIGHWAY 111, AND REQUIRING CITY COUNCIL REVIEW AND APPROVAL FOR BUILDINGS ABOVE FOUR STORIES IN HEIGHT; AND FOR ADOPTION OF A NOTICE OF EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), Case No. ZOA 19-0001 (City of Palm Desert, Applicant).

Principal Planner Eric Ceja stated this ZOA was brought forward by staff and considered by City Council on March 28, which was continued with direction given to staff to look at some additional items. He said in looking at the City’s General Plan and this zone’s current provisions, they allow for an additional story of building height – from three to four stories, fourth story also having potential for a fifth story with certain public realm improvements. On March 28, City Council asked for a clearer map, showing current zoning designations for the Downtown Core Overlay Zone, primarily focused on major intersections throughout the Highway 111 and El Paseo corridor. Staff proposed expanding those zones to additional key intersections located along El Paseo and Highway 111. Expansion of the area predominantly occurs along Monterey/El Paseo, Highway 111, also between Larkspur, San Luis Rey, and El Paseo/Portola Avenue. In addition, staff prepared exhibits showing the percentage of properties for each of the Downtown Zoning Districts and explored options for City Council’s review of select projects of certain heights with setback requirements on those building heights whenever they’re above three stories.

He continued that staff was not recommending establishment of prescriptive setback requirements for three- or four-story buildings, because there are architectural guidelines currently written in the Code requiring vertical and horizontal movements. Staff also maintains that given specific site conditions or projects, it wouldn’t want to limit creative architecture by specifically imposing a setback. Instead, it should rely on the Architectural Review and Planning Commissions’ expertise to make those determinations. However, whenever an applicant proposes going above four stories to a fifth, because that would include public realm improvements required by Code (e.g. changing a frontage road, installing a public square/plaza space in front of the building, or including bulb-outs), it would necessitate City Council approval. As a further matter with any project, City Council can always elect a request for review.

With respect to the City Council’s previous requests, Mr. Ceja stated that staff was providing two pieces of information here, displaying them on the projector for all to see. First was a map illustrating the linear footage of Highway 111 and El Paseo and percentages for each Zoning District. He described that along Highway 111 - the Downtown District - which allows for
three stories, it currently represents about 31% of the frontage. With the subject proposal - the Downtown Core Overlay District - it would be approximately 48% of that linear frontage on Highway 111. He added that it would be the same for El Paseo; if approved - the Downtown Core Overlay - the linear frontage would be about 56% of the street. He also had a map showing parcel percentages, resulting from staff’s counting every piece of property within the Downtown Zone, applying the respective District, and providing City Council with the percentage. Therefore, if approved, the Downtown Core Overlay would represent approximately 17% of the entire Downtown Zone.

Mr. Ceja recalled for City Council that the Municipal Code charges the Director of Community Development with implementing the General Plan. In looking at it, staff turned specifically to the City Center - Downtown Core District. It talks about building form and character, with structures of three and five stories specifically at key intersections, and he referred to a map display of this concept. In order to expand the Downtown Core Overlay, it was applied to parcels at the key intersections. Furthermore, staff noticed Palm Desert has been talking about ways to effectuate a ‘Downtown’ for many years, with the City’s 2013 Strategic Plan memorializing the objective to develop a Downtown/Downtown Core. He said this objective was translated into the General Plan Update of 2016, along with the 111 Development Code that established Downtown Districts. Concurrently, the City had an economic study performed by MR+E (Metropolitan Research and Economics) to review project feasibility. It reflected that three-story projects were viable, but to really incentivize economic development, four stories would get projects moving forward with greater feasibility. Finally, over the last year the City obtained a focused El Paseo Study performed by The Gibbs Planning Group to identify changes or enhancements specifically along that corridor. Again, when comparing the General Plan, for Highway 111, in particular, and El Paseo (a.k.a the “Downtown area”), City was really looking to transform these areas. Staff was reviewing all these documents and plans, trying to propose ways to implement and effectuate the Downtown. He summarized the points under consideration here, which take into account concerns raised at the March 28 public hearing, and staff’s current recommendation:

- No prescriptive setbacks standards for height, with reliance on the Architectural Review and Planning Commissions for such elements.
- Due to public realm improvements being required on five-story projects, City Council review is mandatory.

