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

Mayor Weber convened the meeting at 3:03 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
Andy Firestine, Assistant City Manager
Rachelle D. Klassen, City Clerk
Russell Grance, Director of Building & Safety
Ryan Stendell, Director of Community Development
Martin Alvarez, Director of Economic Development
Janet M. Moore, Director of Finance/City Treasurer
Tom Garcia, Director of Public Works
Ty Davis, Division Chief, Palm Desert Fire/Riverside Co. Fire Dept./Cal Fire
Mike Beverlin, Battalion Chief, Palm Desert Fire/Riverside Co. Fire Dept./Cal Fire
Grace L. Rocha, Deputy City Clerk

III. ORAL COMMUNICATIONS - A (CLOSED SESSION ITEMS)

MR. GARY DAN BENNETT, Palm Greens Parkway, Palm Desert, registered his support for district elections, stating it will give more people in the community the opportunity to participate and better reflect the population of Palm Desert.

MS. DOREA SMITH, Via Cielo Azul, Palm Desert, stated she has lived in Palm Desert for almost 20 years, and she’s glad to see great gender diversity on the
Council. However, she doesn’t see ethnic diversity, therefore, she supports district elections. She believes district elections will bring the management of the City closer to the people, stating many in the community would like to see their African Americans, Latinos, and Asian neighbors represented. Further, she discouraged the City Council from using City money to fight the lawsuit.

MR. CHARLIE ARA, Palm Greens Parkway, Palm Desert, encouraged the City Council to change the City’s elections from at-large to district elections. He believed it will make it easier for people to run for office without having to spend a lot of money to campaign. He noted he had more signatures from citizens of Palm Desert that support district election.

MS. SIMONE BEST, Azorite Circle East, Palm Desert, supports moving from at-large elections to district elections. She voted for the proposition in 2001, and she continues to support it today. She’s glad that other cities in the Coachella Valley have moved to district elections. She also requested the City not pursue court action on this issue, because her research has shown that cities that have defended against this law have lost and it would be a waste of taxpayers’ money. She asked the City Council to move onto the next step of defining districts for the City, adding this was all about pursuing diversity.

IV. ADJOURN TO CLOSED SESSION

Request for Closed Session:

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

1) Property: SEC Fred Waring Drive/San Pablo Avenue (APNs 627-101-002, -017, -033, -061, -062), Palm Desert
   Negotiating Parties:
   Agency: Lauri Aylaian/Martin Alvarez/Wayne Olson/City of Palm Desert
   Property Owner: City of Palm Desert
   Under Negotiation: x Price x Terms of Payment

2) Property: MC Properties Master Plan - (APNs 694-130-016 and 694-130-021) (Bounded by Monterey Avenue/Dick Kelly Drive/Gateway Drive/A Street), Palm Desert
   Negotiating Parties:
   Agency: Lauri Aylaian/Ryan Stendell/City of Palm Desert
   Property Owner: Chris Chambers, Representative
   Under Negotiation: x Price x Terms of Payment

3) Property: Lease Property - McCallum Theatre, 73000 Fred Waring Drive, Palm Desert
Negotiating Parties:
Agency: Lauri Aylaian/Janet M. Moore/City of Palm Desert/
Successor Agency to the Palm Desert Redevelopment Agency
Under Negotiation: x Price x Terms of Payment

B. Conference with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9(d)(1):

1) Lorraine Salas and Karina Quintanilla v. City of Palm Desert, Riverside County Superior Court, Case No. PSC 1903800

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

   Case 1. Reference EPA (U.S. Environmental Protection Agency) Letter dated August 29, 2019, regarding the Omega Chemical Corp. Superfund Site.

   Case 2. Confidential

D. Public Employment pursuant to Government Code Section 54957:
Title of Position: City Manager

With City Council concurrence, Mayor Weber adjourned the meeting to Closed Session of the City Council/Successor Agency at 3:10 p.m. She reconvened the meeting at 4:25 p.m.

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

A. REPORT ON ACTION FROM CLOSED SESSION.

Mr. Hargreaves reported that for City Council Closed Session Item C - Case 1, with regard to the Reference EPA Letter, the City Council authorized a settlement in the amount of $67,815, as requested by the EPA. The letter is available for viewing in the City Clerk’s Office. No reportable actions were taken on the remainder of the Closed Session items.

VI. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA - Palm Desert Girl Scouts Troops 1176 & 360

VII. INVOCATION/INSPIRATION - Councilmember Jan C. Harnik
A. PRESENTATION OF PROCLAMATION DECLARING SEPTEMBER 17-23, 2019, AS “CONSTITUTION WEEK” IN THE CITY OF PALM DESERT.

On behalf of the entire City Council, Mayor Weber presented the proclamation to Ms. Norma Bruton and representatives from the Daughters of the American Revolution who thanked the City Council for this recognition.

B. INTRODUCTION OF PALM SPRINGS ART MUSEUM’S NEW EXECUTIVE DIRECTOR LOUIS GRACHOS.

Mr. Grachos stated he had the pleasure and honor of previously meeting the Mayor and City Manager. He is thrilled to be in the desert, stating he and his wife Ann have loved visiting Palm Desert as tourists, and now he has the opportunity of taking on the role of Executive Director for the Palm Springs Art Museum. To his delight, the Museum has two satellite operations, of course, one here in Palm Desert with The Galen. He has been conducting internal audits of his staff and the community, and he is looking forward to making the Palm Desert facility more active and integrated. He will work on things like visibility and becoming better communicators with the community. He thanked the City for allowing the Museum to be located in Palm Desert and for the opportunity to extend their program. He looked forward to working with Director of Community Development Ryan Stendell and Management Analyst Amy Lawrence, stating there is a couple of common themes he will focus on in making the Museum more integrated with the community. He announced they have several exhibitions coming up, and one of them opens up December 14, 2019, stating he hoped the City Council would attend.

Mayor Weber commented that Mr. Grachos made a good first impression with the nice newspaper article on the Museum.

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 that news from the airport was all very good. He recalled for the City Council that he ended his last report with the month of March numbers. Highlights from his report are the following:

Air Service Development
1) Passenger traffic continues to grow at an impressive rate this year with the following increases: April - 13.9%; May - 13.1%; June 12.0%; July - 9.2%; August - 14.5%; YTD - 15.5%. He believes that at this rate, the annual passenger traffic will easily exceed 2.5 million, which will be another record. He said a lot of the businesses and hotels in the Valley are experiencing growth, including cities with the collection of Transient Occupancy Tax (T.O.T.).

2) The airlines registering the largest increases are Alaska, American, and Delta Connection.

3) Starting on Monday, Contour Airlines will begin a daily service to Sacramento with one flight per day. Contour is a regional airline based in Tennessee, which has expanded into the west and now serving destinations like Phoenix, Las Vegas, Santa Barbara, Oakland, and Sacramento.

4) Winter Schedule - some airlines seem to be increasing their frequencies, but doing it with smaller equipment.

**Car Rental Project**

1) Gensler Architects has been awarded the contract to design the project for the new car rental facility, which has now been funded. The project was part of the master plan, going back five years, but it has taken this long to go through the necessary reviews with the FAA and every other government agency. This project will require the demolition of the old hanger. It currently holds the USO and Customs and Immigration facility, but these will be relocated as part of the project. The length of the project is three years.

