

POSTED AGENDA

REGULAR PALM DESERT CITY COUNCIL MEETING

THURSDAY, MAY 23, 2019

CIVIC CENTER COUNCIL CHAMBER

73510 FRED WARING DRIVE, PALM DESERT, CA 92260

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

II. ROLL CALL

III. ORAL COMMUNICATIONS - A (CLOSED SESSION ITEMS)

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

IV. ADJOURN TO CLOSED SESSION

Request for Closed Session:

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

1) Property: Desert Rose - 75406 Orange Blossom Lane
(APN 634-062-013), Palm Desert

Negotiating Parties:

Agency: Lauri Aylaian/Janet M. Moore/Veronica Tapia/City of
Palm Desert/Palm Desert Housing Authority

Property Owner: Francisco De Leon

Under Negotiation: x Price 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.

Action:

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

Palm Desert Youth Committee Members
Zachary Berenbaum and
Timothy Fitzpatrick

VII. INVOCATION/INSPIRATION - Councilman Sabby Jonathan

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

VIII. AWARDS AND PRESENTATIONS

A. PRESENTATION OF UPDATE ON PALM DESERT YOUTH COMMITTEE ACTIVITIES BY MEMBERS ZACHARY BERENBAUM AND TIMOTHY FITZPATRICK.

Rec: Oral report to be provided at the meeting.

Action:

B. PRESENTATION OF PROCLAMATION DECLARING MAY 20-24, 2019, AS "NATIONAL PUBLIC WORKS WEEK" IN THE CITY OF PALM DESERT.

Action:

IX. ORAL COMMUNICATIONS - B

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

X. MAYOR AND COUNCILMEMBER REPORTS & REMARKS TO THE COMMUNITY

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

Action:

B. Councilman Sabby Jonathan Committee Reports and General Comments.

Action:

C. Councilmember Kathleen Kelly Committee Reports and General Comments.

Action:

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

Action:

E. Mayor Susan Marie Weber Meeting Summaries Report for the Period of April 27-May 10, 2019.

Rec: Receive and file.

Action:

F. City Council Requests for Action.

Action:

G. City Council Consideration of Travel Requests/Reports.

Action:

XI. STAFF REPORTS AND REMARKS

A. City Manager

1. City Manager's Meeting Summaries Report for the Period of April 29 - May 10, 2019.

Rec: Receive and file.

Action:

B. City Attorney

C. City Clerk

D. Public Safety

1. Fire Department
2. Police Department

XII. CONSENT CALENDAR

ALL MATTERS LISTED ON THE CONSENT CALENDAR FOR ALL LEGISLATIVE BODIES CONVENING ON THIS DATE ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE (1) ROLL CALL VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL, SUCCESSOR AGENCY BOARD OF DIRECTORS, HOUSING AUTHORITY BOARD, OR AUDIENCE REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION AND ACTION UNDER SECTION XIII, CONSENT ITEMS HELD OVER, OF THE AGENDA.

PALM DESERT CITY COUNCIL

- A. MINUTES of the Regular City Council Meeting of May 9, 2019.

Rec: Approve as presented.

- B. CLAIMS AND DEMANDS AGAINST THE CITY TREASURY - Warrants Dated 4/19/2019, 4/26/2019, and 5/3/2019.

Rec: Approve as presented.

- C. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrant Dated 4/26/2019 (Joint Consideration with the Palm Desert Housing Authority - Item U below).

Rec: Approve as presented.

- D. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Embassy Suites by Hilton Palm Desert, 74700 Highway 111, Palm Desert.

Rec: Receive and file.

- E. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by La Fe Wine Bar, 73900 El Paseo, Suite 2, Palm Desert.

Rec: Receive and file.

- F. RESIGNATION of Ralph Raya - Citizens' Sustainability Committee.

Rec: Receive with very sincere regret.

- G. REQUEST FOR APPROVAL of the Purchase of Gas and Diesel Fuel from Beck Oil, Inc., During Fiscal Year 2019-2020 in an Amount Not to Exceed \$200,000 for the City's Fleet and Equipment and Desert Willow Golf Resort Maintenance Vehicles and Equipment.