Councilmember Kelly took up a point from Mr. Klein’s letter, urging City Council to allow three- to four-story mixed use development, and asked for confirmation that three-story development is allowed as a starting point for anything that is part of the Downtown District, and Mr. Ceja agreed. Further,
he answered that a fourth story is only applicable to the Downtown Core Zone.

In answer to other question and comment, Mr. Ceja explained that there is a “Downtown City Center District” established by the General Plan; it’s further refined in the Zoning Ordinance as a “Downtown District,” “Downtown Edge District,” “Downtown Core Overlay,” and the “Transition Overlay.” He affirmed that three-story development is possible throughout the Downtown District. In added response to question about percentages shown on the display at the meeting, he confirmed that under the subject proposal, the linear square footage on El Paseo that would become subject to four or five stories is 56.6%. Further, he said 17% represents the calculation of square footage of the parcels that include totality of the Downtown Core, encompassing Civic Center and COD (College of the Desert).

Referencing additional comment and question about the percentage calculations overall, Mr. Ceja submitted that three to five stories would be allowed on 100% of El Paseo. He added that the Edge District allows for three stories, but certain cases require a two-story step-down if adjacent to residential.

With regard to key intersections, Mr. Ceja responded that there was a graphic included in the General Plan that identifies them. Further, he said staff was not proposing to add any key intersections; but upon referencing said map, staff discovered that the Larkspur and San Luis Rey intersections were not included in the Downtown Core Overlay and felt they should be.

In response to comment about the letter from Messrs. Grant Denham and Richard Doherty, speaking of interest in developing a particular property on the corner of El Paseo/Ocotillo Drive, Mr. Ceja replied that the subject proposal would change that location from a Downtown District to the Core Overlay. He confirmed that current zoning would permit up to three stories there. Further, he affirmed that staff had consulted with the Fire Department, which believes adequate street width exists on the narrower side streets off of El Paseo if four- and five-story buildings are allowed there.

Replying to question about the criteria for identifying “key intersections,” Mr. Stendell referred to the General Plan, stating they were identified as those that are signalized between Monterey Avenue on the west end and El Paseo on the east end.

Councilmember Harnik went on to say that the City has always talked about height being a measurement in feet, not stories, noting that the first floor of Hotel Paseo is 16 feet. She felt using stories as a criteria was a dangerous precedent, and the City should stick to relying on actual foot measurement only instead. Mr. Ceja answered that the City prescribes both; in other
words, the regulation says four stories and will also prescribe a maximum number of feet for height. Councilmember Harnik noted that language in the staff report used both terms inconsistently and cautioned staff to be mindful of this detail.

Upon inquiry about effect of enacting the subject Districts and whether or not they would provide a right to the height limits for a developer or only potentially qualify them for the approval process, Mr. Ceja replied that the fourth story would be by right through the Zoning Ordinance. But he said as proposed, getting the fifth story would still require City Council approval and negotiation because of the public realm improvements. In response to request for clarification regarding entitlement to a fourth story in the Downtown Overlay District, with potential for a discretionary fifth story, as recommended, compared to the Downtown District, Mr. Ceja confirmed the Downtown District has a three-story maximum.

In additional response to a request for clarification about potential denial of a four-story development project that is in compliance with all applicable zoning standards, Mr. Stendell stated the fourth story would be a right for such a project, assuming it got through Architectural Review Commission and all standards of the zone. Mr. Ceja confirmed that this would follow through the same for a proposed three-story, with prescribed height, project in the Downtown District.

Mayor Weber declared the public hearing open and invited testimony SUPPORTING or OPPOSING Case No. ZOA 19-0001.

MR. RAYMOND RODRIGUEZ, Palm Desert, expressed opposition to the automatic height allowance increase. As a businessman, he didn’t accept the argument that in order to be profitable, a building had to be four or five stories. If that was the case, there would be no single-story buildings in the Coachella Valley. He went on to read from a prepared letter that he had submitted for the record on this matter (on file with the City Clerk’s Office).