2) Once the car rental facility is completed, the next project is to expand the baggage claim area.

**Bono Concourse**

1) A consulting firm has been hired to formulate the specification for the repair or replacement of all the passenger boarding bridges of the Bono Concourse, stating they date back to the original construction. The consultant’s report will form the basis for the Request for Proposal (RFP) that will be released.

Councilman Jonathan inquired about service to Los Angeles and Las Vegas.

Mr. Hoehn replied that the airport together with the Convention and Visitors Bureau (CVB), as part of the Air-Service Development Program, continues to talk to different airlines about all kinds of new service opportunities, and Los Angeles is always part of the discussion. There is currently one daily flight, and another airline is currently considering it. With regard to Las Vegas, there are talks again with Legion Airlines, but whether or not they will come to fruition, he couldn’t tell. He said it was a matter of economics, demand, and seasonality.
Mayor Pro Tem Nestande asked if there was any chance of seeing Southwest Airlines get onboard.

Mr. Hoehn explained that there are ongoing talks with Southwest, but the problem there, at least for the opportunity for them, is to open up Hawaii. All of the Hawaii markets are being served by various U.S. markets and have taken up much of their capacity, and he couldn’t see them starting service this year or next year; best a case scenario would be spring of 2021. He said so much of their equipment has been diverted, and they are still facing the issue of having to replace the large number of Boeing 737 MAX equipment they have in their fleet.

IX. ORAL COMMUNICATIONS - B

MS. JENNIFER CUSACK, Public Relations Manager for Southern California Edison (SCE), provided a brief overview of SCE Wildfire Mitigation Plan. She said the fire risk in California has increased in that 10 of the 20 most destructive fires in California history have happened in the last four years. The intensity of the fires are due to increased weather events and hybrid driven fires, making them very high risk for the State. Utilities play a role, because the current system is an inherited risk; they can spark from electrical equipment, but they are doing everything they can to mitigate that risk. She provided a High Fire Risk (HFR) Area Map, developed by the CPUC (California Public Utilities Commission) and by State Cal Fire that outlines areas of HFR, which helps to prioritize SCE clients. The SCE Mitigation Plan focuses on three things: Vegetation Management, Operational Upgrades to SCE System, and Operational Changes on how they operate their system that includes providing covered conductor, fast-acting current limiting fuses, and recloser to the infrastructure. SCE identified work that needed to be done and mitigated it by having repairs completed by June 30; it was an aggressive plan that started in December 2018. SCE have also added weather stations, advanced weather modeling, and fire monitoring cameras, adding that the cameras are available to the public and to first responders to monitor at www.alertwildfire.org, and there are weather stations that are available at shared networks at mesowest.utha.edu. With regard to their Vegetation Management, they have always had an aggressive program, because by law they are required to maintain a certain clearance, where before it was 4-feet and now it’s 12-foot tree clearance. They are seeking additional clearances and removal of trees that could become a fire risk, stating that palm trees are notorious for creating fires due to the palm prongs. The Public Safety Power Shutoff (PSPS) is an operational practice implemented along with other utilities, stating this is where they preemptively turn off the power to prevent a fire when there are high winds and low humidity in fire weather. She noted this information is available to the public on their website at www.SCE.com/wildfire.
MR. GUALBERTO MELENDEZ, AKA WALLY, stated we were so lucky to live in America, because he kept track of what was happening in Venezuela, Cuba, Syria, and Nicaragua, adding it wasn’t hard to brainwash people when the population isn’t provided an education.

MS. CAROL ADNEY, Somera Road, Palm Desert, offered she was a 20-year resident of Palm Desert, a member of the Art In Public Places (AIPP) Commission, and a volunteer and docent at The Galen. She works very hard to increase the City’s visibility and use of The Galen, and she may become a pest with the new director in that regard. She and Maureen Boren, another member of the AIPP, requested a meeting with the Mayor and members of the Museum, stating it was very helpful and glad they will focus on increasing visibility of The Galen. Secondly, she called attention to the fact that just this past week, a big signature tree was cut down on the corner of that large median between Haystack and Calliandra. By the time the inspector met her at the location, it was too late, the tree had already been cut down. The reasoning was that the City was converting to desert scape, which she understood, but she felt desert scape could still be accomplished with trees. She recalled that last year fourteen (14) trees were cut down from that area. She encourages the City to replant new trees and think about shade cover for the permanent residents who appreciate walking under it. She made the comment that the City took very good care of Ironwood Park, which she felt was glorious.

MS. ANGIE ACEVES, Paseo Bravo, Palm Desert, stated she was a 15-year resident of Palm Desert, and she had a signed petition, which she read out loud in English and Spanish. It stated residents are requesting the City Council change from at-large voting to district-base voting. They believe changing the system would be less costly for candidates and it would allow for more local representation. They recognize the great work the City Council has done, however, they believe it’s time to change from at-large voting to district-base voting.

MR. BRAD ANDERSON, Rancho Mirage, CA, was prepared to offer public comments, but he had to leave. Instead he left a written statement with the City Clerk regarding mosquitoes and the West Nile Virus and the poor performance of the Coachella Valley Mosquito and Vector Control District to control both.

X. MAYOR AND COUNCILMEMBER REPORTS & REMARKS TO THE COMMUNITY

A. Councilmember Jan C. Harnik Committee Reports and General Comments.
1. Southern California Association of Governments (SCAG) - reported she serves on the SCAG Transportation Committee and SCAG Regional Council, the Riverside County Transportation Commission (RCTC), and the Coachella Valley Association of Governments (CVAG) Transportation Committee. She noted that several of the upcoming agenda items are impacted by these agencies. Also, September is Pedestrian Safety Month and October is “Walktober.” She read out loud something of importance, which states, “California and the nation as a whole, in the SCAG region, experienced a period of annual declines in traffic related fatalities and serious injuries until to 2012 when they began to steadily rise.” The article talks about how many of those fatalities and serious injuries are in automobiles. The statistic she found most upsetting is that 70% of those killed since 2001 were in vehicles or on motorcycles, while the remaining 27% were walking or bicycling. Later on today’s agenda, the City Council will be considering the CV Link, which she believes will provide safety and convenience to people who wish to ride their bike or walk in a safe fashion. The other thing that has come up in SCAG is the Greenhouse Gas Reduction, where the CV Link can have a positive impact, because Sacramento is considering punitive actions if those greenhouse gas reduction goals are not met.

2. Coachella Valley Wide - Traffic Signal Synchronization Program - CVAG continues to work on this program, which she believes will also make it safer for pedestrians and bicyclists. At their last CVAG meeting, they also talked about having standardization of bike lanes across the cities in the Valley.

3. Support El Paseo Business - while construction is continuing on the San Pablo improvements, she encouraged residents to support El Paseo Businesses.