Rec: By Minute Motion: 1) Waive bid irregularities in the Beck Oil, Inc., bid; 2) approve the purchase of gas and diesel fuel from Beck Oil, Inc., Coachella, California, during FY 2019-2020 for City fleet and equipment in an amount not to exceed \$100,000, and Desert Willow maintenance vehicles and equipment in an amount not to exceed \$100,000 – funds are available in General Fund Account No. 1104331-4217000 - Auto Fleet-Supply Automotive Gas and in Account No. 5204195-4803100 - Desert Willow Maintenance Facility.

- H. REQUEST FOR APPROVAL of an Agreement with Willdan Financial Services to Conduct a Comprehensive Fee Study and Full Cost Allocation Plan in an Amount Not to Exceed \$35,855 (Contract No. C37610).

Rec: By Minute Motion, authorize City staff to enter into an agreement with Willdan Financial Services to conduct a Comprehensive Fee Study and Full Cost Allocation Plan in an amount not to exceed \$35,855.

- I. REQUEST FOR APPROVAL of Change Order and Revised Memorandum of Understanding Between the California Joint Powers Insurance Authority and City of Palm Desert, Authorizing Additional Work for the ADA Assistance Program, in the Amount of \$37,500 (Contract No. C36480).

Rec: By Minute Motion: 1) Approve a Change Order and Revised Memorandum of Understanding between the California Joint Powers Insurance Authority and City of Palm Desert, authorizing additional work for the ADA (Americans with Disabilities Act) Assistance Program, in the amount of \$37,500; 2) authorize the City Manager to execute the Revised Memorandum of Understanding and any related documentation.

- J. REQUEST FOR APPROVAL of Amendment No. 1 to the Historic Property Preservation Agreement, "Mills Act Contract," for Property Located at 73697 Santa Rosa Way (APN 627-102-024) (Palm Desert Wave House, LLC, Applicant).

Rec: By Minute Motion, approve/authorize: 1) Amendment No. 1 to the Historic Property Preservation Agreement, "Mills Act Contract," for property located at 73697 Santa Rosa Way (APN 627-102-024); 2) Mayor to execute said Amendment.

- K. REQUEST FOR APPROVAL of the Extension of Contract for Professional Services to the Family YMCA of the Desert for Management and Staffing of the Palm Desert Aquatic Center for \$165,000, Plus Reimbursement of All Costs (Contract No. C36621).

Rec: By Minute Motion: 1) Extend subject contract for Professional Services to Family YMCA of the Desert, Palm Desert, California, for Management and Staffing of the Palm Desert Aquatic Center in the amount of \$165,000, plus reimbursement of all costs; 2) authorize the Mayor to execute said contract extension – funds are available in Account Nos. 2424549-4802101 - Aquatic Contracted Labor, 2424549-4309000 - Professional-Other, 2424549-4309300 - Professional-Other, Administrative Expenses, and 2424549-4801100 - COGS - Food & Merchandise.

- L. REQUEST FOR RATIFICATION of Change Order Nos. 1 and 2 to Contract No. C37000 - Desert Willow Pump Panel Replacement Project and for Acceptance of Work for the Project (Project No. 861-18) (Huntington Beach Electric, Huntington Beach, CA).

Rec: By Minute Motion, ratify/authorize the following for subject project:
1) Change Order No. 1 in the amount of \$6,300 for cost of installing new cable connectors; 2) Change Order No. 2 in the amount of \$3,000 for reconfiguration of cable connections to service meters; 3) City Clerk to file a Notice of Completion for project – funds are available in Account No. 4414195-4809200 - Desert Willow Golf Capital.

- M. REQUEST FOR ACCEPTANCE of Contract No. C37620 – Installation of Inclusive Playground Equipment at the Joe Mann Park (Project No. 925-19) (Great Western Recreation, LLC, Logan, UT).