MR. BRUCE POYNTER, Calliandra Street, Palm Desert, spoke in opposition to increased building heights in the downtown of Palm Desert. He stated his second career in life was tourism, working with Evan Trubee, Big Wheel Tours, taking thousands of tourists on hiking, biking, and jeep tours. On the return trip to their respective hotels, he would ask tourists why they chose this area over Florida or Phoenix and received three answers consistently: 1) Views of the surrounding mountains; 2) cleanliness of this area; 3) visitors feel safe here. He said this area’s viewshed is excellent without elevated structures. Further, at his last firefighters’ reunion held in an outdoor restaurant on El Paseo, many talked about not having seen downtown Palm Springs in 10-20 years; main topic of conversation was, “What the [heck] happened to downtown Palm Springs?” One said, “That used to be
my favorite place, they destroyed it," and all felt the same way as the residents of Palm Springs. By comparison with the topography of Palm Springs, it has 8,000 - 10,000-foot mountain ranges - the San Jacinto ridgelines and peaks - right behind the downtown area; and even though they’re close to the mountain, the buildings obscure it. In Palm Desert’s case, it has something more like the Council Chamber mural - the downtown with one-, two-, possibly three-story structures located where the sand dunes are and the Santa Rosas behind them, still providing a great view in the background. If four or five stories become the norm, he was very concerned, given that from El Paseo, the 1,000 - 3,000-foot elevation of the Santa Rosa Mountains in the background are very visible, but two- and three-story buildings will be high enough to totally obscure the mountains from El Paseo, especially from a southward-looking vista. He added that the shadow and footprint of the proposed structures would harm some of Palm Desert’s historic areas, and a great number of homes in south Palm Desert would be looking at tall buildings instead of the incredible morning and evening shadows in the mountains and canyons to the north. Lastly, when reflecting on the matter as a former firefighter, he felt tall buildings adjacent to narrow side streets would be impossible for emergency response situations with all the necessary ladder trucks and medic units.

MS. CHRISTEL PROKAY, Siesta Trail, Palm Desert, was opposed to the proposed Zoning Ordinance Amendment. She likes the town the way it is right now; taller buildings would change completely its character and feel. They would block the view everyone enjoys when they spend time on El Paseo or drive on Highway 111. She stated that she’s an artist. When she walks on El Paseo and looks around, she’s captured by so many different elements – beautiful landscaping, the nice little shops and restaurants, and the most breathtaking view of the mountains – one could not paint a more beautiful picture. Today the City’s downtown is a huge attraction for locals, other Valley residents, and many visitors. She urged not ruining the small-town feel that everyone loves, keeping the City special because of it instead – focusing on what the City already has. She implored the City Council to vote against this request.

MS. JANN BULLER, Somera Road, Palm Desert, opposed the request, noting she had submitted her detailed comments for the record in this case (on file with the City Clerk’s Office). She wanted to see the Ordinance modified in two ways. First, it should offer some grounding for the Architectural Review Commission’s decisions on proposed projects: at a minimum, site expectations for preventing or mitigating the effect of tunnels or canyons, as the City Council discussed on March 28. Second, the Ordinance should require Council review of projects of more than three stories, not four, giving it continuing opportunities to assess development impacts in the Downtown Core Overlay, allowing it to make timely adjustments to the Zoning Code as needed.
MS. C. B. BULLER, Sun Lane, Palm Desert, opposed the Zoning Ordinance Amendment. She’d just recently moved to Palm Desert and absolutely loves it, but believed the subject ZOA had the potential to completely change the character of downtown Palm Desert and concerned her for several reasons. First, while she was sure that public notices about the Amendment met all legal requirements, it still felt like it was being rammed through any public review process, since any further readings were recommended against by the staff report. Second, the City Council requested that alternatives be looked at that avoid closing-in the El Paseo corridor with tall buildings; however, this request does not appear to have been addressed at all in the present report. Third, an exemption to CEQA requirements is proposed because “no environmental impact is foreseen,” yet she believed everyone knew there would be a big impact on how people experience the downtown environment when buildings are four to five stories tall, not the one to three stories they are now. Fourth, Council requested the possibility of all buildings over three stories being reviewed by the City Council, but the staff report brushes this off by saying Architectural Review Commission review will be sufficient. However, she stated the elected City Council is accountable to the citizens of Palm Desert via the voting process; appointed officials on the Architectural Review Commission are not similarly accountable. She went on to say that the pedestrian scale of Palm Desert’s Downtown is so attractive and inviting, urging City Council not to hastily and permanently change it, and to vote against this ZOA.