B. Councilman Sabby Jonathan Committee Reports and General Comments.

1. Riverside County’s Behavioral Health Specialists - he recalled for the City Council that the City entered into a contract with the County of Riverside for two Behavioral Health Specialists to address the homelessness issue, specifically in Palm Desert, to work in conjunction with code enforcement, the police department, Path of Life, and other agencies. The contract was effective July 1, and he requested staff meet with him for an update. It’s possible that in October, a bigger meeting will be held with all the related parties, ensuring everyone is working together and accomplishing the goals. When his meeting with staff takes place, he will alert Council for an opportunity to join in and perhaps even form an informal homelessness task force with two members from the City Council.
C. Councilmember Kathleen Kelly Committee Reports and General Comments.

1. Affordable Housing Subcommittee - as the last meeting, Council delegated to the subcommittee the question of whether Palm Desert should submit a comment to SCAG, pertaining to the three possible options for allocating housing targets for the Southern California Region to specific cities. The subcommittee had a robust discussion, where she and Councilmember Harnik participated. Staff did a superb job of outlining the three options and what the impact in Palm Desert would be. The committee identified questions and staff went back to SCAG to gather additional information. Staff provided a full analysis and made the recommendation that ultimately, there probably isn’t a sound principal basis for the City to weigh in with a comment, and she concurred in that analysis. Each option has its nuances, where one might favor a piece of one option and a piece of another. Ultimately, there really isn’t a conclusive basis for the City to favor one over the other, stating that was staff’s perspective and hers as well. Since she sits on the SCAG Regional Council along with Councilmember Harnik, they have seen a great body of comments that have been submitted, which were not particularly thoughtful and they didn’t advance the discussion nor did it help the jurisdiction from which they come. She thanked staff for their thorough work.

Councilman Jonathan recalled that Options 1 and 2 resulted in a calculation and requirement of 3,000 affordable housing units, and Option 3 resulted in a requirement of 5,000. He asked if the committee took that into consideration.

Councilmember Kelly responded those were not the numbers that staff generated. All three options came out to 3,000 plus, and Option 2 was the lowest. She said the committee can work with Councilman Jonathan on this, because each option has its own nuances and there has been additional information communicated since the release of the options.

Councilman Jonathan said the point may be moot, because the comment period ends tomorrow at 5:00 p.m., but staff may want to go onto the SCAG website, which provides the exact address. He said at today’s DVBA (Desert Valleys Builders Association) Luncheon, they looked it up and Option 3 for Palm Desert indicated numbers just over 5,000 compared to 3,000 for Options 1 and 2. He didn’t know if they modified the options and/or if it changed, but he encouraged staff to at least be aware of it.

Councilmember Harnik confirmed the State issued preliminary numbers for the RHNA (Regional Housing Need Allocation), and
SCAG addressed the methodology as to how they arrived at the numbers. SCAG voted to go back to say it was not contesting the numbers, but rather the methodology. She said government works best when there are checks and balances, therefore, SCAG was writing the State a letter about looking at their methodology.

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

She welcomed everyone in the audience, stating her door was always open for constituents and if they wished to meet with her to please call City Hall to make an appointment with her.


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

1. Citizens on Patrol (COPs) - reported the two Riverside County Behavioral Health Specialists made a presentation to the members of the COPs and outlined exactly what they have been doing. They reminded everyone that it takes about six months before seeing results from contacting people, but they were optimistic about their work.

2. Coffee with the Mayor - she has continued this tradition of meeting with the community at various places, which was started last year by former Mayor Sabby Jonathan. They have held these events at homeowner associations and assisted living facilities, and it's remarkable how many people say thank you for the vision of the City's planning. They are grateful for staff representation at these meetings, including Lt. Martello for also being there to answer questions, and she too appreciated the support.

F. City Council Requests for Action.

None

G. City Council Consideration of Travel Requests/Reports.

None

XI. STAFF REPORTS AND REMARKS

A. City Manager

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

1.a Personnel Update: Introduced the two newest City employees:

- Office Special Luis Moctezuma is originally from New Mexico and currently lives in Palm Desert. He will be manning the North Wing counter.
- Management Analyst Jennifer Nelson in Community Development is responsible for the parks operations, and will be the liaison with the Desert Recreation District and the YMCA. She is a longtime Coachella Valley resident, and most recently, comes from being the Deputy City Clerk in Newport Beach.

1.b Video and System Upgrades are currently underway, which is why there is not a screen on the wall. She thanked IT Manager Clay Von Helf for manually controlling everything for this evening’s meeting. The next time you come to a City Council meeting, you will see a new high definition video screen and everything should be up and running.

2. Status Update for President’s Plaza Parking Lot Improvement Project.

With City Council concurrence, the Status Report on President’s Plaza Parking Lot Improvement Project was received and filed.

B. City Attorney

None

C. City Clerk

None

D. Public Safety

1. Fire Department

None

2. Police Department
XII. CONSENT CALENDAR

PALM DESERT CITY COUNCIL

A. MINUTES of the Special Joint City Council/Successor Agency/Housing Authority Meeting of August 22, 2019 (Joint Consideration - See Items M and O below), and the and Regular City Council Meeting of August 22, 2019.

Rec: Approve as presented.


Rec: Approve as presented.

C. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 8/9/2019 and 8/16/2019 (Joint Consideration with the Palm Desert Housing Authority - Item P below).

Rec: Approve as presented.

D. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Babaloo Lounge, 73833 Highway 111, Palm Desert.

Rec: Receive and file.

E. REQUEST FOR APPROVAL of Fiscal Year 2019-2020 Marketing Authorized Vendor List.

Rec: By Minute Motion, approve: 1) Exception to the bidding requirements, as provided for in Section 3.30.160(K) of the Palm Desert Municipal Code, not to exceed $25,000 for any one vendor during FY 2019-2020; 2) FY 2019-2020 City-Produced Events Authorized Vendor List.

F. RESOLUTION NO. 2019 - 72 - 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 - Files from 1975-1998 (Exhibit “A”).

Rec: Waive further reading and adopt.

G. REQUEST FOR AUTHORIZATION to Reject All Bids Submitted for Construction of the Civic Center Administration Lobby Renovations Project (Contract No. C37010B, Project No. 724-17).

Rec: By Minute Motion: 1) Reject all bids received for Construction of the Civic Center Administration Lobby Renovations; 2) authorize staff to re-advertise and call for sealed bids in early 2020 – funding is in the FY 2019-2020 Capital Improvement Program (CIP) Budget, Account No. 4504161-4400100.

H. REQUEST FOR AUTHORIZATION to Reject the Sole Bid for the Desert Willow Golf Resort Maintenance Building Roof Repairs Project (Project No. 851-20) and Authorize its Rebidding.

Rec: By Minute Motion: 1) Reject the bid received from Commercial Waterproofing Systems, Inc., d.b.a. ERC Roofing & Waterproofing, for the subject project; 2) authorize staff to re-bid the project – funds are set aside in the Desert Willow Golf Resort Operating Budget, Account No. 4414195-4809200.


Rec: By Minute Motion: 1) Approve Change Order No. 1 to subject contract with M & M Sweeping, Inc., in the amount of $1,837.29; 2) authorize extra sweeping services up to the specified amount of $15,000; 3) authorize the Mayor to execute said Change Order – funds are available in General Fund Account No. 1104310-4332000 - Street Repair and Maintenance.