Rec: By Minute Motion: 1) Ratify Change Order No. 1 in the amount of \$12,905.10 to subject contract, for statutorily required bonds that were not included in the original scope of work, as well as replacement of wood fibers for ADA accessibility; 2) ratify deductive Change Order No. 2 in the credit amount of \$2,050; 3) accept as complete the installation of inclusive playground equipment at Joe Mann Park by Great Western Recreation, LLC; 4) authorize the Mayor to execute the Notice of Completion; 5) authorize the City Clerk to record the Notice of Completion.

- N. REQUEST FOR APPROVAL of the Sale and Consumption of Alcoholic Beverages at the Henderson Community Building, 72559 Highway 111, for Fiscal Year 2019-2020.

Rec: By Minute Motion, approve/authorize: 1) Exception to Palm Desert Municipal Code Section 9.58.010 - Consumption of Alcoholic Beverages on Public Property - for the sale and consumption of alcohol at the Henderson Community Building, 72559 Highway 111, for FY 2019-2020; 2) City Manager to execute any California Department of Alcoholic Beverage Control documents, as required.

- O. REQUEST FOR APPROVAL of *Music in the Air* by Mario Pikus as the Public Art Component for Palm Desert Garage Town, 73660 Dinah Shore Drive (Desert GT LLC, Applicant).

Rec: By Minute Motion, approve *Music in the Air* by Mario Pikus as the public art component for Palm Desert Garage Town located at 73660 Dinah Shore Drive, Palm Desert.

- P. REQUEST FOR APPROVAL of Jimmy Descant's Sculpture *The Strength of Sky* as a Replacement for Mario Pikus' *Music in the Air* in the 2019/2020 El Paseo Sculpture Exhibition.

Rec: By Minute Motion, approve Jimmy Descant's sculpture *The Strength of Sky* as a replacement for Mario Pikus' *Music in the Air* in the 2019/2020 El Paseo Sculpture Exhibition.

- Q. REQUEST FOR REVIEW AND APPROVAL of Outside Agency Funding (Charitable Contributions) for Fiscal Year 2019-2020.

Rec: By Minute Motion: 1) Approve the award of charitable contributions in the amount of \$132,428 to the listed agencies, with associated restrictions and conditions; 2) accept the modifications to the Outside Agency Funding Guidelines for FY 2020-2021; 3) pending approval of the FY 2019-2020 City of Palm Desert Financial Plan, authorize the City Manager to execute any documents necessary to effectuate the actions taken herewith.

SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY

- R. MINUTES of the May 9, 2019, Regular Meeting of the Board of Directors of the Successor Agency to the Palm Desert Redevelopment Agency.

Rec: Approve as presented.

- S. CLAIMS AND DEMANDS AGAINST SUCCESSOR AGENCY TREASURY - Warrants Dated 4/19/2019 and 4/26/2019.

Rec: Approve as presented.

PALM DESERT HOUSING AUTHORITY

- T. MINUTES of the Housing Authority Meeting of May 9, 2019.

Rec: Approve as presented.

- U. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrant Dated 4/26/2019 (**Joint Consideration with the Palm Desert City Council - Item C above**).

Rec: Approve as presented.

- V. HOUSING COMMISSION MINUTES for the Meeting of April 10, 2019.

Rec: Receive and file.

- W. REQUEST FOR AUTHORIZATION of the Use of Lowe's Home Centers, Inc., Home Depot U.S.A., Inc., and HD Supply Facilities Maintenance for Purchase of Materials, Supplies, and Appliances for Fiscal Year 2019-2020.

Rec: By Minute Motion, authorize use of: 1) Lowe's Home Centers, Inc., (Contract No. HA38670A) for the purchase of materials, supplies, and appliances, pursuant to Palm Desert Municipal Code (PDMC) Sections 3.30.160(L) and 3.30.160(E) for FY 2019-2020 in an amount not to exceed \$220,000 (includes approximately \$115,000 for purchase of appliances and approximately \$105,000 for materials and supplies); 2) Home Depot U.S.A., Inc., (Contract No. HA38670B) for purchase of materials and supplies, pursuant to PDMC Sections 3.30.160(L) and 3.30.160(E) for FY 2019-2020 in an amount not to exceed \$45,000; 3) HD Supply Facilities Maintenance (Contract No. HA38670C) for purchase of materials and supplies pursuant to PDMC Sections 3.30.160(L) and 3.30.160(E) for FY 2019-2020 in an amount not to exceed \$210,000; 4) disposal and recycling of inefficient, damaged, obsolete, and non-functioning appliances, as appropriate, in accordance with EPA standards and declare as surplus at the time they are removed from the properties – monies have been included in the FY 2019-2020 proposed Palm Desert Housing Authority's Operating Budget, in the appropriate Authority Account.