MR. PATRICK KLEIN, on behalf of the El Paseo Parking and Business Improvement District, called attention to the letter he had submitted for the record in this matter (on file in the City Clerk’s Office), reiterating that their position is in favor of, and to urge the City Council to vote the same for, the proposal to allow three- to four-story mixed use development with qualifying permits on El Paseo or select areas. He referred to Mr. Rodriguez’s earlier comments in this meeting, offering that ‘select areas’ have to be strategic locations and should not be a blank slate up and down the street. He agreed that present sight lines along El Paseo are invaluable. Moreover, he noted that he’d been in the commercial retail property management industry for nearly 15 years, having entered it just prior to the global financial crisis and was certainly affected by it. He detailed watching shopping malls, as they used to be known and loved, erode, with national brands leaving certain markets, like Palm Desert – known as a secondary market by those national retailers. He quickly acknowledged that he didn’t see Palm Desert in this light, but added that the only way the area can continue to retain and attract quality, strong, nationally recognized brands, along with a healthy mix of local offerings on beautiful El Paseo, would be to go with the new ‘normal’ of retail. This means having mixed use as part of the infrastructure of an overall commercial retail development. He said there were many publications and studies that can be referenced to support this fact, particularly one recently written by ICSC (International Council of Shopping Centers) that says
markets have to have retail destinations with residential and office uses intertwined within - that’s important. He continued that allowing for three- to four-story mixed use, primarily residential infrastructure throughout strategic locations on El Paseo, will only lead to creating year-round infrastructure that allows businesses to have a longer ‘season,’ with the goal of achieving a year-round thriving business on El Paseo. He acknowledged that summers won’t necessarily be as promising as the November - May period, but it would certainly lessen the effect of the summer drought for El Paseo businesses. He went on to say he could personally speak to the effect that Hotel Paseo has made on the shopping center he manages (The Gardens On El Paseo and El Paseo Village), whereby it averaged 8% - 10% above the prior year in summer 2018, attributable to visitors from both local drive markets and afar staying and spilling into the shops and restaurants on El Paseo. He closed by offering his respect for concern of the residents, as well as business owners, for not destroying the pristine, gorgeous, invaluable sight lines on El Paseo.

MR. MICHAEL CORLISS, Palm Desert, stated that he’s spent countless hours and had countless meetings with staff, whom he praised, because he owns five parcels on El Paseo at San Luis Rey (former Union Bank site and adjacent property). He’s been working with the City about what could be developed there and strongly supported the four-story concept in order to achieve mixed use, residential - permanent residents who will walk the street and bring back vibrancy. In 35 years as a professional developer, he’d been through a lot of planning processes on the West Coast, very seldom actually attending such meetings personally now. He was surprised at the process here, since for nearly a year they’ve been looking at what staff is thinking, going through public hearing and planning processes. He did not attend the last meeting but was sitting in a restaurant when he got the telephone call about it and was shocked that after nearly a year of going through the process with the Planning Commission and staff, it was disregarded. Subsequently, he was disheartened and felt for Planning Commission and staff. At all the public hearings up until tonight, he didn’t know that there was anybody feeling the way they did about it. Therefore, he encouraged City Council to give staff and people who’ve been working on things – Planning Commission, others – a great deal of consideration while it works hard on pondering the decisions.

MS. CATHY FORRISTER, Calliandra Street, Palm Desert, was opposed to the ZOA. She didn’t see a reason for it, since the Downtown District already allows three stories; a fourth could be upon City Council’s approval. She said right now Palm Desert has a beautiful downtown area that many people enjoy walking, but if the City went up to five stories, the views that make it unique would be blocked. She asked the City Council not to adopt the proposed ordinance.
With no further public testimony offered, Mayor Weber closed the public hearing for Case No. ZOA 19-0001.