J. REQUEST FOR APPROVAL of the 2019 Palm Desert Golf Cart Parade - Sunday, October 27 (Palm Desert Area Chamber of Commerce, Applicant).

Rec: By Minute Motion, approve: 1) Palm Desert Golf Cart Parade scheduled for Sunday, October 27, 2019; 2) El Paseo road closures for the event; 3) Consumption/Possession of Alcoholic Beverages on Public Property, pursuant to Palm Desert Municipal Code Section 9.58.040.

Rec:  By Minute Motion, approve: 1) Holidaze at The Gardens On El Paseo event scheduled for Saturday, December 7, 2019; 2) road closure plan on El Paseo from San Pablo Avenue to Larkspur Lane and Larkspur Lane to Shadow Mountain Drive; 3) Consumption of Alcoholic Beverages on City-owned property, pursuant to Palm Desert Municipal Code Section 9.58.040.

L. REQUEST FOR APPROVAL of Reimbursing Palm Desert Garage Town its Art In Public Places Fee in the Amount of $22,863.17 for Music in the Air by Mario Pikus (Desert GT LLC, Applicant).

Rec:  By Minute Motion, authorize: 1) Reimbursement to Palm Desert Garage Town of its Art In Public Places Fee in the amount of $22,863.17 for Music in the Air by Mario Pikus; 2) Mayor to execute the Public Art Agreement for same – monies are available in the Public Art Fund 436.

SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY

M. MINUTES of the Special Joint City Council/Successor Agency/Housing Authority Meeting of August 22, 2019 (Joint Consideration - See Item A above and Item O below), and the August 22, 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

O. MINUTES of the Special Joint City Council/Successor Agency/Housing Authority Meeting of August 22, 2019 (Joint Consideration - See Items A and M above), and the Housing Authority Meeting of August 22, 2019.

Rec:  Approve as presented.

P. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 8/9/2019 and 8/16/2019 (Joint Consideration with the Palm Desert City Council - Item C above).
Rec: Approve as presented.

Q REQUEST FOR AUTHORIZATION to Reject All Proposals for Pool and Water Feature Maintenance and Repair Services at the Palm Desert Housing Authority Residential Rental Properties (Contract No. HA39040).

Rec: By Minute Motion: 1) Reject all proposals received for Pool and Water Feature Maintenance and Repair Services at the Palm Desert Housing Authority residential rental properties; 2) authorize staff to re-advertise the project.

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

XIII. CONSENT ITEMS HELD OVER

None

XIV. RESOLUTIONS


Management Analyst Vanessa Mager stated this was a request to adopt a policy on third-party sponsorships for City-produced events. Currently, the City accepts sponsorship from outside agencies who want to assist in enhancing city-produced events in exchange for marketing benefits, such as the City’s logo on marketing material or their name mentioned at said events. The proposed policy will establish a formalized process and ensure that the City can continue to partner with local businesses and individuals in a fair, transparent, and consistent process while helping to maximize City funds already allocated to City-produced events.

Councilmember Harnik moved to waive further reading and adopt Resolution No. 2019 - 73. Motion was seconded by Nestande.

Councilmember Kelly stated she appreciated the criteria, because it was described extremely well. She wished to underscore the importance of assuring compliance with the requirement that sponsorships are not pursued in any fashion that would create the appearance of the City endorsing products, services, or ideas. She was happy to see that included and she trusts that it will be affirmed in consideration and implementation.
Mayor Weber called for the vote and the motion carried by a 5-0 vote (Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).


Ms. Klassen stated this is part of the annual retention schedule that staff commenced on in 2015 with the first Citywide Retention Schedule. While the City Clerk’s Office had its own retention schedule, it didn’t have one that was comprehensive. The proposed Resolution represents the annual update reflecting City departmental and responsibility changes, and also any legal changes. This year, it’s mostly City-driven changes and creation of record series. This document will represent the retention schedule that will be used until the next one is required.

Councilmember Harnik moved to waive further reading and adopt Resolution No. 2019 - 74. Motion was seconded by Kelly and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).


Principal Planner Eric Ceja stated Arc Village is a 36-unit special needs housing development located on the Desert ARC site on Country Club Drive, just east of Monterey Avenue. The development was approved in 2016, and in 2017, the City Council adopted a fee waiver in the approximate amount of $50,000 on development impact fees specific for this project. Those findings received merit due to the unique circumstances and specialized housing the Applicant will be providing. When the initial Resolution was approved, the Applicant made it clear they were applying for a 9% tax, which is specific to that funding source. The Applicant has since expanded funding sources they are pursuing and have obtained 13 vouchers from the Riverside County Housing Authority. As they are expanding their funding sources, the City has been advised to re-adopt the Resolution supporting the fee waiver, but also acknowledging that the Applicant is expanding its funding sources.

Councilmember Harnik asked if the Applicant was getting closer to getting it done.
Mr. Ceja replied that progress has been made and staff has been dialoguing with the Applicant frequently. Staff understands the Applicant is pursuing funding sources, and again, they have received vouchers from the Riverside County Housing Authority. Staff believes this is a project that will happen, and the continued support by Council further ensures it will come to fruition.

Councilmember Harnik moved to waive further reading and adopt Resolution No. 2019-75. Motion was seconded by Kelly and carried by a 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 AWARD OF CONTRACT FOR PROFESSIONAL ENGINEERING, LANDSCAPE ARCHITECTURE, AND DESIGN SERVICES FOR THE SAN PABLO AVENUE PHASE 2 STREETSCAPE IMPROVEMENTS PROJECT TO DOKKEN ENGINEERING IN AN AMOUNT NOT TO EXCEED $701,507 (CONTRACT NO. C38820, PROJECT NO. 681-20).

Project Manager Randy Bowman stated the proposed recommendation from staff is to award contract to Dokken Engineering for the San Pablo Avenue Phase 2 Streetscape Improvements Project. He recalled for the Council that Phase 1 runs from Highway 111 to Fred Waring Drive, and Phase 2 runs from Fred Waring Drive down to Magnesia Falls. The City Council approved the design contract last year with Dokken Engineering to design the first phase of the project plus produce concepts for roundabouts, and for the second phase, concept drawings of the project. The proposed contract for consideration this evening is for the actual detailed design, construction plans and specifications to construct Phase 2 of the project. As a reminder, Phase 1 is under construction, noting businesses are in operation. The contractor has provided signage to remind motorists that parking is available behind the businesses. He said Phase 2 is a little simpler, from a construction coordination standpoint, with only three property owners to contend with, the City, College of the Desert, and Coachella Valley Water District at the corner of Magnesia Falls and San Pablo Avenue. In some respect, it's a less complicated project, but since the City Council first approved the design
contract, the City has applied and received ATP (Active Transportation Program) funds for the construction of Phase 2. Between the additional funding received and the lessons learned with Phase 1, staff felt it was responsible for going out for a Request for Proposal (RFP) to advertise for design services for the design of Phase 2. The City advertised and received five proposals, and the team consisting of City staff from the Planning and Economic Development Departments, it was Dokken Engineering that came back with a winning proposal. They proposed ways to accelerate the design, because with the grant funding receive, the City is on a tight schedule to deliver those construction plans.