Action:

XIII. CONSENT ITEMS HELD OVER

XIV. RESOLUTIONS

- A. RESOLUTION NO. 2019 - 22 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 2005-1 (UNIVERSITY PARK) FOR FISCAL YEAR 2019-2020.

Rec: Waive further reading and adopt.

Action:

XV. ORDINANCES

A. For Introduction:

None

B. For Adoption:

None

XVI. NEW BUSINESS

- A. CONSIDERATION OF EXERCISING THE OPTION TO EXTEND BY ONE YEAR THE MANAGEMENT AGREEMENT BETWEEN CITY OF PALM DESERT, KEMPER SPORTS MANAGEMENT, AND THE PALM DESERT RECREATIONAL FACILITIES CORPORATION, TO OPERATE AND MANAGE THE DESERT WILLOW GOLF RESORT, AND AMENDING SAID AGREEMENT TO REFLECT STATE LABOR CODE.

Rec: By Minute Motion: 1) Consider an amendment to Contract No. C35730, to exercise the option to extend by one year the agreement between the City of Palm Desert, Kemper Sports Management, and the Palm Desert Recreational Facilities Corporation, to operate and manage Desert Willow Golf Resort; 2) amend said contract to incorporate Labor Code provisions through duration of the Management Agreement.

Action:

- B. REQUEST FOR AWARD OF CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES FOR SAN PABLO PHASE 1 STREETScape IMPROVEMENTS PROJECT (CONTRACT NO. C35520E, PROJECT NO. 691-16).

Rec: By Minute Motion: 1) Award subject contract to named vendor, to be provided to City Council by Tuesday, May 21, upon completion of a thorough review of all proposals received; 2) authorize the Director of Finance to set aside a 20% contingency from Unobligated Measure "A" funds for subject contract; 3) authorize the City Manager, or her designee, to review and approve written requests for use of the contingency for unanticipated conditions, per Section 3.30.170(A) of Ordinance No. 1335; 4) appropriate money from Unobligated Measure "A" Fund 213; 5) authorize the Mayor to execute said agreement – if approved, funds will be available in Measure "A" Special Revenue Fund, Account No. 2134342-4400100.

Action:

- C. INFORMATIONAL REVIEW OF PALM DESERT MUNICIPAL CODE CHAPTER 8.38 - PERSONAL USE OF CANNABIS, AND REQUEST TO PROVIDE DIRECTION TO STAFF REGARDING POTENTIAL REGULATION OF SMOKE TRESPASS IN RESIDENTIAL NEIGHBORHOODS.

Rec: By Minute Motion, receive and file the report, and provide direction to staff.

Action:

XVII. CONTINUED BUSINESS

None

XVIII. OLD BUSINESS

- A. REQUEST FOR AWARD OF CONTRACT TO PACIFIC TENNIS COURTS, INC., IN THE AMOUNT OF \$366,663 FOR THE FREEDOM PARK PICKLEBALL COURT IMPROVEMENT PROJECT (CONTRACT NO. C38340, PROJECT NO. 713-17).

Rec: By Minute Motion: 1) Award subject contract in the amount of \$366,663 to Pacific Tennis Courts, Inc., Moorpark, California, for the Freedom Park Pickleball Court Improvement Project; 2) authorize Director of Finance to set aside a 10% contingency for the project in the amount of \$36,666; 3) authorize the City Manager, or designee, to review and execute Change Orders up to the contingency amount; 4) appropriate \$403,329 to the Project Account from Fund 451 - Capital Projects; 5) authorize the Mayor to execute subject contract – if approved, funds will be available from Capital Project Fund 451 and reimbursed from bond proceeds.