Councilman Jonathan offered comment on some of the remarks made that the City Council has either ignored or disregarded actions/recommendations from its Committees or Commissions, or the El Paseo Parking and Business Improvement District, stating it was not the City Council’s job to rubber-stamp recommendations of the City’s advisory bodies. But he said it is the City Council’s job to make an independent evaluation, taking into consideration the Committee/Commission process, which it does so very carefully. Further, there is not one item considered that has gotten through the Committees/Commissions or El Paseo Parking and Business Improvement District where the City Council does not take a deep dive into their recommendations and minutes, and do its own homework. If there’s disagreement in the outcome, he urged people not to take it as though City Council ignored or disregarded - far from it. With that, he found tonight’s comments to be persuasive and thought the City Council had to be very careful about not “killing the goose that’s laying the golden eggs.” It’s the small-town feel that distinguishes Palm Desert from the drive market – visitors come from Orange County, Los Angeles, etc., to escape the cement, dirty air, and an environment that is, frankly, not healthy, choosing to come here so they can see the blue sky, palm trees, and absolutely gorgeous mountains. In spite of that, he pointed out that the City is trying very hard to make El Paseo more vital and successful for its merchants, future developers, and he thought a balance could be achieved. In fact, he felt it existed already – the current allowance of up to three stories in the Downtown District is sufficient. Although, he thought there were some key locations, as described, like the old Post Office, where there should be flexibility to allow four stories, if properly designed and only on that location. He was open to debate about the mechanics of whether or not to create a new district, but with pared-down additional locations for four stories and with City Council approval.

Councilman Jonathan went on to say the other comment he heard tonight and had considered previously, understanding the concept of no prescriptive setback standards, feeling it was crucial to build into the District a requirement that the design be reflective of viewshed sensitivity. Then the developer would know that City Council is looking at this to ensure a project does not, in fact, block views or create a canyon effect.

Mayor Pro Tem Nestande understood and agreed that perhaps City Council should pick specific areas on El Paseo, such as the old Post Office or the former Presage building. However, that’s where she felt the City needed to consider four stories, as well as at the very west end if a hotel ends up going there. She stated that developers needed certainty if they spend thousands of dollars getting ready for their project, only to have it come before
City Council and be blown up with one vote. She wanted to see a balance of giving certainty to developers yet being able to protect the views on El Paseo.

Councilman Jonathan concurred, believing a way could be found to identify just a few specific corners where, subject to approval and a specific definition for it (e.g. 40 feet, 44 feet, etc.), a project can go four stories.