Councilman Jonathan noted that Phase 1 is expected to be completed by this summer, questioning if Phase 2 will continue seamlessly once Phase 1 finishes.

Mr. Bowman believed there will be a gap in time. Staff’s rush is to get the plans approved, which requires CTC (California Transportation Commission) approval of the funding by the end of June 2020, and after this approval, staff will conduct its procurement and bidding process. Therefore, staff anticipates it will happen later in the summer of 2020.

Councilman Jonathan encourages to staff to continue on this accelerated path and commended staff and others involved in keeping San Pablo open as a thoroughfare, because as you know, construction is a mess and there are potential dangers, so it’s better that it happens during the summer than in the season. He felt it would be better to start Phase 2 as soon as Phase 1 is done, but if it’s not possible, then it’s not possible.

Councilmember Kelly moved to, by Minute Motion: 1) Award subject contract for Professional Engineering, Landscape Architecture, and Design Services for the San Pablo Avenue Phase 2 Streetscape Improvements Project to Dokken Engineering, San Diego, California, in an amount not to exceed $701,507; 2) authorize the Mayor to execute said contract – funds are available from Capital Bond Funds and Active Transportation Program (ATP) Grant funds budgeted in Account No. 4514342-4400100. Motion was seconded by Harnik and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

B. REQUEST FOR DIRECTION REGARDING POTENTIAL APPOINTMENT OF UP TO TWO (2) CITIZEN MEMBERS ON THE CITY’S FINANCE COMMITTEE.
Ms. Klassen stated that based on the request at the last City Council meeting for consideration of this item, a report was provided along with information on the bylaws and such about the Finance Committee. Recently, there was a name change to Finance Committee, formerly it was the Investment Committee, and the Audit, Investment, and Finance Committee. There are three (3) applications received to date, and they were also provided to the City Council, adding she will leave it to the City Council to give direction on this matter.

Mayor Pro Tem Nestande stated there is a very qualified applicant on file, and she recalled that at the last round of interviews, her choice was Joseph Jonathan for the Finance Committee, and she was still of the same belief that he will do well, because of his expertise and education.

Councilman Jonathan said there were two issues he wished to address. First is a general issue, Council and staff invest a lot of time in going through the annual interview process, which he believed could be more productive by not only filling existing vacancies, but also creating a standby list for those that occur throughout the year. As you know, in going through the interview process, there are highly qualified individuals for which there are no openings. Therefore, it made sense to populate those vacancies as they occur with people that have already interviewed, their applications have been reviewed, and have been determined to be qualified, rather than waiting a year to do so. As a matter of general procedure, he hoped the City Council will consider the annual interview process as applicable not just to the vacancies that happen to exist in January, but also those that may occur later in the year as well. With regard to the Finance Committee specifically, not only does it apply, but it was restructured, including opening up two vacant positions. He said it was an important committee, and Council should consider filling and appointing someone that is qualified based on prior interviews or whether it should re-look at applications on hand. It would be appropriate to fill the void on the Finance Committee now rather than waiting until January or later, stating his request was preceded by because the departing member, Brian Holcombe, was appointed in that same manner.

Mayor Pro Tem Nestande concurred, stating Council should fill vacancies as they occur as soon as possible, without having to interview 20+ people in a very short amount of time in January.

Councilmember Kelly offered that at this particular time, the City started a Civic Engagement process to try to connect with residents that may not be engaged with ways to participate in Palm Desert’s processes. It’s the City’s collective and sincere hope that it will generate more applications to serve the City in a variety of ways, including helping the City meet what several citizens have spoken to this evening, which is the need to assure that participation in government reflects all the diversity of the City’s population. She would hate
to fill these two vacancies right now, when that Civic Engagement process is just getting started. It would be fruitful to see within the next few months whether a larger and more diverse pool can be generated of folks interested in serving. It struck her as strategic to preserve some service opportunities while the City is trying to generate those applications. It didn’t seem like the right time to define whether it’s ever appropriate to fill vacancies midyear, therefore, for the reasons stated, this was not the right time to fill these two vacancies on the Finance Committee.

Mayor Pro Tem Nestande asked if she was talking about ethnicity background and/or the color of skin when using the word “diversity.”

Councilmember Kelly replied all of the above, and everything else that demographers take note of, because those demographic traits result in different life experiences. The reason residents are advocating for diversity, is that when you bring those different life experiences to bare, the City is better, so it’s a very worthwhile objective. Giving the Civic Engagement process a little bit of time to work before filling available vacancies struck her as the right approach.

Mayor Pro Tem Nestande offered she appreciated Councilmember Kelly’s comments, but her belief system is to judge people by their character, and to take the line from Martin Luther King, “Do not judge me by the color of my skin.”

Councilmember Harnik stated that currently the Finance Committee is operating within the guidelines of the bylaws, so she didn’t think Council had to fill the vacancies now. She noted the City received two recent applications, and those applicants have not been interviewed. She felt Council needs to give the process an opportunity to see how it manifests with the Civic Engagement that has been initiated. She added that having different points of views weighing in on all committees is critical in order for the City to be its best. Therefore, for the reasons she stated and the ones mentioned by Councilmember Kelly, it was best to wait, giving the community an opportunity to apply to serve.

Mayor Weber agreed with Councilman Jonathan that just because the City has done it this way, doesn’t mean it needs to continue. However, she felt the community was owed advance notice that it will change the process. As already mentioned, there are three applications that came in through word of mouth and not through the normal process. When Councilmembers are out interacting with the public, they have been telling people to get their applications in by November or December in time for the interviews. Further, in those annual interviews, Council finds that applicants are a better fit in another committee than the one they applied. She was not in favor of appointing two individuals at this time, stating the Finance Committee will
have a meeting in September and possibly October, but the November and December meetings may not happen due to the holidays. She also spoke with the City Clerk about speeding up the process, because the current one is cumbersome. Therefore, she would like to start interviewing the first part of January, adding that Council sometimes holds interviews in March, yet existing members’ term’s expire in December, which she thought was a little bit flaky. She wonders if that would be an action Councilman Jonathan would like to make, which is to review the process in some manner.

Councilmember Harnik inquired if the Community Engagement Committee has offered its member the opportunity to apply to serve on the City’s committees/commissions.

Ms. Aylaian said it has, stating in fact, anytime staff meets with the community, they are reminded that the City has 17 committees and commissions and their application would be welcomed. Typically, they are told to fill out an application and that vacancies are filled on an annual basis.

Councilmember Harnik added that the public is generally told that interviews are done in December or January, so in order to give everybody the benefit of timing, Council needs to declare if the process is going to change.

Councilmember Kelly suggested that one simple improvement might be to get the interview dates on Council’s calendar’s right now, because historically, the City Clerk’s Office struggles to find a date when all Councilmembers are available. She added that in the past the search for interview dates starts after the annual mayoral rotation.

Mayor Weber said she also discussed with the City Clerk about a two-year limit on applications, because applicants are reminded that their application has expired and to turn in another one. Council then goes through a process deciding who to interview, which she felt was very awkward.