Action:

XIX. PUBLIC HEARINGS

- A. REQUEST FOR APPROVAL OF ADJUSTED RATES FOR BURRTEC WASTE AND RECYCLING SERVICES UNDER CONTRACT NO. C27410, AND REQUESTING THE COUNTY OF RIVERSIDE COLLECT THE ASSOCIATED COSTS FOR INDIVIDUALLY BILLED RESIDENCES ON THE TAX ASSESSOR'S PROPERTY TAX ROLL FOR FISCAL YEAR 2019-2020.

- Rec: 1) Conduct a public hearing and accept public comment related to collecting the Solid Waste and Recycling service charges for individually billed residences for FY 2019-2020 on the County of Riverside Assessor's Property Tax Roll, and related items stipulated therein.
- 2) Waive further reading and adopt Resolution No. 2019 - 23, approving adjusted rates in Exhibits 3A, 3B, 3C, and 3D for Burrtec under Contract No. C27410, and requesting the County of Riverside to collect the associated costs for individually billed residences on the Tax Assessor's Property Tax Roll for FY 2019-2020.
- 3) By Minute Motion, authorize the City Manager to execute any documents necessary to effectuate the actions taken herewith.

Action:

- B. REQUEST FOR SUBMISSION OF THE PROGRAM YEAR 2019 ACTION PLAN TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD,) AUTHORIZATION FOR THE COMMUNITY DEVELOPMENT DIRECTOR TO BE THE CERTIFYING OFFICIAL TO EXECUTE ALL FEDERAL DOCUMENTS MOVING FORWARD, AND RATIFICATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING RECOMMENDATIONS IN PROGRAM YEAR 2018.

- Rec: 1) Conduct a public hearing to accept testimony regarding the subject request.

By Minute Motion:

- 2) Request submission of the Program Year 2019 Action Plan, including funding recommendations for the Community Development Block Grant (CDBG) Program to the U. S. Department of Housing and Urban Development (HUD).
- 3) Authorize the Community Development Director to be the Certifying Officer to execute all Federal documents moving forward.
- 4) Ratify CDBG funding recommendations based upon the contracted amounts in Program Year 2018.

Action:

XX. ADJOURNMENT

FUTURE MEETINGS:

May 28, 2019	9:00 a.m.	Cultural Resources Preservation Cmte. <u>Administrative Conference Room</u>
	10:00 a.m.	Audit, Investment & Finance Committee <u>North Wing Conference Room</u>
	12:30 p.m.	Architectural Review Commission <u>Development Services Conference Room</u>
June 4, 2019	8:30 a.m.	Parks & Recreation Commission <u>Administrative Conference Room</u>
	3:00 p.m.	Marketing Committee <u>Administrative Conference Room</u>
	6:00 p.m.	Planning Commission <u>Civic Center Council Chamber</u>
June 5, 2019	4:00 p.m.	Hotel & Signature Events Committee <u>North Wing Conference Room</u>
June 10, 2019	6:00 p.m.	Youth Committee <u>-CANCELED- Summer Schedule</u>
June 11, 2019	12:30 p.m.	Architectural Review Commission <u>Development Services Conference Room</u>
June 12, 2019	9:00 a.m.	Art In Public Places Commission <u>-CANCELED-</u>
	3:30 p.m.	Housing Commission <u>North Wing Conference Room</u>
	3:30 p.m.	Public Safety Commission <u>Administrative Conference Room</u>
June 13, 2019	3:00 p.m.	Reg. City Council/Successor-RDA Mtgs. <u>Civic Center Council Chamber</u>

I hereby certify, under penalty of perjury under the laws of the State of California, that the foregoing agenda for the Palm Desert City Council was posted on the City Hall bulletin board not less than 72 hours prior to the meeting. Dated this 16th day of May, 2019. Note: This agenda is subject to amendment up to 72 hours in advance of the meeting.

Rachelle D. Klassen, City Clerk