Councilmember Harnik noted that at Council’s March 28 meeting, Councilman Jonathan said, “Perhaps we should have it coming back to the Council if there was a request for something over two or three stories, and perhaps it should include setbacks.” Further, she had asked that it didn’t necessarily specify stories but, in fact, feet. For instance, The Gardens’ highest point is 44 feet in height. City Council received back something different than requested – the subject case specifies City Council review and approve buildings over four stories in height – not what it asked for. She emphasized that even though it’s staff’s recommendation, it would have been nice to consider City Council’s requests. She referred to a letter from Dave Worlow, received very late today in this matter, “As the owners and developer of Hotel Paseo, we initially fought for a higher maximum height allowance in order to make our hotel a four-story building. We were denied and had to modify our plans to comply with a 46-foot maximum height restriction. We were also told that if there were going to be any future developments in the District that might be given a variance from that restriction in the future, those developments would be restricted to the farthest east and west ends of the street.” She said it goes on to say, “We are not opposed to a more lenient height allowance, but only on the major corner locations of Portola and Monterey,” which is alluded to by Council comments. She felt Mr. Worlow made a good point – Palm Desert put Hotel Paseo through all sorts of hoops to come up with a product as it stands today, a fine one, she thought was 47 but is actually 46 feet at its maximum height. Further, she believed there are places on El Paseo, as stressed in the aforementioned letter, on the furthest ends where four stories would work well with well-modulated massing to avoid the canyon effect. She went on to say that the north side of Highway 111 would be appropriate for such height because of the significant grade difference, even five stories could go on some important corners. However, noting Mr. Rodriguez’s comments about having some sort of presentation, referred to the display map indicating where five stories would be allowed – when the City talks about placing five stories, she questioned how a business model with outdoor café (e.g. LePaon, Pacifica, Tommy Bahama’s) would like a five-story building across from it. She didn’t think it furthered the ambiance or character of El Paseo as it is known today. Yes, she said the City wants to create a more vibrant street and recognizes that it can be better, but rushing to build five stories that will block an outdoor café’s view is not making it better. Additionally, she recalled today’s Study Session about market positioning and who the City of
Palm Desert is as a community – the place people come to ‘exhale’ and relax, made abundantly clear in the presentation. She was certain there were sites where four stories would work well and didn’t recall any of her colleagues indicating they were opposed to mixed use, because it would be a perfect El Paseo asset that will lend itself to more desirable business and pedestrian/foot traffic. She advocated slowing down to see exactly what greater heights will look like - using a crane or possibly the City’s ladder truck (with 100’ reach) -- everyone needs to see it. It’s easy to say five stories here, but if you are standing next to a five-story building when the sun is coming from a different direction, it’s all shadow; shade is sometimes a good thing, but it’s better provided by canopy trees instead. Summarizing, Councilmember Harnik stated she didn’t think the City needed the Overlay or as many five-story buildings as being contemplated. This needed to be looked at long and carefully in a more metered and thoughtful manner for the benefit of Palm Desert as a whole and El Paseo specifically, reiterating that even the developer of Hotel Paseo at a hard-fought three stories said they are not opposed to more lenient height allowances, but only at the major corner locations of Portola and Monterey Avenues. She hoped her colleagues had read the number of letters and e-mails received from community members in this matter, because they were important and made great points. Lastly, she cited the area of Shepherd Lane in the northerly part of the City representing a total planning mistake – quoting Mr. Rodriguez that “you don’t get ‘mulligans’ on some of this stuff,” and was a reason to slow down here. She also acknowledged Mr. Corliss’ comments and didn’t discount his efforts with staff up to this point, adding that she didn’t think his plans were out of the picture yet and would still be considered with appropriate modulated massing.

In answer to Mayor Pro Tem Nestande’s question if she was ready here to agree to four stories on El Paseo’s eastern end at Portola and western end at Monterey, Councilmember Harnik answered that she was not.

Councilmember Kelly said much of what she would have said at this stage had already been said; however, she wanted to reiterate some key points and give some extra perspective. She remarked that difficulty with the subject proposal is the end result would leave more than 50% of the linear square footage on El Paseo subject to four stories, potentially five. She went on to say City Council has heard from a substantial number of residents who said that prospect dramatically interferes with the beneficial experiences they have come to Palm Desert for. As Councilmember Harnik summarized, this is directly at odds with the strong suits that attract visitors to Palm Desert – open vistas, a sense of ease, a place you can escape to from urban intensity and density. Therefore, she could not support consigning more than 50% of El Paseo to the prospect of four stories and potentially five. Referring to Mr. Rodriguez’s comments and noting as she, herself, was an every-session participant in the Envision Palm Desert Strategic Plan process, beginning
point of the General Plan Update and much of what is happening in the City, Mr. Rodriguez articulated the consensus perfectly. The community input sought a sense of place, which could be supported by greater height at ‘key nodes’ – the phrase promoted extensively in those discussions. She went on to say the pictorial presentation showed greater height close to the intersections of San Pablo/Highway 111 and potentially at the western end of El Paseo, close to the intersection of Highway 111/Highway 74. The vision emerging from that process did not contemplate greater height at, essentially, each and every intersection up and down El Paseo. Therefore, she felt the City needed to get back to its starting point for what each the objective and vision were. Additionally, she quoted from the draft Environmental Impact Report for the General Plan Update regarding extent to which the City would seek greater density or height, quoting, “Just enough to create interest and activity but not so much as to overwhelm people.” She noted the feedback here is that more than 50% of El Paseo being subject to four, potentially five, stories would overwhelm people. Frankly, she thought staff needed to go back to the drawing board and heed the feedback given tonight, as well as from the March 28 meeting, to see if there is a different way to achieve somewhat more predictability for developers in one or two spots that might be particularly suitable to greater height. She emphasized that City Council has now twice given feedback that it is not amenable to a sweeping addition to the Downtown Overlay District that potentially could cause a loss of control of heights on the street.