Ms. Klassen added it was a suggestion her office had, which was to interview everyone on the list. It has always been the City’s practice, and it’s stated on the application, that applications are kept on file for a period of up to two years unless otherwise notified.

Councilman Jonathan said he wouldn’t press for his initial recommendation, and he respects the opinions that have been expressed, but he has made a couple of observations. First, is that he’s having difficulty connecting the dots between filling these two vacancies and community engagement, because both are ongoing processes. He couldn’t see how the vacancies in some way will adversely affect the efforts of the Community Engagement Committee. In fact, the current system discourages engagement, because he’s had people say to him they submitted an application, went to committee
meetings, went through the interview process, and they didn’t hear back; they are discouraged. He said there are multiple reasons for the City to be responsive to residents and to changing circumstances. The City took step 1 of 2, which was to change the Finance Committee and now there are two vacancies. He felt Council was failing to take step 2 of 2, by not taking action at this time and wanting to wait another six months, which he felt was inefficient and not the way dynamic organizations operate. The other observation is that he shared Mayor Pro Tem Nestande’s concern, in that the minute the City starts changing what it does as a City, based on diversity, it’s a slippery slope. To postpone filling vacancies for some undefined reason is a very slippery slope. He encouraged the Council to continue to treat people as people, a resident as a resident, and neighbors as neighbors, without any other measurements.

Mayor Weber disagreed, stating she felt the City was following the defined method, which is to announce to everybody that it has two openings and it will now entertain interviews all over again, because there are people that may want to reapply. The City has recruited these three applicants by word of mouth, which was not the usual method followed. Now if Council wished to change the method, she was not opposed, but it should be discussed and defined, and perhaps changing everything about it, but it shouldn’t take people by surprise.

Councilman Jonathan stated that in general, when Council, staff, and applicants have invested so much time and energy in the interview and application process and it has qualified candidates on the waiting list, why not appoint them when a vacancy occurs. He questions why Council would want to discourage them by making them go through the process again when it’s lengthy and unresponsive.

Mayor Weber commented it could be one of the changes where Council selects a standby, because things do change throughout the year.

Councilmember Harnik moved to, by Minute Motion, direct the City Clerk’s Office to place the interview dates on the City Council’s calendar as soon as possible. Motion was seconded by Kelly and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

Councilmembers discussed having a specific time frame for staff to provide alternative methods to the process, allowing for consideration of filling vacancies as they occur, holding a workshop/study session to revisit the entire process, and identify changes that can be put in place before the next round of interviews.
Councilman Jonathan said he wasn’t asking staff to provide an analysis and comparison to other cities or even make a recommendation, but to start a discussion with the items noted to make the process better.

Councilman Jonathan moved to, by Minute Motion, direct staff to review the current policy and process and suggest alternatives, providing the City Council an opportunity for discussion prior to the next round of interviews in the form of a study session. Motion was seconded by Nestande and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XVII. CONTINUED BUSINESS

A. REQUEST FOR AWARD OF CONTRACT IN THE AMOUNT OF $453,624 TO DHS CONSULTING, LLC, FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE CV LINK IMPROVEMENTS PROJECT (CONTRACT NO. C38840, PROJECT NO. 707-20) (Continued from the meeting of August 22, 2019).

★ Please refer to Section XIX - Public Hearings, Item A, for a consolidated request referring to the CV Link Improvements Project.

With City Council concurrence, Mayor Weber called a recess at 5:54 p.m. The meeting was resumed at 6:03 p.m.

XVIII. OLD BUSINESS

A. REQUEST FOR AWARD OF CONTRACT TO ELECNOR BELCO ELECTRIC, INC., FOR THE EL PASEO PEDESTRIAN IMPROVEMENTS PROJECT IN THE AMOUNT OF $858,011 (CONTRACT NO. C38830, PROJECT NO. 810-20).

Project Manager Randy Bowman recalled for the City Council that they authorized staff to secure proposals on the project after it initially received zero bids. Staff reached out to potential partners and received five proposals for the project. In the initial bid, contractors expressed concern over the electrical work involved. Therefore, in order to encourage more responses, staff gave contractors three options where they could bid for the entire project, provide a proposal just for the electrical work, or submit a proposal for everything else other than the electrical work. The staff report reflects how the contractors submitted their work, which is why the bid amounts are different, because they only bid on a part of the project. Staff reviewed the proposals and recommended award of contract to the lowest bid for all the work, noting there are several subcontractors on their team that will provide the services necessary to build all the improvements. All contractors responded that the electrical work will require more time than the deadline provided, which is to get the work done prior to the golf cart parade. Staff
was concerned about the deadline when it was before the Council weeks ago, but the contractors confirmed there is extensive lead time for electrical components, which was a surprise to staff. Staff is making the following recommendations: Award of contract, authorization to set aside 10% contingency for the contract, authorization to expand the contingency for change orders for unanticipated conditions. In addition to these four recommendations, at the last meeting, the City Council discussed expanding the scope of the project to include another intersection. Staff was then directed to look at the Ocotillo intersection and learned it comes with complications, because there are brick pavers in all four crosswalks. Staff is recommending continuing with the paint scheme and look at two other intersections on El Paseo like the western gateway to the main part of El Paseo or Sage Lane. With respect to Highway 74, the concept that staff is recommending would be the one crosswalk at the east lane of the intersection. The crosswalk will need to be upgraded to be ADA (Americans with Disabilities Act) compliant with contemporary standards. If Council chooses Sage Lane, all four crosswalks could be painted similar to what its proposing in the plans for San Pablo Avenue and Larkspur Avenue intersections. The pavement surface is asphalt, so it would more readily accept the paint scheme being proposed on Item No. 5. With Item No. 6, depending on City Council decision on Item No. 5, staff is recommending an additional 10% amount to cover the cost of the additional work. Lastly, staff is requesting authorization for the City Manager and Mayor to execute the contracts and agreements.

Councilmember Harnik thanked staff for researching Ocotillo, because at the time she suggested it, she had no idea the crosswalk were brick pavers. In relationship to Item No. 5 where staff is proposing Options “a” and “b.” At the Business Improvement District meeting it was noted that Highway 74 and El Paseo was the intersection they suggested, because it would mark the beginning of the District. Therefore, she would suggest Option “b,” based on the BID comments.

Mayor Pro Tem Nestande concurred, stating Highway 74 and El Paseo was her preference, because it does define the beginning of the area.

Councilman Jonathan inquired as to why the City was experiencing rejected bids or no bids, questioning if that was normal.

Mr. Garcia replied it was not normal, but each of the recent projects have had specific issues that caused either no bids or bids to come in excessively above the budgeted amount. When staff recommends a rejection of a bid, it’s because they believe they can get better bids or more bidders, stating it’s not industry wide, but it is project specific.
Councilmember Harnik added that Coachella Valley Association of Governments (CVAG) was asking the same question, because there was trouble getting bid at different cities.