Councilman Jonathan moved to, by Minute Motion, retain the Downtown District with the following considerations: 1) Core Overlay for it, allowing up to four stories with specific foot-height limitation, subject to City Council approval on a limited number of identified key locations; 2) directing Architectural Review and Planning Commissions to give all due consideration of the view corridor in their design review process as it relates to approval for the fourth story on a project.

Mayor Pro Tem Nestande pointed out that Councilmembers had met with two potential project developers - one on the very east end and one on the very west end of El Paseo, with both projects needing four stories. She hoped, at a minimum, the motion would incorporate identification of those two nodes.

Councilman Jonathan countered that rather than identifying them here, he was asking staff to provide the key nodes that would qualify for the fourth story as part of their creation of the proposed Overlay District. He pointed out that City Council would have opportunity to address the issue at that time.

Mayor Pro Tem Nestande seconded Councilman Jonathan’s motion.

Councilmembers continued to debate merits of the issue, with the following points being raised and questions/answers given:
– City currently City has done something quite significant by having a Downtown District with three stories as a matter of right. Essentially, this encompasses 100% of El Paseo. If a proposal for four stories came forward under that zoning, an exception would have to be requested.
– Three floors equals 40 feet.
– Top of parapet could be up to 45 feet (beyond the structure’s 40 feet).
– As proposed in the staff report, Downtown Overlay District provides for four floors, 55 feet, as a matter of right, with the potential for a fifth floor.
– Motion made for a different kind of overlay, a variation on the Downtown District such that the three floors (40 feet) could expand to a fourth story on key identified nodes, subject to Council approval and public improvements.
– This would be a new form of Overlay, not modification or extension to the existing.
– Concern about the “subject to Council approval” provision, even with two sites being identified in this discussion, as developers need certainty before venturing out on a project.
– Core Overlay District would identify the areas that qualify for a potential fourth story; getting the fourth story would require Council approval. That is important, because Council is crossing a line when it goes for four stories - potentially 60 feet.
– Developers take risks – every one of them. It’s a given that they’re investing in a potential project and going through an approval process for it. When they do their homework, meet with Councilmembers and get a general sense for the will of the people in the community, they don’t get surprised at Council, generally.
– Given the changes being proposed here, this matter will need another public hearing/first reading of the Ordinance.
– In the Downtown Edge District, running along Highway 74, south of El Paseo, there was at one time location approved for a four-story hotel. So it can be achieved when correctly presented.
– Intent is to be very limiting on El Paseo with more generous dispersion for four, even five stories, on the north side of Highway 111.
– May need a City Council Study Session to discuss the details of this proposal.
– Possible ‘key node’ locations: Highway 74/Monterey Avenue, San Luis Rey, and Portola Avenue.
– Staff cautioned to take account of and protect existing assets, such as Hotel Paseo and second-floor patio restaurants’ existing vistas.
– Matter may take up to 120 days before it would be back before City Council, pending staff review of the process, including possible reintroduction to the Planning Commission, out of respect for their office and to keep them apprised of the City Council’s direction.

Mayor Weber called for the vote on the motion, and it carried on a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).
For purposes of clarification:

Councilman Jonathan moved to, by Minute Motion, continue the public hearing, directing staff to come back with a revision of the Downtown Core Overlay District that: 1) Allows a fourth story on identified locations, subject to City Council approval; 2) directs that the view corridor be given all due consideration, first by a developer upon applying, followed by the Architectural Review and Planning Commissions’ consideration thereof. Motion was seconded by Mayor Pro Tem Nestande and carried by 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XX. ADJOURNMENT

With City Council concurrence, Mayor Weber adjourned the meeting at 6:45 p.m.

SUSAN MARIE WEBER, MAYOR

ATTEST:

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