Councilmember Harnik moved to, by Minute Motion: 1) Award subject contract to Elecnor Belco Electric, Inc., Chino, California, for the El Paseo Pedestrian Improvements Project in the amount of $858,011; 2) authorize the Director of Finance to set aside and expend a 10% contingency in the amount of $85,801.10 for unanticipated conditions; 3) authorize the City Manager or designee to review and approve written requests for the use of contingency change orders for unanticipated conditions, per Section 3.30.170 of the Palm Desert Municipal Code; 4) authorize the Mayor to execute the Agreement; 5) authorize and direct the Director of Public Works to design and have additional crosswalk improvements installed at Option a) Highway 74 and El Paseo, as selected by the City Council on September 12, 2019: a) Highway 74 and El Paseo; b) Sage Lane and El Paseo; 6) authorize an additional 10% of the original contract ($85,801.10) to be added to the contract for construction of the additional sidewalk improvements, should the work be so directed in Item No. 5 of this recommendation; 7) authorize the City Manager or designee to execute any documents, including change orders, that will facilitate the above actions – funds are available in Measure “A” Fund, Account No. 2134679-5000102 - El Paseo Road Improvements. Motion was seconded by Nestande and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XIX. PUBLIC HEARINGS

A. CONSIDERATION OF ACTIONS RELATED TO THE CV LINK PROJECT IN THE CITY OF PALM DESERT, INCLUDING GENERAL PLAN AMENDMENT, ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT (EIR) TO EFFECTUATE ENHANCED DESIGNS, EXTENSION OF THE IMPROVEMENTS TO THE CITY’S COMMERCIAL DISTRICTS, TRAIL SYSTEM, AND HOVLEY LANE EAST, Case No. GPA 19-0001; APPROVAL OF A COOPERATIVE AGREEMENT WITH THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG) AND A CONSTRUCTION MANAGEMENT AGREEMENT WITH DHS CONSULTING, LLC, AND APPROPRIATION OF FUNDS FOR SAME; A PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS FOR THE ELDORADO WEST LAND PURCHASE; AND TO AUTHORIZE CALLING FOR BIDS ON A CONTRACT FOR CONSTRUCTION OF THE CV LINK IMPROVEMENTS (PROJECT NO. 707-20) (City of Palm Desert, Applicant).

Mayor Weber recused herself from this item due to a possible perception of conflict of interest and left the Council Chamber.

Project Manager Randy Bowman stated this will be a collaborative presentation from the Director of Public Works, the City Senior Planner, and himself on the CV Link Project. The actions being recommended to the City Council this evening include a public hearing, General Plan Amendment
(GPA), Addendum to the Environmental Impact Report (EIR), authorization of Purchase and Sale Agreement with Coachella Valley Water District (CVWD) for a portion of a property, a Cooperative Agreement with Coachella Valley Association of Governments (CVAG), award of the Construction Management Services (CMS) contract to assist the City with the Project, and authorization of the advertising of the construction contract when the plans are ready for bidding.

Principal Planner Eric Ceja stated that in June 2018, the City Council adopted a Notice of Determination and accepted it, which allowed CVAG to file the CV Link Environmental Impact Report (EIR). At the same meeting, Council directed Planning staff to initiate the GPA to reclassify Painter’s Path Roadway from a local street to an enhanced secondary roadway, to be consistent with how all City streets are identified in the CV Link. This GPA takes Painter’s Path as a means to enhance the CV Link improvements to connect to the Commercial Core along Highway 111, but also to the Bump and Grind Trailhead. Additionally, there have been talks for more than a decade about running a trail along CVWD property to connect to Hovley Lane. Staff notified CVAG staff that this was the perfect time to extend the CV Link improvements along that pathway as it was envisioned in the EIR for the CV Link. There was an option to terminate the trail near Fred Waring Drive, but without connecting to the City of Indian Wells, there was also an option to take the trail through the wash and connect it to the same area on the CVWD property. The Addendum for this EIR and the GPA address both the change to Painter’s Path and the extension of the CV Link improvements along Painter’s Path and Hovley Lane. Staff has complied with all noticing requirements, including Tribal Government Notification, and received no comments regarding the proposed extensions. In addition to the Addendum of the EIR, which staff found as appropriate as there are no real impacts created by these extensions, and there are no mitigation measures needed for them. The Planning Commission considered this item at their meeting of September 3 and unanimously adopted the Resolution, and recommended Council approves the GPA and Addendum to the EIR.

Mr. Garcia went on to the next item, which is the Cooperative Agreement between CVAG and the City of Palm Desert. This reimbursement agreement provides the framework by which CVAG can reimburse the City for the construction of the CV Project within the City limits. This Agreement includes both construction costs and Construction Management Services (CMS), which includes both construction reviews and inspection services. The Agreement is in substantial conformance to the draft agreement in the agenda packet, and it will be in a form acceptable to the City Attorney.

Mr. Bowman stated that one of the other actions in this packet is the recommendation of an award of contract to DHS Consultant for the Construction Management Services for the project. The project has many
components to it, including pavement markings, curb construction, intersection improvements, and traffic signals as it applies to the intersection, as well as a trailhead improvement consisting of flat work, construction work, and retaining walls. With the funding nature of the project, it’s best if the City has assistance from an outside consultant to assist with the construction review of the project to ensure the City has good bids from contractors, but also to help manage the contract. Staff recommends approval of contract to DHS Consultants.

In conclusion, Mr. Garcia said the Purchase and Sale Agreement is for the CVWD property located between the White Water Channel and Hovley Lane. The City Attorney has reviewed the Purchase and Sale Agreement with no objection, and CVWD is in concurrence with the Agreement. There is a slight modification to the Agreement, which is an adjustment to the acreage that resulted in an $800 difference between the $113,600 amount in the staff report, and the amended amount of $114,400. He requested modifying the recommendation to state, “Authorize the City Manager to execute a Purchase and Sale Agreement and Escrow Instructions for the Eldorado West land purchase from CVWD in the amount of $114,400 plus any title, escrow, recording fees, or other ancillary costs to the purchase amount (Contract No. C38840C).” The next item is authorization to bid the project pending approval of the final design. City staff and CVAG have been working closely on the development of the plans, specifications, and anticipate final plans will be ready for bid by the end of calendar year 2019, which is in conformance with the City stated goal. Staff anticipates construction to commence the first quarter of 2020. With approval of all the proposed actions, the project will shift from planning and design to the construction phase. Staff recommends opening the public hearing for public comment, followed with approval of Items A through G, which include the Cooperative Agreement, the Award of the CMS contract, the Purchase and Sale Agreement, and authorization to bid. He noted Executive Director of CVAG Tom Kirk and Governmental Projects Manager Erica Felci are available to answer questions as well.

Councilmember Kelly said it might be helpful if someone could speak to what is accomplished with the Hovley Lane extension, because there is much conversation in the public about where the Palm Desert segment of the CV Link terminates.

Mr. Ceja explained the neighboring city to the east has not embraced the CV Link Project. Therefore, the segment that went through the City of Palm Desert that connects to their boundary, essentially led to a no-mans land with no other City connection at that point. The EIR for the CV Link Project identified potential crossings near this location across the channel, and the City’s own General Plan identified the CV Link connector along CVWD property. The benefit of taking the CV Link improvements up to Hovley Lane East is that it connects to several neighborhoods and provides a much safer
and better route to get to area schools, including Palm Desert High School. It also provides a better start and stop end point for that segment of CV Link.

Councilmember Kelly said her second question pertains to page 37 of the staff report, which is a picture at San Pablo Avenue and Magnesia Falls, showing the CV Link half crossing from the south side of Magnesia Falls to the north side through the intersection. She recalled there was to be exploration of whether there might be some place to accomplish transition from the south side to the north side that might be superior to the confusion that could exist at this intersection as presented.

Mr. Bowman replied that as part of the approval for the San Pablo Phase 2 Project, that intersection will be converted to a roundabout. As part of the design, with that roundabout, staff will be making that connection from the south side of Magnesia Falls to the north side around the roundabout.

Councilman Jonathan thought the City traded the property on Country Club with CVWD for the CVWD property on Hovley Lane. He understands the City is now purchasing it, but he thought it was already worked out previously.

Mr. Alvarez said he was involved in the transaction that sold the nine acres to CVWD on Country Club Drive, but that was a straight transaction for carving out one acre for a well site. The other eight acres were sold to another party, and it did not involve other transactions.

Ms. Klassen she recalled it was part of the settlement on the Toscana Development, because El Dorado was closed off that the City would have access before, so the City obtained some right away there, but not enough for this project to do a bike path, which is the reason for purchasing additional land.

Councilman Jonathan inquired about the spur that would take the Link to Hovley Lane East, stating there were earlier discussions about opening it up for the possibility of connecting to north Palm Desert, asking if that was still a potential benefit for acquiring this land.

Mr. Ceja said it was. As noted in the General Plan, there are several CV Link connectors in the northern part of town from El Dorado to Cook Street and portions of Hovley Lane.

Councilman Jonathan stated that if one follows the proposed path, east of Portola Avenue, before going onto the cement walkway along the school, it goes along a residential street on Magnesia Falls on the side where the homes are, which is currently used for parking. He recalled discussions about adding or taking away parking spots, questioning what was the final result.
Mr. Bowman initially replied that the project will remove parking along that side of the roadway to accommodate the two-way cycle track, however, he then retracted his statement to say parking is being preserved to some degree along that section of Magnesia Falls and east of Portola Avenue. The cycle track is bumped out closer to the center lane of the road to accommodate on-street parking.

Councilmember Kelly recalled being pleased with the design, because the parking space served as a buffer between the parked cars and CV Link.

Councilman Jonathan asked how people would get their car to the parking spots.

Executive Director of CVAG Tom Kirk explained the parked cars will be on the street side of the curb, so it would be a travel lane, parked cars, then CV Link. The cool thing is that parked cars will provide an additional barrier to joggers, bikers, etc., from south to north. Therefore, when residents get out of the car, they will cross the path, but as pedestrians.

Councilmember Harnik added she has seen it done in Manhattan, and learned yesterday it was done in Guadalajara as well.

Mayor Pro Tem Nestande declared the public hearing open and invited public testimony in FAVOR of or in OPPOSITION to this matter.

MR. GARY LUEDERS, Board Member of Friends of CV Link, stated he represented thousands of cyclist and Friends of CV Link throughout the Coachella Valley. He thanked the City Council for the advancement of the CV Link, and City staff for their due diligence in pushing this forward. As a cyclist, it was all about safety for both motorists and cyclists, because cyclists will have a designated area to ride.

MR. JIM ROTHBLATT, President of Friends of CV Link, a nonprofit organization and cheerleader for this project, thanked the City Council for being so supportive and leading the way to making this happen. He looked forward to seeing it build out, because he views this as an alternative transportation project as much as a safety one. As he understands it, it will be a world-class project that will attract people from all over the country and the world to come and see it. As President of Friends of the CV Link, he commended the City Council and staff for their efforts.

With no further testimony being offered, Mayor Pro Tem Nestande closed the public hearing.

Councilman Jonathan said he was excited to finally reaching this point, making the remark, “better late two years than never.” He thanked Tom Kirk
and Erica Felci and CVAG staff for being relentless, patient, persevering, passionate, and fighting the good fight. The community and the entire Valley will be better for it.

Councilman Jonathan moved to: 1) Waive further reading and adopt Resolution No. 2019 - 76, approving GPA 19-0001 and an Addendum to the CV Link EIR to: a) Reclassify Painters Path from a “local street” to an “enhanced secondary roadway” to extend CV Link improvements to the City’s trailhead system; b) accept enhanced designs for the CV Link Improvements within the City; c) extend CV Link improvements along the Coachella Valley Water District (CVWD) property east of Cook Street from the Whitewater Channel to connect to Hovley Lane East; 3) By Minute Motion: a) Subject to such minor technical changes as may be necessary, approve a Cooperative Agreement with CVAG for the CV Link Project (Contract No. C38840B); b) authorize the Mayor to execute the Cooperative Agreement with CVAG; c) award Contract in the amount of $453,624 to DHS Consulting, LLC, San Diego, California, for construction management services on the CV Link Improvements Project (Contract No. C38840A); d) appropriate $453,624 from New Construction Tax Fund to Account No. 2314670-5000202; e) authorize the City Manager to execute a Purchase and Sale Agreement and Escrow Instructions for the Eldorado West land purchase from CVWD in the amount of $114,400 plus any title, escrow, recording fees, or other ancillary costs to the purchase amount (Contract No. C38840C); f) authorize the City Manager to execute all documents in conjunction with said escrow; g) authorize staff to advertise and call for bids for the CV Link Improvements Project construction contract (Contract No. C38840D), as amended, specifically Item 3(e). Motion was seconded by Nestande.

Councilmember Kelly was appreciative that tonight’s items had refinements, and they are responsive to concerns voiced by members of the public. Additionally, Painter’s Path extension amplifies the benefits of this amenity as to access to active transportation, and congratulations were in order all the way around.

Councilmember Harnik said the CV Link Project has been longtime coming, and as time passed the project became better, thanks to the input from the public. She also thanked CVAG staff, stating they have been amazing, and she looked forward to the next step.

Mr. Kirk said this was a very good project two years ago, but it’s even better today, because Palm Desert will have the first cycle track in the whole empire, and a connection to the Bump and Grind. Those who currently drive a car there, will have an opportunity to get on a bike from various locations to get to the Bump and Grind in a very safe manner. He’s been waiting two years to say the following, “The reason this project is two years late, is mostly because the City Council insisted in having a top-notch project.” He said this wasn’t about just labeling CV Link on Magnesia Falls’ existing bike lanes, but creating an experience through the heart of the community, therefore, much of the kudos goes to the Palm Desert City Council.
Councilman Jonathan said the spur to the Bump and Grind is super exciting, and he hopes that it’s part 1 of 2, with part 2 taking the CV Link from the Bump and Grind Trailhead across the wash to El Paseo and down to Portola Avenue, and then having a complete loop in the City’s core district.

Mayor Pro Tem Nestande called for the vote and the motion carried by a 4-0 vote (AYES: Harnik, Jonathan, Kelly, and Nestande; NOES: None; ABSENT: Weber).

XX. ADJOURNMENT

With City Council concurrence, Mayor Weber adjourned the meeting at 6:42 p.m.

SUSAN MARIE WEBER, MAYOR

ATTEST:

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